

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 27, 1935.

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

Prayer by the Rev. Mr. Gessner of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Report of the committee on Education on bill an act relating to State aid to academies, S. P. 276, L. D. 259, reporting same in a new draft, S. P. 659, L. D. 837, under same title and that it ought to pass.

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

In the House:

Mr. COOK of Pittsfield: Mr. Speaker and members of the House: I merely want to call your attention to an error in L. D. 837, new draft of L. D. 259. On Page 2 the committee reported \$80,000 in place of \$105,000, a cut of about 23 per cent, but in the bill the amount is \$80,000 as the committee reported. In this printed form on your desks it is \$18,000—merely an error in the printing of the bill.

The SPEAKER: The House hears the remarks of the gentleman from Pittsfield, Mr. Cook.

Thereupon the report was accepted in concurrence, and the bill received its two several readings and tomorrow assigned.

Senate Bills in First Reading

S. P. 660, L. D. 835: An act relating to registration of nurses.

S. P. 221, L. D. 194: An act relating to hawkers and peddlers.

From the Senate: Report of the committee on Labor on bill an act relating to payment of wages, S. P. 152, L. D. 84, reporting same in a new draft, S. P. 661, L. D. 836, under same title and that it ought to pass.

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

In the House, report read and accepted in concurrence, and the bill received its two several readings.

Mr. Chase of Baring presented House Amendment "A" and moved its adoption, as follows:

House Amendment "A" to S. P. 661, L. D. 836, bill an act relating to payment of wages.

Amend said bill by inserting after the word "benefits" at the end of line eleven thereof, the following: 'or life or group insurance premiums.'

The amendment was adopted and tomorrow assigned.

From the Senate: Majority report of the committee on Judiciary reporting ought not to pass on resolve proposing an Amendment to the Constitution abolishing the Governor's Council. (S. P. No. 214) (L. D. No. 187)

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

Minority report of a same committee reporting ought to pass on same resolve.

Report was signed by the following members: Messrs. Fernald of Waldo—of the Senate; Jacobson of Portland—of the House.

Comes from the Senate, majority report ought not to pass read and accepted.

In the House, on motion by Mr. Jacobson of Portland both reports tabled, pending acceptance of either, and specially assigned for Friday, March 29th.

From the Senate: Report of the Committee on Judiciary on bill an act to provide for licenses and permits for outdoor advertising (S. P. No. 334) (L. D. No. 643) reporting same in a new draft (S. P. No. 625) (L. D. No. 752) under same title and that it ought to pass

Comes from the Senate report read and accepted and the bill passed to be engrossed as amended by Senate Amendment A as amended by Senate Amendment A and by Senate Amendment B thereto, Senate Amendment A being L. D. 808.

In the House:

The SPEAKER: The members of the House will find upon their desks mimeographed copies of these amendments.

On motion by Mr. Vaughan of South Berwick tabled pending acceptance of report in concurrence and specially assigned for tomorrow morning.

From the Senate: Bill an act for the regulation of cosmetics (H. P. No. 1772) (L. D. No. 801) which was passed to be engrossed in the House on March 22nd.

Comes from the Senate passed to be engrossed as amended by Senate Amendment A in non-concurrence.

In the House:

The SPEAKER: Senate Amendment A will also be found upon your desks.

(Senate Amendment A read by the Clerk)

On motion by Mr. Hescok of Monson, the House voted to reconsider its action of March 22nd whereby it passed this bill to be engrossed, and on further motion by the same gentleman Senate Amendment A was adopted in concurrence, and the bill as amended was passed to be engrossed in concurrence.

From the Senate: Bill an act relating to a Superintending School Committee for the town of Mount Desert (H. P. No. 1761) (L. D. No. 781) which was passed to be engrossed in the House on March 21st.

Comes from the Senate passed to be engrossed as amended by Senate Amendment A in non-concurrence.

In the House, Senate Amendment A read by the Clerk.

On motion by Mr. Burnham of Kittery the House voted to reconsider its action of March 21st whereby it passed this bill to be engrossed; and on further motion by the same gentleman Senate Amendment A was adopted in concurrence, and the bill as amended was passed to be engrossed in concurrence.

From the Senate: Bill an act relating to lights on trucks (H. P. No. 335) (L. D. No. 105) which was passed to be engrossed as amended by House Amendment A in the House on March 19th.

Comes from the Senate passed to be engrossed as amended by House Amendment A as amended by Senate Amendment A thereto in non-concurrence.

In the House:

The SPEAKER: The members will find upon their desks mimeo-

graphed copies of House Amendment A and Senate Amendment A to House Amendment A.

On motion by Mr. Webber of Auburn the bill and amendment were tabled pending further consideration and specially assigned for tomorrow morning.

The following petition and remonstrance were received and upon recommendation of the committee on Reference of Bills were referred as follows:

Education

Petition of Dorothy Webster of Wales and 49 others in favor of L. D. 56, relating to educational program (H. P. No. 1812) (Presented by Mr. Kendrick of Litchfield)

Placed on File

Remonstrance of Charles W. Hellsley of Auburn and 24 others against all lottery and gambling bills (H. P. No. 1813) (Presented by Mr. Flanders of Auburn)

Reports of Committees

Mr. Lancaster from the Committee on Public Utilities reported ought not to pass on bill an act relating to Portland Water District (H. P. No. 1156) (L. D. No. 375)

Mr. Campbell from the Committee on Ways and Bridges reported same on bill an act relating to deposits of snow on highways (H. P. No. 1368) (L. D. No. 597)

Same gentleman from same Committee reported same on bill an act relating to the removal of snow from highways (H. P. No. 1288) (L. D. No. 605)

Reports read and accepted and sent up for concurrence.

Mr. Ellis from the Committee on Ways and Bridges reported ought not to pass on bill an act relating to snow removal on R. F. D. routes (H. P. No. 40) (L. D. No. 13)

(Tabled by Mr. Russ of Woodstock, pending acceptance of the report, and specially assigned for Friday, March 29th)

Mr. Gray from the Committee on Judiciary on bill an act relating to the challenging of voters in towns (H. P. No. 833) (L. D. No. 241) reported same in a new draft (H. P. No. 1841) under same title and that it ought to pass.

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

First Reading of a Printed Bill

(H. P. No. 1811) (L. D. No. 852) An act providing for assessment of premium notes and insurance contracts.

Passed To Be Engrossed

(S. P. No. 151) (L. D. No. 83) An act relating to the insurance of steam boilers.

(S. P. No. 153) (L. D. No. 85) An act relative to the payment of wages.

(S. P. No. 201) (L. D. No. 831) An act relating to clerk hire in the office of Register of Deeds for the Southern District of Aroostook County.

(S. P. No. 248) (L. D. No. 828) An act relating to terms of the County Commissioners' Court for the county of Washington.

(S. P. No. 426) (L. D. No. 830) An act relating to pensions for State employees.

(S. P. No. 636) (L. D. No. 796) An act relating to beauty culture.

(S. P. No. 651) (L. D. No. 834) An act relating to revocation of medical doctor's licenses.

(S. P. No. 652) (L. D. No. 624) An act relative to motor vehicle transfer certificates.

(S. P. No. 653) (L. D. No. 826) An act to provide for the union of towns for the employment of social welfare workers.

Mr. Burnham of Kittery offered House Amendment A and moved its adoption, as follows:

House Amendment A to S. P. 653, L. D. 826, bill an act to provide for the union of towns for the employment of social welfare workers.

Amend S. P. 653 by adding thereto the following: "The State shall contribute not exceeding \$200.00 per year on account of the salary of any such social welfare worker whose qualifications meet the requirements of the department of health and welfare, and said amount shall be paid from the appropriation for support of state paupers and other dependent persons having no settlement within the State."

Mr. BURNHAM: Mr. Speaker and members of the House: I will explain this amendment. Originally the bill was drawn to require the State to contribute a larger sum toward the support of the union of social workers. The new draft cut out the entire amount to be contributed, that is, it provided that two towns might form a union and em-

ploy social workers but provided no contribution by the State. The Welfare Department felt that it would be better if they were a party to the arrangement, paid something from their fund and have supervision over this work; so this amendment is proposed at the suggestion of the Welfare Department. The funds come out of its appropriation and not out of the general fund.

Thereupon House Amendment A was adopted, and the bill had its third reading and was passed to be engrossed, as amended, in non-concurrence.

(S. P. No. 654) (L. D. No. 825) An act relating to vital statistics.

(S. P. No. 655) (L. D. No. 854) An act relating to obstruction of justice.

(S. P. No. 656) (L. D. No. 829) An act to provide for pensions for veterans of the Civil War, Spanish War and Philippine Insurrection, and their dependents.

(H. P. No. 64) (L. D. No. 20) An act relating to the time limit of adjustment and payment of all fire losses; penalty.

(H. P. No. 1259) (L. D. No. 490) An act relative to powers and duties of Inland Fish and Game Wardens.

(H. P. No. 1776) (L. D. No. 811) An act relative to qualifications of applicants for admission to the Bar.

(S. P. No. 649) (L. D. No. 832) Resolve appropriating money to pay the claim of Frank D. and Evelyn C. Goodwin of Hermon against the State of Maine.

(Tabled by Mr. Russ of Woodstock, pending second reading and specially assigned for Friday, March 29th)

(S. P. No. 650) (L. D. 833) Resolve in favor of Ethel M. Parker of Portland.

(H. P. No. 1807) (L. D. No. 849) Resolve providing pensions for certain soldiers and dependents of soldiers.

Amended bill:

(H. P. No. 1773) (L. D. No. 797) An act relating to apothecaries and sale of poisons.

On motion by Mr. Carswell of Gorham the House voted to reconsider its action whereby this bill was passed to be engrossed; and on further motion by the same gentleman the bill was tabled pending passage to be engrossed and specially assigned for tomorrow morning.

Finally Passed**(Constitutional Amendment)**

S. P. 442, L. D. 477: Resolve proposing an amendment to the Constitution to provide for an additional issue of highway bonds.

The SPEAKER: This being a Constitutional Amendment, it is necessary under the Constitution that it have the affirmative vote of two-thirds the entire membership of this body. All those in favor of the final passage of this resolve 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 nineteen voting in the affirmative and none in the negative the resolve was finally passed.

Passed to Be Enacted

(S. P. No. 223) (L. D. No. 196)
An act to amend Section 380 of Chapter 1 of the Public Laws of 1933 relating to probation of boys at State School for Boys

(S. P. No. 333) (L. D. No. 344)
An act to ratify and confirm the organization of Bingham Associates' Fund, and to increase its powers

(S. P. No. 375) (L. D. No. 339)
An act relating to licenses for retail stores

(S. P. No. 381) (L. D. No. 398)
An act relating to pauper settlement of Indians

(S. P. No. 417) (L. D. No. 529)
An act relating to construction of public buildings

(H. P. (No. 1372) (L. D. No. 620)
An act relating to public records

(H. P. No. 1774) (L. D. No. 813)
An act relating to trust companies

Finally Passed

(H. P. No. 1058) (L. D. No. 802)
Resolve relative to fishing in Middle Range Pond, in Poland

(H. P. No. 1786) (L. D. No. 812)
Resolve in favor of certain World War veterans

Orders of the Day

The SPEAKER: On bill an act relating to the fees of jurors, H. P. 314, L. D. 75, the Chair will appoint the following conferees on the part of the House: Messrs. Flanders of Auburn, Findlen of Fort Fairfield and Hastings of Bethel.

The Chair lays before the House the first matter tabled and today assigned, House report ought not

to pass of the committee on Judiciary on bill an act relating to fees for registration of motor vehicles, H. P. 39, L. D. 12, tabled on March 20 by the gentleman from Cooper, Mr. Clarke, pending acceptance; and the Chair recognizes that gentleman.

Mr. CLARKE: Mr. Speaker and members of the House: I had thought to be able to handle this matter in some manner today. I had an idea that the differences or the reasons which caused the Judiciary committee to report as they did on this bill might be smoothed out, and perhaps an amendment offered here which would be satisfactory to the committee.

I have taken the matter up with the Secretary of State, and while he opposed the other bill, the original bill, the bill before you, it was because of the cost and trouble of enforcement. I had apparently got the matter straightened out with him in regard to an amendment which he would not oppose, but still I did not seem to get it straightened out entirely so I could take care of the matter today. I do not wish to delay the action of the Legislature in anything, but still it would be appreciated on my part if you could let me lay this on the table until Friday, and we can finally dispose of it one way or another. It may be necessary to recommit it to the committee.

Thereupon, the matter was retabled and specially assigned for Friday, March 29.

The Chair lays before the House the second matter tabled and today assigned, House report ought not to pass of the committee on Judiciary on bill an act relating to the exemption of personal property from attachment, H. P. 1324, L. D. 577, tabled on March 20 by the gentleman from Brunswick, Mr. Sawyer, pending acceptance; and the Chair recognizes that gentleman.

Mr. SAWYER: Mr. Speaker, I now ask that this matter may be retabled and specially assigned for Friday morning, March 29, in order that I may offer an amendment which is under preparation.

The motion prevailed.

The Chair lays before the House the third matter tabled and today assigned, House report ought not to pass of the committee on Legal

Affairs on bill an act authorizing municipalities to operate electric lighting systems, H. P. 1339, L. D. 546, which was recommitted in the House on March 13th, came from the Senate the report accepted in non-concurrence, tabled on March 21 by the gentleman from Hampden, Mr. Leonard; and the Chair recognizes that gentleman.

Mr. LEONARD: Mr. Speaker and members of the House: A man who does not tell the truth, or goes against the truth, is bound to get hurt sometime in the game.

When I appeared before the Legal Affairs committee, before I could continue my few remarks, I had to ask the Chairman of that committee if on matters coming before them there was not supposed to be free and open discussion.

I have told you that power interests paid out large sums of money to get what they want.

To prove this statement, I have had placed on your desks a list of the names of men, and the amounts they received in the one available instance. Some seventy men received over \$130,000, and about \$200,000 was paid out at this time.

The gentleman from Ellsworth, Mr. Higgins, tells us that the power interests are controlled by the Public Utilities Commission. Mr. Higgins, or no other man, or Commission can tell us how many lawyers in this Legislature are retained, or how much they receive from power interests. There are some very attractive crumbs from this table for lawyers to look forward to. It has been one continuous fight for me against the lawyers, opposing this bill.

A member of the Legal Affairs committee tabled the bill when it appeared in the House. A lawyer from that committee spoke against it. The bill went to the Senate, and another lawyer from that committee called Senator Potter out, and another lawyer from the same committee pounced on the bill during his absence.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Davis.

Mr. DAVIS: Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER: The gentleman may state his point.

Mr. DAVIS: Mr. Speaker, I personally resent the remarks made

by the gentleman from Hampden (Mr. Leonard.) I am a lawyer, in no way connected with public utilities, and I think that the remarks of the gentleman directed directly at the lawyers should be expunged from the Record, for the reason that I think this House has already spoken its mind on this matter, and we are certainly not all lawyers.

The SPEAKER: The Chair will rule that the point of order taken by the gentleman from Fairfield, Mr. Davis, is not well taken. The gentleman from Hampden (Mr. Leonard), has mentioned no lawyer by name.

Mr. LEONARD, continuing: Mr. Speaker, I understand I can mention no lawyer by name?

Mr. SPEAKER: No member of the House.

Mr. LEONARD: This same lawyer took another crack at this bill and supposed it was finally finished. Senator Potter rescued it again, and we are still fighting. I understand the lawyer who called Senator Potter out has apologized to him for his act.

The gentleman from Ellsworth (Mr. Higgins), speaks of another very wrong and unholy procedure, saying I did not hire a lawyer to present my case before the committee. This evidently was a grievous mistake in the eyes of the Legal Affairs committee. Mr. Higgins seems to think that these utilities companies should have free booter's license, and go on without interference, but I think the days of Captain Kid are passing.

The gentleman from Ellsworth (Mr. Higgins), said that rates for lights in his territory had been reduced, but did not say that this happened after the investigation of the Bangor Hydro had been started. The gentleman from Ellsworth (Mr. Higgins), appeared to have the same statement regarding the failure of municipal plants that Lobbyist Merrill had before the committee.

Ask the people of Madison, Maine why they have not abandoned the plant they own and have owned for many years. They will tell you that they are paying six cents for lights and three cents for power, and are building sidewalks and improving their town with the surplus earnings.

What about Houlton, Kennebunk, and Lubeck—that owns its own water system? Ask

the people in these places if their plants are failures. They are not failures, and are paying good wages for local help.

It may be that the people who sent these lawyers, and some others here, want them to work for the big interests. The gentleman from Ellsworth (Mr. Higgins), said the utility companies were controlled by the Public Utilities Commission. This commission has been investigating the Bangor Hydro for more than a year, and that company is still running wild and free. This is not the kind of control the people want. The gentleman from Ellsworth said only one man appeared before his committee favoring this bill, and one for lower rates; there should have been many there, and letters and petitions.

I had supposed that legal minds could grasp facts stated by one man, that it would not be necessary to drag in half the State to tell the same story. The gentleman stressed the fact that only one or two appeared for the bill. All who appeared against it was one lobbyist for a power company. I do not think the people I represent want me to come here to work with lobbyists of power companies. They may feel different down Ellsworth way.

Fellow members, you realize that my bill has been opposed by powerful interests, and highly paid lobbyists.

Mr. Merrill commenced his work here. I think, before some of our younger members were born. There is no other man in the State who has such wide acquaintance, power or ability to perform the work he follows. I have no animosity against Mr. Merrill. I had hoped that big interests and highly paid lobbyists would not influence the members of this House, that you might consider and approve the crude but honest statements of one of your members.

There is nothing drastic or compulsory about this bill. It would simply give to cities and towns the right to build and own their own electric plants. It does not force any town or city to do anything. A plant could not be built unless a majority of the people wanted it and voted for it. It was not planned to destroy any existing company. All we want is reduced rates and regulations, and we can get them by honest competition, as has been

demonstrated many times in this country.

I did not expect my bills to pass. I told you these power companies had men placed on these committees who looked after their interests. I have proved to you how freely they spend money for the things they want. You can see how the Utilities Commission were denied the money asked for and needed to function properly; how they were denied the right that some other departments have for spending this money; how Mr. Deering has become the Hitler and the supreme dictator of the budget.

The papers of this State, with one or two exceptions, dare not publish these facts. This was the only way I could get this information to the people. I have been surprised and pleased with the support I have received from the members of this Legislature.

We have seen the Highway Commission wrecked and built over so these interests could get Charles Murray out because they could not control him. We have seen a former bank commissioner go down and out when they could use him no longer. We have heads of departments in this State House today who dare not offend these power interests because they well know what would happen to them.

The joy-riding days of power interests are over, and they have joined the thoughtful people of this State and are wondering what will happen next. The holding companies have gathered in the profits, and some of your dividends are cut in half. These power companies must adjust themselves to new conditions and play fair with their customers, do away with holding companies, and conduct their business in an open and honest manner, and regain the confidence of the people.

The Dillingers of finance get their money without the use of machine guns and in too many instances without punishment from the courts.

I am pleased to say that in reading an article this morning in Public Utilities Magazine that I have found one lawyer who agrees with me. Mr. Howell Wright, vice chairman on Public Utilities, Ohio Bar Association, says:

"There are serious flaws or imperfections in our present state commission system of public utility

regulation. Experience of twenty-five years has so demonstrated.

"Some of the critics, including those who believe that in all human experience it is possible to rush suddenly into the light, declare that regulation is a complete failure. We do not accept this conclusion.

"On the other hand, we find some utility corporations and their spokesmen almost entirely satisfied with the system as it now functions in the different states. They do not want any change. They seem to be satisfied to have poorly equipped, undermanned commissions, operating under laws which do not fully protect the public interests and with incompetent help and insufficient funds. They sometimes do not object to delay in rate controversies. They forget, however, that rate payers must ultimately pay the costs of such delays and that in the public mind commission regulation means rate control. These companies may be found working against change and progress; against complete revision of state regulatory laws. They may be in the majority but they do not represent the more progressive group among the utilities."

It takes a long time to get by the united front of power interests, but I feel the people will understand and some time demand and get their rights.

Mr. HIGGINS of Ellsworth: Mr. Speaker, it is almost with timidity that a lawyer dare stand up before this audience now. I am forcibly reminded of the story of the proud mother who went down, during the time of the war, to see her son march away to the front. She was proud, and rightly so. When she returned home her neighbor asked her about Johnny. She said: "Ah, Johnnie was splendid; he was the only one of the whole regiment in step." (Laughter) The remarks of the last speaker bring to my mind the thought that possibly he is the only one connected with this whole department of State, the legislative branch, who is in step.

I feel that there is not great need for extended remarks on this matter. You recall the history of this bill to date. It came out of the Legal Affairs committee, to which it was justly assigned. That is the type of measure that is considered by the Legal Affairs committee, and that

is how it happened to come before lawyers on that committee. It is not just a coincidence that there are lawyers on the Legal Affairs committee. You see the reason for it very plainly.

That bill came out reported unanimously ought not to pass. The gentleman from Hampden (Mr. Leonard), in his usual vigorous way, attacked the report and suggested that it should be recommitted. There is no need at all for this bill to be recommitted. They had a long hearing, and all the facts were presented, and there is no need whatsoever for this bill to go back to the Legal Affairs committee. You are simply wasting time. I do not believe, at least I have not heard it suggested, that there is any new evidence to be presented to that committee. I did hear it suggested here a few days ago, by the gentleman from Hampden (Mr. Leonard), that it should be recommitted because some of the members on that committee had changed their mind; but in my contact with those members I have found no change of mind on this bill. That was used as a reason for it being recommitted.

Briefly, I want to say that I stand just where I did the other day, and I think that the committee would stand in just the same place, unless they could be shown there was a real demand. They were not shown there was any demand other than from one source, and that one source we are all very familiar with.

We stand by the position that having had private utility companies operating in this State for years, with a control over them, the Public Utilities Commission, that while Mr. Leonard does not like that control, if he is not satisfied he had better have changes made there.

Because of the fact that thousands of the common people in the State of Maine have invested in the private companies, it would not be fitting for us at this time to change a State-wide policy, because of the financial loss that might come to the owners of those properties who are the common people.

There has been no complaint about the service. The rates are on the downward trend. We are heading in the right direction, even the direction that the gentleman from Hampden (Mr. Leonard) wants. Beyond that, you recall the other day I pointed out that the history of

municipal plants had not been too successful; and I probably shall not be in my chair three seconds before the gentleman from Hampden will be on his feet to refute my statement. He presented some figures before you the other day in which he showed an increase in the number of municipal plants. I wish to say just one thing on that score: There has not been any increase. His figures showed an increase of from eighteen hundred to approximately four thousand plants. If you recall my figures the other day, in getting eighteen hundred plants they had to establish approximately four thousand. They had to establish twice as many. That is a mortality rate of fifty per cent. This is one way of getting an increase—establish so many, and some will die and a few will live. There has been an increase. His figures showed an increase to 1,800 municipal plants.

In view of the fact that the committee reported unanimously ought not to pass, I move at this time that we recede and concur with the Senate in their action.

The SPEAKER: The question before the House is on the motion of the gentleman from Ellsworth, Mr. Higgins that the House recede and concur. Are you ready for the question? All those in favor of the motion will say aye, contrary-minded no.

A viva voce vote being taken, the motion to recede and concur prevailed.

The Chair lays before the House the fourth matter tabled and assigned for today, House report ought not to pass of the committee on Legal Affairs on bill an act relating to printing in town reports names of persons receiving aid, H. P. 1258, L. D. 497, tabled March 21 by Mr. Wheeler of St. George, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Wheeler the House voted to accept the report ought not to pass.

The Chair lays before the House the fifth matter tabled and assigned for today, House report ought not to pass of the committee on Judiciary on bill an act relating to insurance on motor vehicles carrying passengers for hire, H. P. 1243, L. D. 556, tabled March 22 by Mr. Thompson

of Chelsea, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. THOMPSON: Mr. Speaker, I move to substitute the bill for the report for the purpose of offering an amendment which will clarify the bill and make it acceptable to the majority of the House committee.

The motion to substitute the bill for the report prevailed.

Thereupon the bill had its two several readings.

Mr. THOMPSON: I now offer House Amendment A and move its adoption, as follows:

House Amendment A to H. P. 1243, L. D. 556 bill an act relating to insurance of motor vehicles carrying passengers for hire

Amend said bill by inserting in the 11th line thereof after the word "insurance" the words "in a sum not less than \$5,000"; and in the 13th line after the words "in a" the words "like minimum"; and by striking out in the 13th and 14th lines the words "not less than \$5,000" and in the 18th line the words "use or".

Thereupon House Amendment A was adopted and tomorrow assigned for the third reading of the bill.

The Chair lays before the House the sixth matter tabled and today assigned, House report ought not to pass of the committee on Taxation on bill an act defining the railroad location, H. P. 1222, L. D. 600, tabled on March 22 by the gentleman from Portland, Mr. Eveleth, pending acceptance; and the Chair recognizes that gentleman.

Mr. EVELETH: Mr. Speaker and members of the House: I move to substitute the bill for the report, and I wish very briefly to state some of my reasons for this motion.

This bill makes no substantial change in the law, except so far as it defines more exactly and certainly the term "railroad location," its purpose being to clarify the meaning of "railroad location."

From the beginning of the railroads in the State of Maine, the railroad right of way or location has been six rods wide through forest and wood land and four rods wide through all other places, unless a greater width is necessary for excavation, embankment, or

materials. This is according to Revised Statutes, Chapter 63, Section 24.

In addition to the rights of way or locations, the railroads have the power to purchase, take or hold for public use, additional land for railroad purposes, but this land is not exempt from tax. The land within the location is exempt from taxation; the land without the location is taxed as other land is taxed.

The Maine Central Railroad and its allied companies have pending at the present time a petition before the Public Utilities Commission seeking to include within location, land within the following named cities and towns: Augusta, Auburn, Bangor, Bath, Ellsworth, Hallowell, Lewiston, Portland, Rockland, South Portland, Waterville, Westbrook, Brunswick, Mattawamkeag and Pittsfield.

The purpose of the railroad petition is to include the land described in this petition within the railroad location and so exempt it from taxation. In the city of Portland the land sought by the railroads to be exempt from taxation is 110.3 acres, made up of various parcels. These parcels are scattered throughout the city and vary in size from twenty-nine acres to a few hundred square feet. Their assessed value is \$682,375, paying a tax at the 1934 rate of \$27,567.95. The amounts in the other towns and cities in the petition are not as large, but if the position of the railroads in the present proceedings is sustained, the amount of property made tax-exempt will amount to several millions of dollars, reducing the State valuation by the value of the land taken into location. The land within location by the existing statute is exempt and should be exempt, but the location should be exactly defined, and that is all this bill tries to do.

I now move to substitute the bill for the report.

Mr. ALLAN of Topsham: Mr. Speaker, I have listened with much interest to the remarks of the gentleman from Portland (Mr. Eveleth), and I regret exceedingly that I cannot agree with him.

Now we are here, as I understand it, to legislate for the people as a whole, and not for a few people to the detriment of the majority.

The situation in this State is this: Fifty-nine per cent of the

population in the cities is only carrying forty-one and a half per cent of the total taxable valuation load, and the rural sections, with forty-one per cent of the population, are carrying fifty-nine and a half per cent of the total taxable valuation load. To be concrete, so it will be more easily understood, the rural average taxable valuation load is \$1,010, while in the cities of the State it is only \$615.

Now Mr. Speaker and members, the purpose of this bill is solely to increase the taxes assessed upon the railroads of Maine by permitting local assessors to include in their assessments portions of the located right of way which is now reached by means of the excise tax, so that a duplication of taxes would result.

Under existing law the railroads of Maine pay a tax upon their buildings and real estate, exclusive of the located right of way, in the several cities and towns where located. In addition to these local taxes every railroad pays a percentage of its gross transportation receipts within the State, directly to the State, and which is known as the excise tax. This excise tax is declared in the statute to be in place of any other tax upon its property. So if any part of the located right of way is included in local assessments, a double tax upon the same property would result. The State tax would become an additional tax instead of a substitute tax.

The enactment of this bill would completely upset the balance between the State and local taxes. It would destroy the system of railroad taxation which has been adopted and followed in this State for more than half a century. It would substitute a method of taxation which would have neither logic nor consistency.

The right of way of a railroad naturally varies in width. It does not ordinarily exceed four rods in width as a continuous strip for the main track, but must be considerably wider than that in some places to provide for sidetracks, freight yards, depots, engine houses, shops, turntables and other necessary structures. This bill limits the right of way for taxation purposes to a strip four rods—or sixty-six feet—in width, and all of the right of way outside of this limit would be taxable locally, although

it is now reached in effect through the excise tax and which is declared in the statute to be in place of any other tax.

The passage of this bill would mean that for the purpose of taxation an arbitrary line would be drawn through the right of way as it actually exists. This would lead to absurd results.

For instance, the right of way of the Canadian Pacific Railway in Maine is generally 100 feet in width. If this bill is passed, a line would be drawn through this strip of land and thirty-four feet would be taxable locally and the other sixty-six would not be.

In measuring off the sixty-six feet, the dividing line might come between two tracks. Upon what principle of taxation could a law be defended by which one of two parallel tracks would be included in an assessment and the other omitted? Or the dividing line might come between the rails of a track, so that one rail would be taxable and the other not. Or the line might be drawn through a turntable or other similar structure. These illustrations show the confusion and absurdity which might naturally result if this bill should be enacted and an attempt made to substitute a theoretical right of way for the one which actually exists on the face of the earth.

It would also result in a discrimination between towns. One city or town would be able to include a railroad track or other structure in its assessment while another town could not impose a tax upon a structure of the same character, owned by the same party and used for the same purpose. Upon what principle of taxation could such a discrimination as that be defended?

The purpose of this measure is to increase railroad taxes. This is certainly no time for such action. Most of the railroads of the State are in no condition to stand an increase of taxes. If their taxes and other expenses are increased and additional revenue cannot be obtained to meet them, a loss of railroad service may result.

Since the last session of the Legislature, the Maine Central, in an effort to meet its charges, has closed forty-seven stations in small towns and has abandoned over seventy miles of railroad in this State. A great hardship has resulted to the

territory which was served by these abandoned lines. Other unprofitable lines may be discontinued, to the injury of the State, if the railroads are called upon to bear much heavier burdens.

An act reducing the excise tax on railroads was submitted to the people on a referendum at the State election in 1928, and the act was approved by a majority of about 68,000 votes. This was by far the largest majority ever given to any act submitted to a popular vote since the referendum amendment to the Constitution was adopted nearly thirty years ago. The people of Maine have declared themselves most emphatically upon this matter. They want a reduction, not an increase, in the tax burden of the railroads. To increase either the State or local taxes upon railroads at this time would be a backward step, which would be detrimental not only to the railroads but to our industries and agricultural interests as well, and would be contrary to the recorded mandate of the voters of the State.

Now, Mr. Speaker, for these and other reasons your Taxation committee unanimously reported that this measure ought not to pass, and I trust that the motion of the gentleman from Portland (Mr. Eveleth), will not prevail.

MR. EVELETH: Mr. Speaker, we all have taxes to pay. The railroads, I understand, pay what is called a non-resident tax, although they do pay the State a certain excise tax. But I understand this non-resident tax is fourteen dollars a thousand against forty-two dollars a thousand that I have to pay and other people from Portland have to pay.

Now in a certain section of Portland there is a parcel of land—it is a small parcel—where there used to be one of those roundhouses where the guard stands to raise and lower the gates. This roundhouse was abandoned and the railroad has leased this piece of property to a filling station. They receive from this filling station proprietor eighteen hundred dollars a year, but this is within the railroad location, so they pay no taxes on this property. If you and I owned that piece of property, we would be paying forty-two dollars a thousand. I may be wrong in saying they pay no taxes. I understand they pay no taxes, but if they do pay taxes, all

they pay is fourteen dollars a thousand against forty-two dollars.

This bill does not change the present status, but it is just to prevent them from being able to call on for more.

Now I have a letter written by the board of assessors to the Corporation Counsel of Portland which states as follows:

"In addition to the parcels of property included in the petition of the railroad companies now before the P. U. C., there are several parcels on which the Terminal Company have requested exemption on grounds of granted location by County Commissioners of 1874."

I will not read where they are, because very few of you would know; but at the present time I understand the city is receiving \$3,-077.47 taxes, and the 1934 tax valuation is \$76,175, but they want this included in this so-called location. One of them probably is as large as this entire building, with two spur tracks running way back on the back edge of it, and all this grass land in front of it. I do not see why that should be called a railroad location; it is not used by the railroad, but they simply seem to want to gather in more land. I think the statute should be changed so that assessors can be informed and guided by the statutes rather than having to employ attorneys to look up law court cases in all these instances.

I hope that the motion to substitute the bill for the report will prevail.

Mr. THOMPSON of Belfast: Mr. Speaker, I rise to oppose the motion of the gentleman from Portland, Mr. Eveleth.

I am not representing any of the larger railroads, but I would like to speak for the Belfast and Moosehead Lake Railroad which runs from Belfast to Burnham.

If this bill goes through, it would probably mean an increase in taxes to that railroad of three thousand dollars. That amount represents the profit that railroad has made for a year. Now we are having a struggle to keep that railroad going. The city of Belfast owns over half a million dollars in bonds in that railroad. I think it would be a hardship on that railroad and therefore I oppose the motion of

the gentleman from Portland (Mr. Eveleth).

Mr. HIGGINS of Ellsworth: Mr. Speaker, I would like to say just a brief word in regard to this bill.

As you have heard the gentleman from Portland (Mr. Eveleth), say, there is a petition pending before the Public Utilities Commission, and it was called to my attention by the City Manager in our city that Ellsworth was one of the cities where land was being considered in this petition before the Commission. So I looked into the matter, and, in my humble opinion and judgment, were I on the Taxation committee, I should have found exactly the same way that they did, that this bill ought not to pass.

This bill is wholly a question of right of way for railroads. When the gentleman from Portland (Mr. Eveleth) suggests that it would mean no change in the law, so to speak, I feel that he is entirely in error. It means a change and a very drastic change. In fact, he would take us back to a situation that obtained just prior or at the time of the Civil War. From that time on we have operated under a new system; so I feel it is quite a change to move back some seventy years in our legislative thought. I will just briefly explain why we would move back.

The history of the right of way of railroads is briefly as follows: Up to Civil War days they used to have a designated right of way of some four rods and six rods, depending upon the area that it was in. From 1865 on they found that the railroads were expanding. In some places they needed more land than four rods, in some places more than six. So they evolved the scheme of having a railroad come in before the Railroad Commission, in those days, before the County Commissioners, and set out a right of way, place it on a map or chart, whether it was four rods or five rods or ten rods, and they got that right of way only when the Railroad Commission allowed them to have it. They allowed them to have it when they found it was a necessity to adequate railroad service.

Today they may suggest that they need to clarify as to the right of way. That seems to me to be an absurdity. That right of way is on record; it is on a map at this minute; there is no question on that score; it is right on a chart, be it

four rods, six rods or eight rods; it is charted. They have been given that right of way because that tribunal has said they need it to carry on their business.

Now many years ago, in 1870, there was an attempt on the part of the State to tax this right of way, and they did tax it, and they found it was unconstitutional, and the court so decided. So the next year they placed another tax, the excise tax that exists at the present time, and that tax was put on in place of the tax they had attempted to put on the year before covering the right of way. That tax is in place of any property tax that might be levied upon the right of way.

Now the thought of these gentlemen is to change that all over, that excise tax, which you all know is a tax on the gross revenue of the railroads, to change that all over, throw that out of the window, and say that tax is going to cover just four and six rods. If it happens to be five rods, some town is going to tax the fifth rod for its length in that town, which would lead, of course, to a great deal of confusion; so not for a minute be deceived with the thought that this is not a real change. It is a substantial change, and one that merits every bit of our attention, especially in these times. It is convincing enough to me that ten members of the Taxation committee reported as they did. That is sufficient reason for us to go with them, but there are one or two other reasons why I feel we should go with them,—and they have been touched upon to some extent by the gentleman from Topsham, Mr. Allan, and the gentleman from Belfast, Mr. Thompson. One is the fact that at this time it might be ruinous to railroad companies to attempt to upset the present tax system and put an added burden upon them, which burden, it seems to me, would be an unfair burden. The Maine Central and other companies in this area are losing money; they have lost money for several years, and their revenues are cut in half.

We have the unfair suggestion of hanging another tax on them, an extremely heavy and unfair tax. And what could that possibly do? It is possible that will mean more lines of railroad will be discontinued and more small stations will be abandoned. Remember, too, the only places that could

gain in any substantial ways by this change would be the large cities in the State, and the places that are going to lose by this tax law are the small places in the State of Maine where they might have to lose their railroad stations and their connection with the outside world by rail. So I suggest to this House that we have had a very fair system of taxation since 1871, and it is no time now to throw it out of the window, and I suggest further that we may do extreme damage to the railroads, and to the people of the State of Maine, if we attempt to put this additional burden on at this time, which certainly is an unfair burden because it is a double taxation.

For these few reasons that I have presented, and for the reasons so ably presented by the gentlemen who spoke before me, I trust that the motion of the gentleman from Portland (Mr. Eveleth), will not prevail, but that the thought of the ten men on that committee will hold sway.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Eveleth, to substitute the bill for the report ought not to pass of the committee on Taxation on bill an act defining the railroad location, H. P. 1222, L. D. 600. Are you ready for the question? All those in favor of the motion of the gentleman from Portland, Mr. Eveleth, will say aye, contrary-minded no.

A viva voce vote being taken, the motion to substitute the bill for the report failed of passage.

Thereupon the ought not to pass report of the committee was accepted.

The Chair lays before the House the seventh matter tabled and today assigned, Senate report ought not to pass of the committee on Legal Affairs on resolve in favor of the First National Bank of Portland, S. P. 321, L. D. 354, tabled March 23 by Mr. Desmond of Portland, pending acceptance of the report in concurrence; and the Chair recognizes that gentleman.

Mr. DESMOND: Mr. Speaker, I yield the floor to the gentleman from Kittery, Mr. Burnham.

Mr. BURNHAM: Mr. Speaker, I move that this resolve be recommitted to the committee on Legal Affairs.

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

Thereupon the House accepted the ought not to pass report in concurrence.

The Chair lays before the House the eighth matter tabled and today assigned, majority report ought not to pass and the minority report ought to pass of the committee on Judiciary on bill an act relating to the abolishment of the Governor's Council, S. P. 215, L. D. 188, which came from the Senate the majority report accepted, and which in the House was tabled March 23 by Mr. Scates of Westbrook, pending the acceptance of either report; and the Chair recognizes that gentleman.

Mr. SCATES: Mr. Speaker, owing to the fact that the gentleman from Portland, Mr. Jacobson, tabled and assigned for next Friday a bill relative to the abolition of the Governor's Council, and as this measure is a companion bill, I would suggest and ask that it be retabled and assigned for Friday.

The motion prevailed and the bill and reports were retabled and specially assigned for Friday, March 29th.

The Chair lays before the House the ninth matter tabled and assigned for today, bill an act relating to the use of reflectors on commercial vehicles, H. P. 1777, L. D. 814, tabled March 23 by Mr. Carleton of Alna pending third reading; and the Chair recognizes that gentleman.

Thereupon Mr. Carleton offered House Amendment A and moved its adoption as follows:

House Amendment A to H. P. 1777, L. D. 814, bill an act relating to the use of reflectors on commercial vehicles.

Amend said bill by inserting after the word "vehicle" in the first line of the second paragraph thereof the words: 'having a carrying capacity of two tons or over.'

House Amendment A was adopted, and the bill as amended had its third reading and was passed to be engrossed.

The Chair lays before the House the tenth matter tabled and assigned for today, bill an act relating to hours of labor, H. P. 1796, L. D. 839, tabled March 25 by Mr. Chase of Baring, pending first reading; and the Chair recognizes that gentleman.

Mr. CHASE: Mr. Speaker, I understand that certain interests are adversely affected by this bill, and I

will be glad to have it retabled until Friday of this week, and I make that motion.

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

Mr. WENTWORTH of Kennebunk: Mr. Speaker and members of the House: This bill is an attempt to legislate the people of the State back to prosperity. Everybody knows it cannot be done in any such way. There is hardly an industry in this State that could live if this bill were passed. This bill hits the recreational industry especially hard, and there is not a single canning plant that would be able to survive this proposed law if this bill were enacted. I could enumerate a lot more that would be affected by it. It would put more people out of work than it would put back at work. It is estimated that there are fifty thousand people in the State of Maine out of work, but no estimate is made of those who will not work. I can cite an incident in my own town where a man was offered a job for two weeks who said he could not take it because he would lose his standing on the relief. I cannot conceive of even a Brain Trust-er writing such a bill. It is about time that we did some slaughtering of these bills that have no merit if we are ever going to get through, and I think we had better begin now. I move that this bill be indefinitely postponed. (Applause)

Mr. SHAW of Milbridge: Mr. Speaker, in justice to the taxpayers of Washington county, I wish to go on record as favoring the indefinite postponement of this bill. As many members of the House know, a leading industry in Washington county is the packing of sardines and blueberries, and a good many times during the season, which is a short season on account of these two commodities being of a perishable nature, these factories have to run day and night, and sometimes on Sunday. Therefore, I want to go on record as seconding the motion of the gentleman from Kennebunk, Mr. Wentworth, to indefinitely postpone this bill.

Mr. PAYSON of Brooks: Mr. Speaker, I represent nine towns having very large canning factories for the canning of peas, beans and corn. Now if this becomes a law it would practically put these people out of business. Now we have had

the NRA come in and that has worked hard enough with us. It now looks to me as though someone was trying to put on our Statute books an NRA baby, and I hope the motion of the gentleman from Kennebunk, (Mr. Wentworth), prevails.

Mr. HATHORN of Bangor: Mr. Speaker, if this bill goes into effect, it will effect every summer hotel and every small hotel in the State of Maine; in fact they can now only afford to have one chef. I think that eighty or ninety per cent of the hotels in Maine only have one chef. We have to let them have one day a week even at that. What are the hotels going to do without a chef? The ordinary kitchen man, or second man, cannot attend to the chef's duties and the chef must work seven days a week. I, for one, would hate awfully to see this bill go into effect.

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

The SPEAKER: The gentleman from Dresden Mr. Stilphen now moves the previous question. Before the Chair can entertain the previous question the consent of one-third the members present is required. All those in favor of the Chair entertaining the previous question will rise and stand until counted and the monitors will make and return the count.

A division of the House was had.

The SPEAKER: More than one-third of the members obviously having arisen, the previous question is ordered. The question now before the House is shall the main question be put now? As many as are in favor of the Chair putting the main question now will say aye, contrary-minded no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The question is on the motion of the gentleman from Kennebunk, Mr. Wentworth, to indefinitely postpone bill an act relating to hours of labor, H. P. 1796, L. D. 839. All those in favor of indefinite postponement of this bill will say aye, contrary-minded no.

A viva voce vote being taken, the motion to indefinitely postpone prevailed.

The Chair lays before the house the eleventh matter tabled and assigned for today, bill an act relating

to minimum wages for laborers, H. P. 1797, L. D. 840, tabled March 25 by Mr. Chase of Baring, pending first reading; and the Chair recognizes that gentleman.

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

The Chair lays before the House the twelfth matter tabled and assigned for today, House report ought not to pass of the committee on Legal Affairs on bill an act relating to the charter of the city of Portland, H. P. 1063, L. D. 403, tabled March 26th by Mr. Desmond of Portland, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. DESMOND: Mr. Speaker and members of the House: I am awaiting facts and figures from the City Clerk of the city of Portland which I expect to receive some minute, and I would ask that this matter be retabled until tomorrow and I so move.

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

Mr. BURNHAM of Kittery: Mr. Speaker, I move the acceptance of the ought not to pass report.

Mr. DESMOND: Mr. Speaker and members of the House: Matters pertaining to the last city election in the city of Portland I think deserve the attention of this Legislature. It is admitted that between \$2,500 and \$10,000 is expended to secure an office paying \$375 for nine months. Now there were around 3,500 votes cast, and Mr. Cowan, one of the contestants made the statement that it was outrageous that up to one dollar a vote was paid, or it cost that for votes in that election. I think the County Attorney of the county of Cumberland should investigate this matter with a grand jury, and I trust that action will be taken along those lines.

I was in hopes to keep this matter open until the City Clerk of the city of Portland could furnish me with some statistics. I think it is a very grave condition when a group of men can gather together money to aid in the assistance of an election with reference to such a small office. I do not know but it would be wise that a legislative committee be appointed to investigate while this Honorable Body is in session. If such a condition exists in the city of Portland, it should be investigated. (At this point some personal allusions were made which were later

ordered expunged from the Record.)

I feel that this matter should remain on the table until it can be threshed out and we are well satisfied that honesty prevails in elections in the city of Portland. As conditions prevail at the present time desirable citizens are deprived of their rights against a group who seem vicious in their methods of obtaining elections of their candidates. Young lawyers, doctors and business men are barred on account of its costing them too much; in fact it is utterly impossible for them to win an election against a group which has every appearance of being unscrupulous in its method of obtaining an election. I am satisfied from what I have learned that corrupt practices have prevailed there, and, if there are gangsters of the better class in the city of Portland, they should be made to obey the law just the same as others. The vote in the last State election in September showed that there were over 22,000 ballots cast. Recently, at a special election, there were around 8,000 cast. About one-third of the better citizens of Portland are not taking part in our local elections. They are disgusted with the conditions and many have told me that they trust there will be a change to a representative government which would be far better than the vicious conditions now prevailing in Portland.

The city of Portland is a part of the State of Maine; it is not a part of the state of Prussia, and I feel it is my duty to call the attention of this honorable House to the facts I have stated, and I go on record as standing behind my statements. I would like to have this matter remain on the table until I can get more figures from the City Clerk of the city of Portland, and I so move.

The SPEAKER: The gentleman's motion is out of order. The motion before the House, now pending, is on the acceptance of the committee's report, ought not to pass.

Mr. WILLEY of Falmouth: Mr. Speaker, I move that the remarks made by the gentleman from Portland, (Mr. Desmond) in so far as they referred to Senator Pinansky, be stricken from the Record.

The SPEAKER: The question now before the House is on the motion of the gentleman from Falmouth, Mr. Willey, to strike from the Record the reference made by the

gentleman from Portland, Mr. Desmond, to the Senator from Cumberland county, Mr. Pinansky. All those in favor of the motion will say aye, contrary-minded no.

A viva voce vote being taken, the motion prevailed.

Mr. DESMOND: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. DESMOND: Relative to Senator Pinansky—

The SPEAKER: The matter is not before the House and you are out of order. The question before the House is the motion of the gentleman from Kittery, Mr. Burnham, to accept the ought not to pass report of the committee. Are you ready for the question? All those in favor of the motion will say aye, contrary-minded, no.

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

The Chair lays before the House the first matter tabled and unassigned being House report ought not to pass of the committee on Judiciary on Memorial to Congress relating to subversive influences, H. P. 1461, tabled March 20 by Mr. Desmond of Portland, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. DESMOND: Mr. Speaker, I yield the floor to the gentleman from Rockland, Mr. Sleeper.

Mr. SLEEPER: Mr. Speaker, this is indeed an unexpected pleasure. Sometime ago the gentleman from Portland, Mr. Desmond, requested that I make an appearance before the Judiciary committee to speak on this Memorial to Congress relative to subversive influences. I went down there at quarter of two and waited until the pangs of hunger drove me down street to supper. I retired early that night, and when I got up in the middle of the night to lower the window in my room, I looked out of the window and saw Mr. Desmond coming down the street. I called to him and he said that the hearing was over, (Laughter) and that he attended a long verbal battle with the Honorable Mr. Maxfield, the Socialist candidate for Governor of the State, and he felt that he had lost.

I was talking with the Congressman from our District and he said that these Memorials to Congress rarely get by the Assistant Secre-

tary, and that it was really no use to send them down there. I do not want to put myself on a par with any candidate for Governor, but if he could convince that committee that the bill ought not to pass, I concur with him. (Laughter)

On motion by Mr. Sleeper the ought not to pass report was accepted.

The Chair lays before the House the second matter tabled and unassigned resolve providing for a State pension for Charles W. Shorey of Waldo, H. P. 1793, L. D. 820, tabled March 23 by Mr. Patterson of Freeport, pending first reading; and the Chair recognizes that gentleman.

On motion by Mr. Patterson, the resolve had its first reading and tomorrow assigned.

Mr. WILLEY of Falmouth: Mr. Speaker, I am sorry that I did not include in my previous motion the Honorable Llewellyn Carleton in asking that any remarks made concerning him by the gentleman from Portland, Mr. Desmand, be likewise stricken from the Record, and I now make that motion.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair now recognizes the gentleman from Bath, Mr. Oliver.

Mr. OLIVER: Mr. Speaker, I just want to say that when I offer another amendment I will have interest enough in the matter to find out what the status of the bill is. I hope the Chair will recognize the gentleman from Rangeley, Mr. Ellis.

The SPEAKER: The gentleman from Bath, Mr. Oliver, now takes from the table the fourth unassigned matter, House Amendment A to bill an act relating to optometry, S. P. 162, L. D. 93, tabled by that gentleman March 26th, pending adoption; and the Chair recognizes the gentleman from Rangeley, Mr. Ellis.

Mr. ELLIS: Mr. Speaker, L. D. 93 provides that the Governor, with the advice and consent of the Council, shall appoint a Board to be known as the Maine State Board of Registration and Examination in Optometry, consisting of five persons who shall have been resident practitioners engaged in the active practice of optometry in this State for a period of five years prior to their appointment. That was the original bill that was before the committee.

The report came out of the committee on Judiciary ought to pass and no changes were suggested. It has been my practice to follow committee reports so far as possible. Yesterday somebody came in and offered an amendment. I see no particular reason for that amendment, and I move its indefinite postponement.

The SPEAKER: The gentleman from Rangeley, Mr. Ellis, now moves the indefinite postponement of House Amendment A to bill an act relating to optometry, S. P. 162, L. D. 93. Are you ready for the question? All those in favor will say aye, those opposed no.

A viva voce vote being taken, the motion to indefinitely postpone the amendment prevailed, and tomorrow was assigned for the third reading of the bill.

On motion by Mr. Clark of Plymouth, the House voted to reconsider its action of yesterday whereby it finally passed resolve, H. P. 1753, L. D. 785 in favor of Richard Clayton French of Carmel; and on further motion by the same gentleman the House voted to reconsider its action whereby the resolve was passed to be engrossed. That gentleman then offered House Amendment A as follows, and moved its adoption.

House Amendment A to H. P. 1753, L. D. 785 Resolve in favor of Richard Clayton French of Carmel.

Amend said resolve by striking out from the title and body thereof the word "Richard" wherever it appears.

Thereupon House Amendment A was adopted, and the resolve was passed to be engrossed, as amended, in non-concurrence.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Flanders.

Mr. Flanders presented an order, out of order, and moved its passage as follows:

Ordered, that the Senate be respectfully requested to return to the House the ought not to pass report of the committee on Judiciary on bill an act relating to applications for licenses, H. P. 443, L. D. 121.

The order received passage.

On motion by Mr. Hill of South Portland,

Adjourned until ten o'clock tomorrow morning.