

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

Friday, March 29, 1935.

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

Prayer by the Rev. A. W. Brown 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. 691, L. D. 853: Resolve appropriating money to pay pauper claims heretofore approved by the committee on Claims.

S. P. 409, L. D. 526: Resolve in favor of the Maine Guide's Association.

From the Senate: Majority report of the committee on Inland Fisheries and Game reporting ought to pass on bill an act relative to resident fishing and hunting licenses (S. P. No. 132) (L. D. No. 79)

Report was signed by the following members:

Messrs. Burns of Aroostook, Bartlett of Oxford, Schnurle of Cumberland—of the Senate. MacKenzie of Jackman, Burgess of Rumford, Hescok of Monson, Davis of Newfield—of the House.

Minority report of same Committee reporting ought not to pass on same bill.

Report was signed by the following members:

Messrs. Thompson of Chelsea, Ryder of Orrington, Sprague of Oakfield—of the House.

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

In the House:

Mr. DAVIS of Newfield: Mr. Speaker, I move that the House concur with the Senate in the acceptance of the majority report.

Mr. CLARKE of Cooper: Mr. Speaker, if it is in order and as this bill is quite an important one, and as the question of constitutionality is involved in it, which some of the brightest legal minds in the House are divided upon, I move that it lie on the table until Tuesday of next week, pending the motion of Mr. Davis to concur.

A viva voce vote being doubted, A division of the House was had,

Sixty-one voting in the affirmative and 44 in the negative, the motion prevailed, and the bill and reports were tabled, pending the motion of Mr. Davis of Newfield to accept the majority report, and specially assigned for Tuesday, April 2.

From the Senate: Report of the committee on Legal Affairs reporting ought not to pass on bill an act relating to State Planning and Development (H. P. No. 1331) (L. D. No. 539) which was accepted in the House on March 20th.

Comes from the Senate recommended in non-concurrence.

In the House, on motion by Mr. Burnham of Kittery, a viva voce vote being taken, that body voted to recede and concur with the Senate in the recommitment of this bill.

From the Senate: Bill an act relative to the countersignature of all insurance policies and bonds (H. P. No. 206) (L. D. No. 66) on which the House accepted the report of the committee on Mercantile Affairs and Insurance reporting a new draft (H. P. No. 1751) (L. D. No. 768), on March 15th and passed the new draft to be engrossed as amended by House Amendment A on March 21st.

Comes from the Senate with the report and bill indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Ellis of Rangeley that body voted to recede and concur with the Senate in the indefinite postponement of the bill and report.

From the Senate: Bill an act relating to the procurement of medical services, physicians and surgeons for injured employees under the Workmen's Compensation Act (H. P. No. 200) (L. D. No. 69) on which the House accepted the minority report of the committee on Judiciary reporting a new draft (H. P. No. 1647) (L. D. No. 725) on March 19th and passed the new draft to be engrossed on March 26th.

Comes from the Senate with the majority report of the committee reporting ought not to pass accepted in non-concurrence.

In the House:

Mr. HILL of South Portland: Mr. Speaker, recognizing the futility of appointing a committee of Conference in this particular instance to

confer with what the gentleman from Cooper (Mr. Clarke) would call "another body," and what a renowned member of the Eighty-sixth Legislature would term "the slaughter house at the other end of the building," I move that the House adhere.

The motion prevailed.

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

Education

Petition of Estelle M. Gregory and 64 others in favor of L. D. No. 56, relating to educational program (H. P. No. 1822) (Presented by Mr. Doyle of Caribou)

Placed on File

Petition of Harry P. True of New Gloucester, and 25 others in favor of L. D. 420, relating to farm roads (H. P. No. 1824) (Presented by Mr. Roach of New Gloucester)

Reports of Committees

Mr. Clark from the Committee on Aeronautics and Radio Control reported ought not to pass on bill an act providing for the regulation of aeronautics within this State (H. P. No. 1242) (L. D. No. 602)

Mr. Hescok from the Committee on Inland Fisheries and Game reported same on bill an act relating to trapping in Arostook and Piscataquis Counties (H. P. No. 777) (L. D. No. 276)

Mr. Ryder from same Committee reported same on bill an act relating to trapping in Washington and Hancock Counties (H. P. No. 139) (L. D. No. 41)

(Tabled by Mr. Drisko of Jonesboro, pending acceptance of report, and specially assigned for tomorrow morning)

Mr. Sprague from same Committee reported same on bill an act relating to muskrat season in northern counties (H. P. No. 1310) (L. D. No. 537)

Mr. Davis from same Committee reported same on bill an act relating to trapping in Cumberland and York Counties (H. P. No. 774) (L. D. No. 273)

Mr. Thompson from same Committee reported same on bill an act relating to hunting foxes in Frank-

lin County (H. P. No. 691) (L. D. No. 229)

Mr. Pike from the Committee on Ways and Bridges reported same on resolve in favor of a highway from Bangor to Rockland (H. P. No. 55)

Mr. Worthen from same Committee reported same on bill an act relating to the Hancock-Sullivan Bridge (H. P. No. 1116) (L. D. No. 307)

Mr. NOYES of Franklin: Mr. Speaker, I move that we substitute the bill for the report for the purpose of offering an amendment.

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

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

House Amendment A to H. P. 1116, L. D. 307, entitled an act relating to the Hancock-Sullivan Bridge.

Amend said bill by striking out the words "and the county of Hancock."

Further amend said bill by striking out the period at the end thereof, and by adding thereto the following words: "from the general highway fund."

Mr. MACE of Augusta: Mr. Speaker, I had the honor of representing the class towns where this bridge is located in the Legislature of 1911. The upkeep of that bridge has become a tremendous burden to those towns. The "blow" of 1929 has swept through those class towns as it did through all other parts of Maine. It is a tremendous burden. Their industries are gone; their granite industry in Sullivan is no more. The State of Maine maintains the upkeep of every other bridge of like nature in this State. Why should you impose such a burden upon those people who are not able to bear it? I hope the amendment will be adopted.

Mr. YOUNG of York: Mr. Speaker, I feel that I should defend the position of the Ways and Bridges committee on this particular bill. Legislative Document 307 calls for the State to take over the bonds that are now due or will become due on the Hancock-Sullivan bridge. The amendment, as I understand it—if I understand it correctly—provides that the State will just assume bonds that the towns owe, and that money is to be taken from the general fund or the general highway fund.

Now the general highway fund, I think, is really misunderstood by a lot of people. That money, instead of coming from what you would call the general highway fund, would have to come from maintenance, and maintenance alone now is short nearly \$900,000.

I would like to see the State assume the debts of those towns; I would like to help those people out; I would like to help anyone out or any town, but the Ways and Bridges committee felt that if they allowed this bill to pass, it was simply letting the bars down for other towns and other bridge districts that are practically in the same position as this bridge district mentioned in Legislative Document 307.

At the hearing on this bill I heard the evidence in favor of it, and I marked that in my book "ought to pass," but when I begun the check-up later of similar situations all over the State, I felt that we would simply be opening things up for every other bridge district and every other town which has built a bridge and owes for it, and the State has taken over the maintenance of it, they could come in and say: "Here, you took over the Hancock-Sullivan bridge, and why shouldn't you take over ours?"

Right in my own town we built a bridge a year ago on the State road. Two years from now I would look foolish, wouldn't I, if I came down here and put in an order or bill for the State to take over bonds that are due on my bridge? I think it is the same all over the State. I realize the situation and I am sorry if they are in that position; but I do not feel that the State of Maine should take over every bridge situated on a State road on which a town owes money; at least I do not so feel at this time.

Mr. SCATES of Wesbrook: Mr. Speaker, I dislike very much to disagree with my friend from Augusta (Mr. Mace) but I must, for this reason: This bill is opening a gate to a road which no man knows where it may lead nor how much it will cost the State. If we even pass the amendment as proposed, there is no reason why the city of Portland, with two bridges built under a district act, should not come in here and ask the Legislature to assume the bonds, amounting originally to some two million dollars. How much has been paid on them since, I know

not. At that rate they would have that precedent. If you are going to have the State assume the bridge district bond of one district you must all of them, and as a result no man knows how much the State will be involved in the future.

Another question! I notice that amendment says that the money shall come out of the State Highway fund. Everybody seems to want to dip into that. Now what condition is that State Highway fund in today? The Highway Commission tell us that to properly maintain the roads already constructed they should have \$3,400,000. The most that the committee on Ways and Bridges can assign to maintenance is \$2,400,000, and this money would come out of that fund. Now if you are not going to maintain the roads that are already built or that you intend to build in the future for God's sake don't build them.

Mr. NOYES of Franklin: Mr. Speaker, apparently all I need is a gun and a mask to rise to the uncoveted position of Public Enemy No. 1. I would like to say just a word in defense of this Bridge District which I represent. This district was formed in 1921 for the purpose of building a bridge in Hancock county. That bridge is more than a quarter of a mile in length. At the time that bridge was built, it was on a public road. That, today, is a Federal highway. These towns, as you have already heard, like a good many other towns in Maine, are laboring under constantly diminishing revenue. Their property valuation is decreasing, their industries are dead. The granite quarries in Sullivan are still. The fishermen at Winter Harbor and Gouldsboro come home with pennies in their pockets instead of dollars. Perhaps they will find, when they get home, the tax collector waiting for his six dollar poll tax.—six dollars which is needed to buy bread for his children; but the tax collector insists that the money must be paid while the trucks and automobiles from California are passing over the Hancock-Sullivan bridge in ever increasing numbers. Not only has there been a change in the economic condition of these towns since this bridge was built, but there has been a marked increase in the amount of taxes to support the highways. I refer to the gas tax which was inaugurated in 1923 — two years after that Bridge District was formed. Everybody knows that

the gas tax is a just one. It puts into practice the theory that the users of the highway shall bear the burden of its cost, and, unlike the bridges built in Portland, which were built for the use of a population of approximately 70,000 souls, this bridge was built for a population of less than 1,500 between the two towns. I will say that these towns have paid \$48,000 in principal into this bridge in addition to \$30,000 in interest, and we say that we have paid enough. In view of the fact that the State has seen fit to take over bridges on other Federal highways and further in view of the fact that a bridge built on Federal highways does not cost the town where built a nickel, is this Legislature going to penalize any community for building a bridge ten years too early, particularly in view of the fact that that bridge would not have been built had we not built it. I say to you, ladies and gentlemen, that your vote will be interpreted in just one of two ways, either playing the part of Shylock and demanding your pound of flesh or letting justice come into this House.

Mr. SCATES: Mr. Speaker, I would like to ask the gentleman one question.

The SPEAKER: The gentleman from Westbrook (Mr. Scates) desires to ask the gentleman from Franklin (Mr. Noyes) a question, which he may answer if he wishes.

Mr. SCATES: Would the gentleman be in favor of the State taking over the bonds of the two bridges built in the city of Portland?

Mr. NOYES: The situation in Portland is a whole lot different and is not parallel to the situation in these small towns that I represent.

Mr. DEVEREUX of Penobscot: Mr. Speaker, perhaps it would be well to name the towns that are included in this Bridge District. They are the towns of Hancock, Sullivan, Gouldsboro, Sorrento and Winter Harbor.

Now the bill in its original draft calls for the State to take over bonds amounting to \$104,000, and under the amendment which Mr. Noyes has presented this morning it asks that the State take over the towns' part of these bonds. I am making this statement so there may be no misunderstanding. Now the towns' part of these bonds—these are all due in the next eight years—will be \$4,000 a year or \$32,000.

Now the town of Hancock has no

industries whatsoever. The town of Sullivan has no industry. Gouldsboro is in the same situation with the exception of a little summer business. Sorrento has a small summer business as well as Winter Harbor. The industries that were thriving at the time this bridge was built, including the granite industry, are all gone and probably will never return. In rising I wish to just let the Legislature know that I wish to support the remarks and the motion of the gentleman from Franklin, Mr. Noyes.

Mr. WORTHEN of Corinth: Mr. Speaker, is there a pending motion?

The SPEAKER: There is a pending motion on the adoption of House Amendment A to H. P. 1116, L. D. 307. Is the House ready for the question?

Mr. SCATES: Mr. Speaker, I would ask for a division.

The SPEAKER: The gentleman from Westbrook, Mr. Scates, has asked for a division. Is the House ready for the question? All those in favor of the motion of the gentleman from Franklin, Mr. Noyes, on the adoption of House Amendment A to an act relating to the Hancock-Sullivan bridge, H. P. 1116, L. D. 307, will rise and stand in their places until counted and the monitors make and return the count.

A division of the House was had. Seventy-nine having voted in the affirmative and 37 in the negative, the motion prevailed; and on further motion by the gentleman from Franklin, Mr. Noyes, and under suspension of the rules, the bill was given its third reading and passed to be engrossed, as amended.

Reports of Committees—Continued

Mr. Campbell from same Committee reported same on resolve designating No. 1-A highway as a State highway (H. P. No. 1092)

Mr. Graves from same Committee reported same on bill an act to acquire the American portion of the International Bridge at Baring in Washington County, and to provide for its maintenance (H. P. No. 218)

Mr. Ellis from same Committee reported same on resolve in favor of the completion of Route 7 from Brooks to Belfast (H. P. No. 914)

(Tabled by Mr. Payson of Brooks, pending acceptance of report)

Mr. Jacobson from the Committee on Judiciary reported same on bill an act relating to registration

of pleasure cars by paupers (H. P. No. 1135) (L. D. No. 360)

Reports read and accepted and sent up for concurrence.

Mr. Burgess from the Committee on Inland Fisheries and Game on bill an act relating to Game Preserves at Back Bay, Portland (H. P. No. 1202) (L. D. No. 499) reported same in a new draft (H. P. No. 1825) under same title and that it ought to pass

Mr. Hescok from same Committee on Resolve regulating fishing in tributaries to Pleasant Pond in Kennebec and Sagadahoc Counties (H. P. No. 1173) reported same in a second new draft (H. P. No. 1828) under same title and that it ought to pass

Mr. Sprague from same Committee on bill an act relating to open season on fur bearing animals (H. P. No. 101) (L. D. No. 29) reported same in a new draft (H. P. No. 1829) under same title and that it ought to pass

Mr. Jacobson from the Committee on Judiciary on bill an act relating to collection agencies (H. P. No. 1209) (L. D. No. 457) reported same in a new draft (H. P. No. 1830) under same title and that it ought to pass

Mr. Donahue from the Committee on Legal Affairs on bill an act relating to the Bingham Water District (H. P. No. 1076) (L. D. No. 412) reported same in a new draft (H. P. No. 1827) under same title and that it ought to pass

Mr. Young from the Committee on Ways and Bridges on bill an act relating to maintenance and snow removal on highways (H. P. No. 1230) (L. D. No. 433) reported same in a new draft (H. P. No. 1831) under same title and that it ought to pass

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

Mr. Graves from the Committee on Ways and Bridges reported ought to pass on bill an act relating to construction of State Aid roads in Indian Township (H. P. No. 705)

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

Majority report of the Committee on Judiciary on bill An act to provide for the temporary filling of vacancies in the office of sheriff (H. P. No. 333) (L. D. No. 103) reporting same in a new draft (H. P. No.

1823) under title of An act relating to deputy sheriffs and that it ought to pass.

Report was signed by the following members:

Messrs. Burkett of Cumberland
Burns of Aroostook

—of the Senate.

Hill of South Portland
Vaughan of South Berwick
Philbrick of Cape Elizabeth
Weatherbee of Lincoln
Gray of Presque Isle
Willey of Falmouth
Jacobson of Portland

—of the House.

Minority report of same Committee reporting ought not to pass on same bill.

Report was signed by the following member:

Mr. Fernald of Waldo

—of the Senate.

On motion by Mr. Hill of South Portland the majority report was accepted and the new draft ordered printed under the Joint Rules.

First Reading of Printed Bills and Resolves

(H. P. No. 1816) (L. D. No. 866)
An act relative to Game Preserve in York County.

(H. P. No. 1817) (L. D. 867)
An act relating to the South Portland Sewerage District.

(H. P. No. 1818) (L. D. No. 868)
An act to designate New Year's Day as a legal holiday.

(H. P. No. 1819) (L. D. No. 869)
An act providing for the manufacture of motor vehicle registration plates for the use of the State at the State Prison.

(H. P. No. 780) (L. D. No. 870)
Resolve relative to extending open season on white perch.

(H. P. No. 1815) (L. D. No. 871)
Resolve relating to extending the ice fishing season on white perch.

Passed to Be Engrossed

(S. P. No. 637) (L. D. No. 793)
An act creating the Portland Public Improvement Commission.

(H. P. No. 140) (L. D. No. 42) An act relating to the trapping law in Waldo County.

(H. P. No. 328) (L. D. No. 99) An act relative to closed time on deer in York County.

(H. P. No. 846) (L. D. No. 291)
An act to incorporate the Presque Isle Water District.

(H. P. No. 849) (L. D. No. 293)
An act relating to the charter of the City of South Portland.

(H. P. No. 1757) (L. D. No. 798)
An act to extend the charter of the Bluehill Water Company.

(H. P. No. 1814) (L. D. No. 856)
An act relating to the challenging of voters in towns.

Finally Passed
(Emergency Measure)

H. P. 1802: Resolve appropriating money for the construction of road and terminal approach in the town of Lincolnville or the town of Northport to Penobscot Bay, and for the construction of a road and terminal approach in the town of Islesboro to Penobscot Bay.

The SPEAKER: This being an emergency measure, it is necessary 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 thirty-four voting in the affirmative and none in the negative, the resolve was finally passed.

Passed To Be Enacted

(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. 629) (L. D. No. 763) An act creating a State Park Commission.

(Tabled by Mr. Tupper of Calais, pending passage to be enacted, and specially assigned for Friday, April 5th)

(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 doctors' licenses.

(S. P. No. 652) (L. D. No. 824)

An act relative to motor vehicle transfer certificates.

(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. 1146) (L. D. No. 334) An act to incorporate the Eastport Cemetery Corporation.

(H. P. No. 1761) (L. D. No. 781) An act relating to a superintending school committee for the town of Mount Desert.

(H. P. No. 1772) (L. D. No. 801) An act for the regulation of cosmetics.

(H. P. No. 1787) (L. D. No. 822) An act to provide a Town Council and Manager Form of Government for the town of Richmond, in the county of Sagadahoc.

(H. P. No. 1795) (L. D. No. 838) An act relating to school unions.

(Tabled by Mr. Tupper of Calais, pending passage to be enacted, and specially assigned for Friday, April 5th)

(H. P. No. 1799) (L. D. No. 842) An act relating to licenses for selling clams.

(H. P. No. 1800) (L. D. No. 843) An act relating to taking of soft shelled clams.

(H. P. No. 1801) (L. D. No. 844) An act relating to roadside improvement.

Finally Passed

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

(Tabled by Mr. Tupper of Calais, pending passage to be engrossed and specially assigned for Friday, April 5th)

The SPEAKER: The Chair will appoint the following Conference committee on the part of the House on bill an act relating to licenses for wholesalers in malt beverages, S. P. 347, L. D. 397: Messrs. Gibbons of Portland, Hill of South Portland, and Wentworth of Kennebunk.

Mr. TUPPER of Calais: Mr. Speaker, I find I made a mistake as to one of the measures I tabled, and, if there is no objection, I will take it up now.

On motion by Mr. Tupper, the

rules were suspended in order that that gentleman might take off the table an act relating to school unions, H. P. 1795, L. D. 838, tabled earlier in the day; and on further motion by the same gentleman the bill was passed to be enacted.

Orders Of The Day

The Chair lays before the House the first matter tabled and today assigned, report A ought not to pass and report B ought to pass in new draft of the committee on Judiciary on bill an act relating to town and county officers enforcing laws along the highways, H. P. 1244, L. D. 464, new draft H. P. 1810, L. D. 851, tabled on March 26th by the gentleman from Kennebunk, Mr. Wentworth, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. WENTWORTH: Mr. Speaker and members of the House: In order that I may introduce House Amendment A, I ask that the ought to pass report be accepted, and that the bill have its first two readings.

I want to further state that this was a five to five report of the committee, and that the new amendment, which is in substance a new bill, is favorable to all the House members of the Judiciary committee.

Thereupon, report B, ought to pass in new draft, was accepted, and under suspension of the rules the bill had its first two readings.

Mr. Wentworth offered House Amendment A and moved its adoption, as follows:

House Amendment A to H. P. 1810, L. D. 851, bill an act relating to town and county officers enforcing laws along the highways.

Amend said bill by striking out all of the second paragraph thereof and inserting in place thereof the following:

'Sec. 4-A. **Limitation of power of certain police officers.** No sheriff, deputy sheriff, constable, municipal or State police officer shall, between one hour after sunset and the following sunrise, for the purpose of enforcing the laws against illegal sale, transportation or possession of intoxicating liquor, stop any motor vehicle lawfully using any of the highways in the State of Maine, unless said officer be in uniform, or unless said officer has reasonable grounds to believe and does believe that said motor

vehicle is being operated or occupied by a person violating some provision of said law, or unless said officer be acting under a warrant in his hands for service.'

Mr. WENTWORTH: Mr. Speaker, I think the amendment speaks for itself, and I do not know as I need to say much on this bill. I can best illustrate what I am trying to get at in this way: Suppose any member of the House is riding out at night between here and Winthrop, and a man, not in uniform, steps out and stops his car, how is anyone to know whether he is a highwayman or an officer?

I was urged to put this bill in not only by drivers of cars, but by sheriffs and deputy sheriffs, who did not think it was right for them to stop cars indiscriminately.

The SPEAKER: The question before the House is on the adoption of House Amendment A. Is the House ready for the question? All those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and under suspension of the rules the bill as amended was given its third reading and passed to be engrossed.

The Chair lays before the House the second matter tabled and today assigned, bill an act relating to the construction of State aid highways, H. P. 1804, L. D. 845, tabled on March 26th by the gentleman from Chelsea, Mr. Thompson, pending passage to be engrossed; and the Chair recognizes that gentleman.

Mr. Thompson offered House Amendment A and moved its adoption, as follows:

House Amendment A to H. P. 1804, L. D. 845 bill an act relating to the construction of State aid highways.

Amend said bill by inserting after the word "commission" in the last line of Sec. 2, the following words: "and municipal officers."

Mr. MOSHER of Farmington: Mr. Speaker, I am opposed to this amendment, as, in my opinion, it would destroy the bill and the principles of it completely.

Two years ago, at the session of the State Association of County Commissioners, the matter of surface treatment of our State aid highways was considered. It was felt at that time that something should be done to protect our roads when constructed, and it was agreed

that a study should be made by the commissioners in the various counties in the State as to the need of some bill which would bring about surface treatment of our State aid highways.

This bill is the result of two years' study of the State highways of Maine, construction program and existing laws and results obtained. This study has been made by county commissioners in several counties in the State. Under this bill, when surface treatment is to be applied, the construction will be somewhat changed. There will be less surface gravel used, and in case of a long haul for the gravel there will be nearly enough saved to pay for the surface treatment of our highways. To substantiate this statement, I will give you the costs on a 2.6 mile construction job in Brunswick, as given me by Mr. Burnham of the Highway Department. The surface of gravel applied when this road was built cost approximately three thousand dollars. A few years later the road was treated with tar at a cost of \$2,400. If tar is to be used at the time of construction, instead of applying four to six inches of surface gravel, only about an inch of gravel will be needed, when surface treatment is to be applied, and therefore it will save the hauling of about three-quarters of this gravel which is now being used. On a long haul, as I stated before, the saving would be nearly enough, and in some instances fully enough, to pay for the cost of the surface treatment.

In the State of Maine there are 3,82½ miles of improved State aid road. Of this mileage but 1,350 are surface treated, leaving 2,476 miles of expensive roads unprotected from freshets and rains and in many cases wash-boarded, and rough roads as the result. No doubt you members have all ridden over that type of road.

This bill also has the endorsement of the State Association of County Commissioners and of the Highway Commission. I think the purpose of the amendments was to give the municipal officers a voice in the matter. I will read Section 2 of the bill:

"Sec. 2. Provision for surface treating state aid highways. The highway commission, each year, shall set aside from the joint fund provided by chapter 28 of the revised statutes for the construction

of state aid highways in each town a sufficient amount to provide for the application of bituminous or other suitable surface treatment to each section constructed from said joint fund; provided, however, that the provisions of this section shall not be applicable to any state aid highway which, in the judgment of the commission, does not require such surface treatment."

I do not feel that there will be any additional burden placed on the towns if this bill goes through.

The necessity for this bill arose from the fact that the selectmen, under the present law, had a right to say whether or not surface treatment should be used. Evidently there has been pressure brought to bear on the selectmen in various towns—I could not say for what reason—but on account of that influence they have constructed many miles of road which have not received treatment to protect it. I therefore hope this amendment is not adopted.

Mr. GRAVES of Mt. Desert: Mr. Speaker, the committee on Ways and Bridges went into this matter at great length, and they believed that this was a very worth-while bill. It is utterly useless to build roads if we do not surface them. This third class money is practically a gift to the town. It states, down at the end here, that it is not mandatory for the Commission to say when they shall have tar on these roads, but when, in their judgment, it demands tar. I feel that this amendment would utterly defeat the purpose of this bill.

Mr. ELLIS of Rangeley: Mr. Speaker, as I interpret the amendment, it would leave the law just where it is today, and that is the thing we are trying to get away from. I do not see any change whatever in the law we have now. You might as well postpone the bill entirely as to add this amendment.

Mr. CROWELL of Weston: Mr. Speaker, would it be out of order to ask for the reading of the amendment again?

The SPEAKER: If there is no objection, the Clerk will read the amendment the second time.

Amendment read.

Mr. STILPHEN of Dresden: Mr. Speaker, the way towns are fixed today—the money is raised in two units—and most towns feel financially able to raise only one, and the way this bill reads I think the

Highway Commission could take that entire unit and use it for tarring. I do not believe the towns should be required to use it for tar unless they see fit. It is optional for the town. I, for one, had rather ride over a rough gravel road than to try to get through mud.

Mr. YOUNG of York: Mr. Speaker, as it is now, it is left to the discretion of the selectmen whether or not they will tar a piece of road when it is built. If this amendment goes through, it would still leave it to the discretion of the selectmen. The gentleman from Dresden, Mr. Stilphen, suggested the Highway Commission might take the whole unit for tarring. This bill states that the money shall be taken for the repair of these roads. It does not mean a piece of road built previous to this year.

Now I believe that any piece of road that is worthy of having spent on it State aid and third class money, should be protected. You never heard of a man going out and building a house and putting furniture in it and not shingling it. You have got to keep the water out. It takes only a small amount of money spent each year to give that piece of road one coat of surface treatment and protect it. I hope the amendment is not adopted.

Mr. THOMPSON of Chelsea: Mr. Speaker, inasmuch as the town furnishes one-third of the money that goes on State aid roads, it seems only fair to me that the town shall have the right to say as to whether or not it should all be used for gravel or partly for tarred surface. Some of our towns build a State aid road, and when you come to the end of it, you go off into a mud hole. What use is tar if you are going to go into a mud hole? Some of our roads are not much travelled, and it is not necessary to tar them. I think the municipal officers should have a word to say about the money the town spends. It seems to me only fair that they should have a word to say. I do not see why the Highway Commission should be scared of the town having a word to say.

Mr. GLEASON of Bridgton: Mr. Speaker and members of the House: It has not been my opportunity to talk on any special subject during the session, but this subject I have always been greatly interested in. I have watched,

for years, roads being built and blown away so that in two years, probably, we are in the same shape we were in before they were built. I believe that it is necessary to have some law to compel the towns to tar and protect their roads from blowing away. I feel, at this time, that this original bill should be passed without the amendment.

Mr. MOSHER: Mr. Speaker, the fact still remains that we have 2,476 miles of road that have not been surface treated. That fact alone was reason for this bill being drafted. It was thoroughly considered by the County Commissioners' Association of the State of Maine, from every angle.

Under the present law it seems impossible to have our roads surface treated to the extent necessary to protect them. During the past winter we have been plowing snow out of our roads, and this spring you are all familiar with various hills where the water has gotten in there and is washing that road out. It will still continue to do so until we get surface treatment on there to protect it from washing away. To my mind, it is just as important as it is to shingle a house after you have built it. If you do not shingle that house, it will not stand up very long. That is the way I feel about this road construction program.

This was not a matter that was decided hastily; it was given a great deal of consideration by the County Commissioners of the State of Maine. I therefore hope this amendment is not adopted.

Mr. SEABURY of Yarmouth: Mr. Speaker, I would just like to speak about half a minute. There is one field I can claim some knowledge of through experience, and that is the field of road construction. The gentleman from Chelsea, Mr. Thompson, emphasized the fact that because the town furnished one-third of the money, they might be well considered. That is true. But how about the State, which is furnishing two-thirds of the money?

Mr. PHAIR of Caswell: Mr. Speaker, on this matter of building roads, I do not think it is a question of who furnishes the money to build the roads, but who has to use them after they are built. As long as it is left optional to the towns, they neglect to tar the roads, and I do not believe there is any use today of spending money on

roads unless they are taken care of before they are worn out.

The SPEAKER: The question before the House is on the adoption of House Amendment A to bill an act relating to construction of State aid highways, H. P. 1804, L. D. 845. Is the House ready for the question? All those in favor of the adoption of House Amendment A will say aye; those opposed no.

A viva voce vote being taken, the motion did not prevail.

Thereupon, the bill was passed to be engrossed.

The Chair lays before the House the third matter tabled and today assigned, bill an act to amend the city charter of Bangor, H. P. 1529, L. D. 674, tabled on March 26 by the gentleman from Bangor, Mr. Eddy, pending passage to be enacted; and the Chair recognizes that gentleman.

On motion by Mr. Eddy the bill was passed to be enacted.

The Chair lays before the House the fourth matter tabled and today assigned, House report ought not to pass of the committee on Banks and Banking on bill an act relating to small loans, H. P. 1199, L. D. 449, tabled on March 26 by the gentleman from Falmouth, Mr. Willey, pending acceptance; and the Chair recognizes that gentleman.

Mr. WILLEY: Mr. Speaker, the committee on Banks and Banking have reported favorably on a similar measure which is now in the Senate. I therefore move the acceptance of the committee's report on this measure.

Thereupon, the report of the committee was accepted.

The Chair lays before the House the fifth matter tabled and today assigned, bill an act providing medical service for small towns, H. P. 821, L. D. 236, tabled on March 26 by the gentleman from Portland, Mr. Eveleth, pending passage to be engrossed; and the Chair recognizes that gentleman.

Mr. EVELETH: Mr. Speaker, I yield to the gentleman from Auburn, Mr. Flanders.

Mr. FLANDERS: Mr. Speaker, I wish to present House Amendment B and move its adoption.

Before that amendment is read, I would like to explain the bill briefly, and also the amendment. The bill calls for an appropriation of

five hundred dollars a year for two students who wish to attend college and practice medicine. That is, five hundred dollars a year for four years.

Now the amendment which I wish to present provides that any student who wishes to study osteopathy shall be included in the bill. I do not see any reason why, if we have some ambitious young man who wants to be a doctor, we should discriminate against him if he wants to be an osteopathic doctor, and the amendment would provide for that.

Now in 1929 there was an amendment to the law which provided that any osteopathic doctor practicing in a town could carry on the same practice provided for residents of that town as the medical doctor. I know of one place in the western part of the State where they wanted a physician located there. The town paid so much, and an osteopathic physician located there. He has been there many years, and, so far as I know, he has been satisfactory to the residents of the town. I hope this amendment is adopted.

The SPEAKER: The gentleman from Auburn, Mr. Flanders, presents House Amendment B to bill an act providing medical service for small towns, and moves its adoption. The Clerk will read the amendment.

House Amendment B to H. P. 821, L. D. 236.

Amend said bill by adding a new section numbered "four," at the end thereof, to read as follows:

"Sec. 4. Students who desire to be educated as osteopathic physicians and surgeons shall be equally entitled to the benefits of the provisions hereof."

Thereupon, a viva voce vote being taken, House Amendment B was adopted, and the bill as amended was passed to be engrossed.

Mr. TUPPER of Calais: Mr. Speaker, as this is another bill that calls for an appropriation, I would ask permission to lay it on the table until April 5th.

Thereupon, on motion by Mr. Tupper the House voted to reconsider its action whereby the bill as amended was passed to be engrossed; and on further motion by the same gentleman the matter was tabled pending passage to be engrossed, and specially assigned for Friday, April 5th.

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

to pass and minority report ought to pass of the committee on Judiciary on resolve proposing an amendment to the Constitution abolishing the Governor's Council, S. P. 214, L. D. 187, which came from the Senate majority report accepted, tabled on March 27 by the gentleman from Portland, Mr. Jacobson, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. Jacobson: Mr. Speaker, I move the acceptance of the minority report. I would like to have the privilege of yielding the floor to the gentleman from Westbrook, Mr. Scates.

Mr. SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Scates.

Mr. SCATES: Mr. Speaker and members of the House: I want to thank the gentleman from Portland (Mr. Jacobson), for his courtesy. I want to state at the beginning—and I am not going to take up much of your time—three things: In the first place, I had nothing to do with and knew nothing about the introduction of this resolve; second, I have not taken the matter up with any State official, small or great; third, that I am not a new convert to this matter.

Ever since I was a member of the Council in 1915 and 1916, I have believed that the Council performed no useful service in our form of government. And while I was sitting here, thinking what I might say and how far I might go, there came to my mind an incident that happened some seven or eight years ago in a city in Florida in which I was a transient. You all know that seven or eight years ago Florida had a land boom. People, not only in Florida, but throughout the country, went there and got enmeshed in the boom. Land worth about two dollars an acre was cut into lots and sold at from \$500 to \$1,000 a lot.

In 1928 that boom burst, and amongst the wreckage was a man who had been speculating in land, and he lost most all his money, and in an endeavor to regain what he had lost, he went into the stock market in Wall Street. That boom burst in 1929, and there he was, left stranded, no money, no job, no business; and, to make matters worse, about that time his wife became ill and passed to the Great Beyond. And some of his children fell by the wayside. That so affected him that he became despondent and

he said: "What is the use? Why carry on? Why not end it all now?" And with that idea in view he went down to the dock one day at Miami, and as he stood there on the edge of the dock, looking into the waters, thinking the thoughts of a man about to commit such an act, an officer saw him. He went up and tapped him on the shoulder, and he said: "My friend, I know what you are thinking about, but don't do it, don't do it. Let us talk it over." He took the man by the arm and led him to the park, and they talked it over, and in about an hour they both came back to the very spot that they started from, and they both jumped overboard.

Now if I had the persuasion of that man, I might lead some of you along the path that you ought to go. The abolishment of any institution that is hoary with age requires time and a great deal of discussion. Now that is true with this matter. It will require time and will require discussion. That will come later.

The history of the Council is this: It dates back to the time of Charles the First of England, when he sent over here his royal governors to govern the colonies, the royal colonies. In the proprietary colonies, like Pennsylvania, Maryland and Delaware, they had their councils to help them enforce the edicts of the King of England upon the colonies.

Now that same thing continued down to the Revolution, and after the adoption of the Federal Constitution in 1798 the states which had before been colonies commenced to abolish the councils, because they were of no use; they were a hindrance. Pennsylvania abolished the council in 1790, two years after it became a state. New York abolished its council in 1821; Delaware in 1792; Maryland in 1837; Virginia in 1850; South Carolina in 1790; Georgia in 1789; Rhode Island in 1842; Connecticut in 1818; and Vermont, the last, in 1870. So today there are only three states out of the forty-eight states in this Union that have a council, New Hampshire, Massachusetts and Maine. But in Massachusetts and New Hampshire the councilors are elected by the people, the same as the Representatives, and the same as the Senators. Here in Maine, two or three men in the county from which the councilor comes practically say who shall be councilor. You know that as well as I do.

It is wrong in principle and undemocratic in every way, shape and manner.

Let me read a little part of the Constitution of the State. This is what the Constitution says:

"The legislative power shall be vested in two distinct branches, a House of Representatives and a Senate."

That is the Legislature of the State, with its power.

"The supreme executive power of this State shall be vested in a Governor."

That is the Constitution.

"There shall be a Council, to consist of seven persons, citizens of the United States, and residents of this State, to advise the Governor in the executive part of government, whom the Governor shall have full power, at his discretion, to assemble."

So the Council, according to the Constitution, should perhaps take a very small part in the administration of State affairs. But, in late years, the Council has usurped the power and right of the Legislature. There is no question about that. What has been done by former councilors? They have built buildings costing from \$100,000 to \$200,000, without any authorization from the Legislature, and some of them not very far from where we are sitting today.

Before the hearing, I heard a former Governor of this State criticize, and justly criticize, the Council for its messing into the matters of the Highway Department. And, by the way, the law says that the Highway Commission shall consist of three members; the Council says two; because about a year ago the Governor nominated the third member, and the Council today has not had the courage to either approve him or disapprove him, and that lies upon the table today in the Council. It will not be a great while before there will be another vacancy, and if the Council does not approve it, and lays it on the table, we shall have a commission of one, and that will be objected to, I think, by some officials of the State. While I am not a lawyer, I question whether two members of that commission can act legally. Maybe they can, but I do not believe there is a scintilla of authority for one man to act as a commission, and if that thing should happen, I believe that every act would be illegal.

I speak about highway matters, because I am more familiar with the highway matters of the State than any other State department. In 1913 I wrote the Highway Act. It has been emasculated since then. Here is what has happened under the present act and under the present procedure in the Highway Department, between their actions and those of the Council:

In the first place, the Highway Commission prepares a program for the year. That program is sent over to the Governor and Council. The Council considers it for weeks and weeks and weeks before they act on it, and then they do not agree with it. They send it back to the Highway Commission, and the Highway Commission has to prepare another plan. Then it goes to the Council, and the Council goes through the same operation, requiring weeks. They may approve that plan. If they approve it, then the Highway Commission has got to advertise for bids, and that takes two weeks, and after those bids are received for State roads, they have to have the approval of the Federal Government, and then they have to be sent over to the Governor and Council for its approval, and they may approve them, or they may not. That has been the case with every road that has been built in the State, of any great importance.

We do not get started on our State road work until July, and sometimes August, all owing to the action of the Council. The Highway Commission gets the criticism; but the criticism does not belong there; it belongs to the Council. The Department has told me that they would send in a recommendation to the Council, and nothing would be done on it. They have gone to find out about it, and it has been lost in the Council, and no one knew anything about it. Today no department can hire a girl in an emergency, for one day even, unless they get an order from the Governor and Council, unless they want to pay her out of their own pocket.

Let us see how this works out in regard to roads. On August 15th, 1934, the State Highway Commission approved the construction of the road commencing at Fulton's Corner in the town of Brunswick and running in a northerly direction through the towns of Bowdoin, Bowdoinham and Richmond. On

November 7 bids were received for the construction of the project, and on the same date a council order was submitted to the Governor and Council, asking for approval of award of contracts to the low bidder. On November 14 the Federal Government approved award to the low bidder. On January 8, 1935, the Highway Commission had to send another order or another request for the Council to approve it, and there the matter lays on the table today, and has never been acted on by the Council.

That is what you get as it is today. Do you want to continue it? That is the question.

Take the Bath road: On April 19, 1934, the Highway Commission voted to reconstruct the road between Brunswick and Bath on its present location, but owing to the mixing in of some member of the Governor's Council, nothing has been done; no action has been taken on the matter.

Now I am not going to talk about all of the small matters at this time. I only want to say this—and I say it advisedly—that the Council for the past five or six years has been nothing but a trading post, with \$30,000,000 annually of the State's money as a stake.

It has been said by someone, truthfully, that the Council is the graveyard of politicians. I have been there. Now you must remember this: The graveyard is full. You must either abolish the Council or get a new graveyard.

Now if the great states of New York and Pennsylvania and Ohio and Indiana, and all the great states of this Union, can conduct their affairs without a Council, why, in the name of God, cannot the little State of Maine do the same thing and save money? (Applause)

Mr. SMITH of Bangor: Mr. Speaker, fortunately, or unfortunately, I too at one time was a member of the Governor's Council, and I do not consider—and I do not agree with my friend from Westbrook—that I took a step downward when I came from the Governor's Council to the lowly House of Representatives.

Last Wednesday, my friend from Westbrook was going to bring up Legislative Document 188, which was to abolish the Governor's Council. He very politely deferred until today, because there was another legislative document pending, and he agreed with me that the Governor's

Council should not be abolished twice in the same week. It is true that in Colonial times, under various names, or under various groups, we had a council, who not only were advisors to the Governor, but they were advisors as well to the lower house of the assembly. That has been materially changed. It is equally true that today we have real executive councils in only three states, operating as in the State of Maine: Maine, New Hampshire and Massachusetts.

I am familiar with,—and have read a great deal—our Constitution. It provides that there shall be three branches of government: There shall be the legislative; there shall be the executive; and there shall be the judicial. The legislative branch is composed—and I am proud to see that they mention it—of the lowly House of Representatives, and the Senate. Then it goes along to the executive, and we have a Governor, who is supposed to be the head of our State. Then they mention the Governor's Council as an advisory body. And perhaps we will all agree—or at least the ones who are opposed to the Governor and Council will agree—that the founders of our Constitution did make a slight slip when they said that the Governor's Council should from time to time meet. At the present time they seem to adjourn from time to time. I agree with you there. I also think that my friend from Westbrook—who served on the Governor's Council, and served ably—had many moments, as well as his associates, when he knew that the Governor under whom he served would have been delighted to have abolished the Governor's Council. That was true of my experience. It is also true, in my opinion, that there are many moments in the lives of our Governors' Councils when they might unanimously vote to abolish the Governor. (Laughter)

The affairs of Maine have materially changed in the last hundred years. When we were first founded as a State there were small expenditures, but we have grown from a small State to a big one, and today we are spending practically twenty million dollars annually. The Governor's Council acts as an advisory board to all of the other departments, and when you figure the absolute expense of your Governor's Council, it is costing less than two-tenths of one per cent in the way of administration.

It is also true that our biggest corporation have boards of directors. It is true, too, that the President has a Cabinet. It is hardly true that Maine and New Hampshire and Massachusetts are the only States who are not formulating or planning for some form of executive council. Kansas, Michigan, South Carolina, Wisconsin, Connecticut, by appointment of the Governor, Pennsylvania and New York and Iowa are on the way to having some form of council, either in an advisory capacity to the Governor or in an advisory capacity to the Legislature.

We have been a State for close to a century and a quarter, and I am proud to think that in all that time, regardless of who has been Governor, regardless of who has been on the Council, the Governors' Councils, through their administrative ability, — having charge, which they have been given by the Legislature, over the several departments,—in over a century there has never been any intimation in any department but what it has been well administered, and, in my opinion, Mr. Speaker, the Governor's Council has been a big factor in the development and the clean way in which our State has been administered. (Applause)

The SPEAKER: The question before the House is on the motion of the gentleman from Portland, Mr. Jacobson, to accept the minority report ought to pass on resolve proposing an amendment to the Constitution abolishing the Governor's Council. The Chair recognizes the gentleman from South Portland, Mr. Hill.

Mr. HILL: Mr. Speaker, I ask for the yeas and nays.

The SPEAKER: The gentleman from South Portland (Mr. Hill), asks for the yeas and nays. Before the yeas and nays vote can be ordered one-fifth of the members present must signify their desire that the vote be taken by the yeas and nays. All those in favor of the vote being taken by the yeas and nays will rise and stand in their places until counted and the monitors will make and return the count.

A division of the House was had. The SPEAKER: Obviously more than one-fifth of the members having arisen, the Clerk will call the roll. No member shall leave his seat until the roll call is completed and tabulated and the result

announced. Are you ready for the question? The question is on the acceptance of the minority report of the committee on Judiciary on resolve proposing an amendment to the Constitution, abolishing the Governor's Council. The minority report is ought to pass.

Mr. SCATES: Mr. Speaker, I wonder if the members understand how they are voting on this bill.

The SPEAKER: Is there anyone who does not understand the question? The question before the House is on the acceptance of the minority report, ought to pass, on resolve proposing an amendment to the Constitution, abolishing the Governor's Council. The Clerk will call the roll and the members will answer:

YEA—Allan, Austin, Parkman; Belaire, Boucher, Bramson, Brown, Burgess, Burrill, Bushey, Carswell, Connolly, Cote, Crosby, Demers, Desmond, Donahue, Donovan, Doyle, Caribou; Doyle, Skowhegan; Drisko, Eveleth, Forbes, Forgue, Lewiston; Fortin, Gibbons, Gray, Brooksville; Hastings, Heald, Hobbs, Jacobson, Jilson, Kilroy, Labbee, Latno, Lausier, Lebel, Leclair, Lindsey, Mace, Mahue, Mallett, Poulin, Proctor, Sawyer, Scates, Smith, Van Buren; Stoddard, Thompson, Belfast; Thurston, Wallace, Wheeler, Wright.

NAY—Alden, Austin, Exeter; Ayer, Bragdon, Bubar, Burnham, Cambridge, Campbell, Carleton, Chase, Baring; Chase, Limington; Chase, Sebec; Churchill, Clark, Plymouth; Clarke, Cooper; Cole, Cook, Coolidge, Crowell, Cummings, Currier, Davis, Fairfield; Davis, Newfield; Deering, Devereux, Dorr, Dow, Eddy, Elliot, Ellis, Castle Hill; Ellis, Rangeley; Findlen, Flanders, Fogg, Rockland; Fowles, Gleason, Goss, Graves, Gray, Presque Isle; Hagan, Hall, Hammond, Harriman, Gardiner; Harriman, Prospect; Haskell, Hathorn, Hearn, Hescok, Higgins, Hill, Kendrick, King, Lancaster, Leonard, Lewis, MacKenzie, Martin, Dexter; Martin, Oakland; Mason, McKay, Mosher, Newton, Noyes, Oliver, Palmer, Parsons, Patterson, Payson, Phair, Philbrick, Pike, Richardson, Rush, Russ, Ryder, Seabury, Sennett, Sewall, Shaw, Sleeper, Smith, Bangor; Sprague, Stickney, Stilphen, Story, Thompson, Chelsea; Tupper, Vaughan, Weatherbee, Webber, Wentworth, Wiley, Woodbury, Worthen, Young.

ABSENT — Dennett, J a n d r e a u, Roach.

Yes, 52.

No, 95.

Absent, 3.

Fifty-two having voted in the affirmative and 95 in the negative,

the motion that the House accept the minority report did not prevail; and on motion by Mr. Hill of South Portland the majority report ought not to pass was accepted in concurrence.

The SPEAKER: The Chair calls the attention of the House to the fact that there are several specially assigned matters which have not been disposed of today. As the hour is getting late, and the members probably want their lunch, the Chair will be glad to entertain a motion to recess to some hour this afternoon.

On motion by Mr. Carswell of Gorham,

The House recessed until 2 P. M.

Afternoon Session

2 P. M.

The Speaker in the Chair.

The Chair lays before the House the seventh matter tabled and today assigned, House report ought not to pass of the committee on Ways and Bridges on bill An act relating to snow removal on R. F. D. routes, H. P. 40, L. D. 13, tabled March 27 by Mr. Russ of Woodstock, pending acceptance; and the Chair recognizes that gentleman.

Mr. RUSS: Mr. Speaker, I move to substitute the bill for the report of the committee ought not to pass.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Young.

Mr. YOUNG: This bill received considerable attention from the members of the Ways and Bridges committee. It was passed out ought not to pass for the reason that any money that would have to be paid out under this bill would necessarily come from the maintenance fund. We felt that the maintenance fund is already so short that we could not pass this out with an ought to pass report. This bill would add to the mileage that is being plowed a good many miles of road, if the State reimbursed the towns at the present time, and the money is not available at this time to do that. Therefore, I hope the motion to substitute the bill for the report does not prevail.

Mr. RUSS: Mr. Speaker, I feel that I should say a few words in explanation of this bill. This is a bill which, if passed, would help practically every town in the State of Maine. In 1927 the Legislature

passed a law that the State Highway Commission designate certain routes for snow removal, particularly the improved ways. That law I think was amended in 1931 prohibiting plowing roads over fourteen feet. The reason I introduced this bill is to aid those roads that cannot be plowed fourteen feet or the R F D routes. Plowing out the main lines of course necessitated the opening of the cross roads, the feeders to these main lines. The towns are required to purchase expensive equipment to plow out those roads, and most of the towns that I know about have had to go into debt for equipment which cost from five to nine thousand dollars and which only lasts four, five or six years at the most. I thought that the towns were entitled to some aid on those roads that could not be plowed. Therefore, I introduced this bill and I hope you will substitute the bill for the report.

The SPEAKER: The question before the House is on the acceptance of the report ought not to pass on bill an act relating to snow removal on R F D routes, H. P. 40, L. D. 13; and the gentleman from Woodstock, Mr. Russ, has moved to substitute the bill for the report. 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 failed of passage, and the report of the committee ought not to pass was accepted.

The Chair lays before the House the eighth matter tabled and today assigned, resolve appropriating money to pay the claim of Frank D. and Evelyn C. Goodwin of Hermon, against the State of Maine, S. P. 649, L. D. 832, tabled March 27 by Mr. Russ of Woodstock, pending second reading; and the Chair recognizes that gentleman.

Mr. Russ offered House Amendment A and moved its adoption, as follows.

House Amendment A to S. P. 649, L. D. 832, entitled resolve appropriating money to pay the claim of Frank D. and Evelyn C. Goodwin of Hermon, against the State of Maine.

Amend said resolve by inserting after the word "all" in the 3rd line thereof, the word "their."

Thereupon House Amendment A was adopted.

On motion by Mr. Tupper of Calais, tabled pending second reading and specially assigned for Friday, April 5.

The Chair lays before the House the ninth 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 March 27 by Mr. Clarke of Cooper, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. CLARKE: Mr. Speaker and members of the House: I am going to move the substitution of the bill for the report, but I would like first to give a little word of explanation. I am doing this with the full knowledge and consent of five members of the Judiciary committee of the House. I had intended to see the other two but was unable to do so in the short time at my disposal. My purpose in doing this is to offer an amendment at the proper time. As I understand the procedure, if the House permits me to substitute the bill for the report, whether the amendment is adopted or not, it will, under the usual routine, lay on the table until the third reading. In that case I have no wish to change the routine. Everybody would have a chance to familiarize themselves with the amendment.

I move the substitution of the bill for the report.

The SPEAKER: The gentleman from Cooper, Mr. Clarke, now moves the substitution of the bill for the report. Are you ready for the question?

A viva voce vote being taken, the bill was substituted for the report, and, under suspension of the rules, the bill was given its two several readings.

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

House Amendment A to H. P. 39, L. D. 12, entitled an act relating to fees for registration of motor vehicles.

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

Registration of motor trucks may be paid for in two instalments. Chapter 29 of the revised statutes is hereby amended by adding thereto

a new section to be numbered section 57-A, and to read as follows:

'Sec. 57-A. Registration fees for trucks may be paid in two instalments. The secretary of state may permit the payment of the registration fee on motor trucks to be paid in two instalments; one-half of the total fee to be deposited with the application, and the other half to be deposited within 6 months thereafter. At the expiration of the 6 months' period, if the remainder of the fee has not been paid, the secretary of state shall declare the registration void and forthwith obtain the registration plates so issued. The secretary of state shall upon payment of the 1st instalment collect an additional charge in the amount of 5 per cent of said instalment as a special charge for such privilege.'

The SPEAKER: Is it the pleasure of the House to adopt House Amendment A as read?

On motion by Mr. Hill of South Portland, the bill and amendment were tabled and specially assigned for Tuesday, April 2, and 500 copies of the amendment ordered printed.

The Chair lays before the House the tenth 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 March 27 by Mr. Sawyer of Brunswick pending acceptance of the report.

Mr. LEBEL of Brunswick: Mr. Speaker, in view of the fact that the gentleman from Brunswick, Mr. Sawyer, who tabled this report is not present, I wonder if we could defer the consideration of it until the gentleman comes in, and I so move.

Thereupon the bill and report were retabled until later in today's session.

The Chair lays before the House the eleventh matter tabled and today assigned, majority report ought not to pass and 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 was tabled March 27 by Mr. Scates of Westbrook, pending the

acceptance of either report; and the Chair recognizes that gentleman.

On motion by Mr. Seates the majority report ought not to pass was accepted in concurrence.

The Chair lays before the House the twelfth matter tabled and today assigned, bill an act to provide for assessment of premium notes and insurance contracts, H. P. 1811, L. D. 852, tabled March 28 by Mr. Richardson of South Portland, pending third reading; and the Chair recognizes that gentleman.

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

The SPEAKER: The Clerk will read the amendment.

After consultation at the desk the gentleman from South Portland, Mr. Richardson, was given permission to withdraw his amendment for the reason that legislation has already been enacted covering the same subject matter.

Thereupon the bill had its third reading and was passed to be engrossed.

The Chair lays before the House the thirteenth matter tabled and today assigned, bill an act relating to games of sport on Armistice Day, S. P. 357, L. D. 338, which was passed to be engrossed in the Senate on March 22, and which in the House was tabled on March 28 by Mr. Hill of South Portland, pending the motion of Mr. Wright of Madison to indefinitely postpone; and the Chair recognizes the gentleman from South Portland, Mr. Hill.

Mr. HILL: Mr. Speaker, this bill is designed to prohibit sports on the forenoon of Armistice Day. It was sponsored and originated by a certain Post of the American Legion. When the question arose here yesterday, the gentleman from Madison (Mr. Wright) had conferred with the State Commander, I believe, of the American Legion and had learned that the State organization of the Legion was not interested in the bill. It so happened that just before the House convened I had talked with someone from the Post who was interested in this bill, and it was for that reason that I moved that the bill lie on the table until that difference might be adjusted. In view of the attitude of the State organization

of the American Legion, I have no further interest in the bill at this time.

Mr. WRIGHT: Mr. Speaker, I ask permission of the House to withdraw my motion to indefinitely postpone.

There being no objection the motion to indefinitely postpone was withdrawn.

Mr. WRIGHT: Mr. Speaker and members of the House: I have conferred with the proponents of this bill, and they have requested that I submit House Amendment A to S. P. 357, which I do, and move its adoption:

House Amendment A to S. P. 357, L. D. 338 bill an act relating to games of sport on Armistice Day.

Amend said bill by adding thereto the following section:

'Sec. 2. This act shall not apply to towns or cities having a population of less than 50,000.'

A viva voce vote being taken, the amendment was adopted, the bill had its third reading and was passed to be engrossed, as amended, in non-concurrence.

On motion by Mr. Fogg of Rockland, it was voted to take from the table the first unassigned matter, and act relating to local option provisions, H. P. 1364, L. D. 593, tabled by that gentleman March 26, pending passage to be enacted.

On motion by Mr. Fogg, under suspension of the rules, the House voted to reconsider its action whereby this bill was passed to be engrossed on March 14, and that gentleman offered House Amendment A and moved its adoption as follows:

House Amendment A to House Paper 1364, Legislative Document 593, bill an act relating to local option provisions.

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

'P. L., 1933, c. 300, §17, amended. Section 17 of chapter 300 of the public laws of 1933 is hereby repealed and the following enacted in place thereof:

'Sec. 17. Local option. The sale of liquor as permitted by law shall be lawful until January 1, 1937, in any city or town in the state which at the biennial election in September, 1934, voted in favor of the repeal of the 26th Amendment to the Constitution.

The aidermen of cities, the select-

men of towns and the assessors of the several plantations of this state are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for the calling and holding of biennial meetings of said inhabitants for the election of senators and representatives at the time of holding such aforesaid biennial meetings, to give in their votes upon the 3 follows questions:

(1) Shall state stores for the sale of liquor be operated by permission of the state liquor commission in this city or town?

(2) Shall licenses be granted in this city or town under regulation of the state liquor commission for the sale therein of wine and spirits to be consumed on the premises?

(3) Shall licenses be granted in this city or town for the sale therein of malt liquor?

The secretary of state shall prepare and furnish to the several cities, towns and plantations ballots in manner and form as prescribed in section 20 of chapter 8 of the revised statutes for constitutional amendment or other questions; together with all other forms including those for instructions and returns as may be prescribed in said chapter 8 of the revised statutes.

And the inhabitants of said cities, towns and plantations shall vote by ballot on said questions, those in favor voting "Yes" on their ballots and those opposed "No", and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and return made to the office of the secretary of state in the same manner as votes for governor and members of the legislature, and the governor and council shall count the same and the results may be determined as provided in section 56 of chapter 8 of the revised statutes.

If a majority of the votes cast in a city or town in answer to question (1) are in the affirmative, the commission may operate therein a state store or stores for the sale of liquor subject to all provisions of law.

If a majority of the votes cast in a city or town in answer to question (2) are in the affirmative the commission may issue licenses for the sale therein of wine and spirits for consumption on the premises, subject to all provisions of law.

If a majority of the votes cast in a city or town in answer to question (3) are in the affirmative, the commission may issue licenses for the sale of malt liquor therein subject to all provisions of law.

If a majority of the votes cast on question (1) are in the negative, the operation of state stores in that city or town for a period of 2 calendar years next following shall be unlawful.

If a majority of the votes cast on question (2) are in the negative, licenses shall not be issued for the sale of wines and spirits for consumption on the premises in that city or town for the two calendar years next following.

If a majority of the votes cast on question (3) are in the negative, licenses for the sale of malt liquor in that city or town shall not be issued for the two calendar years next following.

Mr. PHILBRICK of Cape Elizabeth: Mr. Speaker, as this amendment is rather long, it may be that the House did not follow it. I would suggest that the bill has already been passed to be engrossed and the amendment is offered by the Secretary of State to clarify the duties of the Secretary of State in preparing ballots and the result of an affirmative or negative vote. There is no change in the material parts of the bill whatsoever.

Mr. SCATES of Westbrook: Mr. Speaker, it would seem to me that an amendment so complicated and long as this should be tabled for printing, and I so move.

The motion prevailed and the amendment and bill were tabled, and 500 copies of the amendment ordered printed.

The Chair lays before the House the tenth matter tabled and specially assigned for today, 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 March 27 by Mr. Sawyer of Brunswick, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. SAWYER: Mr. Speaker, I would say that the amendment is in the hands of the Revisor of Statutes for preparation and is not in shape today to be presented. Therefore, I would like to retable the matter to some day certain.

The SPEAKER: What day does the gentleman suggest?

Mr. SAWYER: Tuesday morning.

The SPEAKER: The gentleman from Brunswick, Mr. Sawyer, now moves that this matter be retabled and specially assigned for Tuesday, April 2.

The motion prevailed.

Mr. JACOBSON of Portland: Mr. Speaker, I move to reconsider our action of a few moments ago whereby we passed to be engrossed an act relating to games of sport on Armistice Day, my purpose being that we did not listen carefully to what the amendment was. Why should my brother from Madison (Mr. Wright) be selfish about the matter? If sports are to be allowed in another part of the State on the morning of Armistice Day, why should they not be allowed in Portland? Portland is the only place that is affected by that amendment. I move that we reconsider our action.

The SPEAKER: The gentleman from Portland, Mr. Jacobson, moves that the House reconsider its action whereby it passed to be engrossed as amended, and in non-concurrence. S. P. 357, L. D. 338, an act relating to games of sport on Armistice Day. All those in favor will say aye, those opposed no.

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

Mr. JACOBSON: Mr. Speaker, I now move that the matter be indefinitely postponed.

Mr. WRIGHT: Mr. Speaker, I had no selfish motive when I asked that the matter be indefinitely postponed yesterday. The gentleman from South Portland (Mr. Hill) had it tabled in order that we might come to some understanding. It seems as though this situation developed in Portland alone, in that it interfered with some sort of a celebration in that city. I had no objection to it. I wanted it indefinitely postponed because I felt it interfered with every high school and college in the State of Maine. The bill was put before the committee, the members of the House understood the bill, and it came to its second reading. I considered the matter and I realized that very few people really understood it, and that if it were passed to be enacted it would be quite a throw-back on the American Legion. It is not an American

Legion bill. I conferred and agreed with the proponents of the bill on this amendment. There is no selfish interest on my part.

Mr. CONNOLLY of Portland: Mr. Speaker, I would like to say something on this bill. The bill was presented, I understand, by the Harold T. Andrews Post in Portland. For some reason or other there seems to be a misunderstanding about it. In Portland, on Armistice Day, we have very sacred services, and especially at eleven o'clock in the morning. The bill was to prevent any sports taking place in the morning, especially at eleven o'clock. We have a tablet on the plaza of our City Building where services are held by the American Legion. We have a record there in tablet form of every boy who sacrificed his life in the World War, and for this reason alone this bill was presented. It was very misleading at first, and Brother Wright and myself this morning talked it over with some of the members of the Harold T. Andrews Post in Portland, and we agreed to put this amendment in to protect the American Legion in Portland as well as those in other parts of the State.

Mr. YOUNG of York: Mr. Speaker, I do not think there is really any call for this bill from the American Legion standpoint. No matter where the sport is, or in what part of the State it is going on, at eleven o'clock on the eleventh of November everything stops, and I think that is about as impressive a ceremony as could ever be held upon Armistice Day.

The SPEAKER: The question before the House is on the indefinite postponement of the bill on the motion of the gentleman from Portland, Mr. Jacobson. 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 bill was indefinitely postponed.

On motion by Mr. Richardson of South Portland, the House voted to reconsider its action of today whereby it passed to be engrossed in new draft bill creating the Portland Public Improvement Commission.

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

House Amendment A to S. P. 637, L. D. 793, entitled an act creating

the Portland Public Improvement Commission.

Amend said bill by striking out in the title thereof the word "Improvement" and by inserting in place thereof the word 'Development.'

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

The Chair lays before the House a recalled matter, report of the committee on Judiciary reporting ought not to pass on bill an act relating to applications for licenses, H. P. 443, L. D. 121, recalled from the Senate by House Order; and the Chair recognizes the gentleman from Auburn, Mr. Flanders.

Mr. FLANDERS: Mr. Speaker, this is a bill presented by Mr. Young of York, which would require you to have your poll tax receipt of the preceding year. I ask that the rules be suspended so that Mr. Young may offer an amendment.

Thereupon the House voted to reconsider its action, under suspension of the rules, of March 26th whereby it accepted the report of the committee ought not to pass.

Mr. FLANDERS: Mr. Speaker, I now yield to the gentleman from York, Mr. Young.

Mr. YOUNG: Mr. Speaker, I wish to express my appreciation to the House for allowing a reconsideration of this matter. I have in preparation now an amendment, which is not quite ready, and I would like to table this bill until tomorrow morning, at which time I will present to this House an amendment which I feel certain will meet the approval of the House.

On motion by Mr. Young it was voted to substitute the bill for the report and on further motion by the same gentleman the bill was tabled, pending first reading.

On motion by Mr. Oliver of Bath, it was voted to take from the table the second unassigned matter, House report ought to pass in new draft of the committee on Temperance on bill an act to define the powers of the State Liquor Commission, H. P. 1363, L. D. 592, tabled March 28 by that gentleman pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Oliver the report of the committee ought to pass in new draft was accepted.

Thereupon the rules were suspended, the bill given its two several readings and tomorrow assigned.

Mr. HILL of South Portland: Mr. Speaker, I ask unanimous consent of the House to introduce a bill. In explanation of this request I may say that the Eighty-sixth Legislature, in the Special Session of December, 1933, passed a resolve proposing to amend the Constitution by permitting the Legislature to authorize a bond issue in the amount of two million dollars. That resolve went before the people on a referendum and was favorably acted upon. The Legislature then passed an act authorizing the bond issue and providing for the distribution of the bonds which was for the purpose of construction of public buildings and for the equipment thereof. No bonds have been issued as yet under that act and since that time conditions have materially changed, so that it is found that in some cases the allotments for particular institutions are not necessary, while in other cases those allotments should be increased; and it is for the purpose of altering those allotments that I ask consent to introduce this bill.

I will say further that if consent for the introduction of the bill is granted, I will move that the bill lie on the table and that five hundred copies be printed, so that every member may have an opportunity to examine it before it is acted upon.

The SPEAKER: The gentleman from South Portland, Mr. Hill, presents out of order and under suspension of the rules a bill and asks unanimous consent of the House for its reception. If there is no objection the bill will be received.

Thereupon, permission being granted, bill an act to provide for the issuance of State of Maine improvement bonds and the allocation of the proceeds from sale (H. P. 1826) was received and on further motion by Mr. Hill the bill was tabled pending reference and 500 copies ordered printed.

Mr. CHASE of Baring: Mr. Speaker, the Engrossing Department has discovered an error in one of the bills presented to it and asks to have it corrected. Therefore, I

present the following order, out of order, and move its passage:

Ordered, the Senate concurring, that S. P. 661, L. D. 836, bill an act relating to the payment of wages, be recalled to the House from the En-grossing Department.

The order received passage and was sent up for concurrence.

The SPEAKER: The Chair wishes to state that, with some diligence, it

is believed that this Legislature will be able to adjourn one week from tomorrow. This will require strict attention to business. If the members of this House are so agreed, we will take up in the regular order all matters coming before the House except enactors on Saturday and Monday.

On motion by Mrs. Forbes of Dover-Foxcroft,

Adjourned until nine o'clock tomorrow morning.