

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Seventh Legislature

OF THE

STATE OF MAINE

1935

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Thursday, April 4, 1935.

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

Prayer by the Rev. Mr. Bickmore of Augusta.

Journal of the previous session read and approved.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Ellis.

Mr. Ellis of Rangeley presented the following order, out of order, and moved its passage.

Ordered, that when the House rises this noon, it recess until 4 p. m. today.

The order received a passage.

From the Senate: Final report of the committee on Military Affairs.

Comes from the Senate read and accepted.

In the House, read and accepted in concurrence.

From the Senate: Bill an act relating to enforcement of insurance liens, H. P. 1798, L. D. 841, which was passed to be engrossed in the House on March 26th.

Comes from the Senate indefinitely postponed in non-concurrence.

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

From the Senate: Bill an act relating to apothecaries and sale of poisons H. P. 1773, L. D. 797, which was indefinitely postponed in the House on March 28th.

Comes from the Senate passed to be engrossed in non-concurrence.

Mr. DEMERS: Mr. Speaker, I move that we recede and concur.

Mr. MARTIN of Oakland: Mr. Speaker, last week we had this bill before the House and it was indefinitely postponed. The Senate yesterday passed this along. I understand from the other side of the building that this was done out of deference to a few members of the House. In legal parlance one might say that it was without prejudice but it does not mean necessarily that the Senate was in favor of the measure.

I wish to call your attention to what was brought up before in our discussion. You will remember that the bill was divided into two parts, the professional end of it and the merchandizing end. The two parts are entirely distinct. The merchandizing end has nothing to do with the professional part of the bill whatever. For that reason I wish simply to allow the professional part to go through and not have the druggists forbid in a way the sale of things not already prohibited by Statute. They are protected at the present time in the sale of potent drugs and poisons and need no further protection in that regard, but they would like also to have their business protected. I believe what they wish is not fair to the people of the State of Maine. I think that the druggists should stand upon their own feet just as any other business in the State of Maine has to do. I know of no reason why there should be legislation to protect one class of merchants to the exclusion of another class. If this were called for by the people of the State of Maine, that would be one thing, but it is not. You all know who favored this bill at the hearing, and who are favoring it in this House. You all know who has come to you and asked for support. This I do not need to tell you for you all know who they are. Now is this not because of selfish reasons? It certainly is not for the protection of the people of the State of Maine or for protecting the public. If it were passed, on the other hand, it would injure a great many people. Distribution is one thing that is very necessary, particularly the distribution of that which the druggist now sells you, and I do not think it is a fair proposition, and I hope that the motion to recede and concur will not prevail.

Mr. CARSWELL of Gorham: Mr. Speaker and members of the House: I am very certain that all the members of this House are well acquainted with every provision of this bill. It is unnecessary to have a prolonged discussion of it at this time. You realize what it will accomplish. This bill is for the protection of the people and I sincerely hope that the motion of the gentleman from Sanford (Mr. Demers) prevails.

Mr. AUSTIN of Exeter: Mr. Speaker, I cannot see any protec-

tion for the people in this bill. I think that when the druggist is willing to go to the restaurant and buy a dinner and go to the newsstand and buy a paper, then he will have the right to come here and ask us for legislation of this kind.

The SPEAKER: The question before the House is on the motion of the gentleman from Sanford, Mr. Demers, that the House recede and concur.

Mr. MARTIN of Oakland: Mr. Speaker I ask for a division of the House.

Mr. GRAY of Brooksville: Mr. Speaker and members of the House: I do not believe that this is a necessary bill. It does effect the small general store, and I do not believe we should pass any legislation that works to the advantage only of a small percentage of the people and to the disadvantage of the majority of our people. I am opposed to the measure because I believe it to be unfair. I believe that every member of the House knows just what it contains, and I believe that I do. For that reason I am opposed to it and hope the motion will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Sanford, Mr. Demers, that the House recede and concur, and pass to be engrossed without amendment bill an act relating to apothecaries and the sale of poisons, H. P. 1773, L. D. 797. The gentleman from Oakland, Mr. Martin, has asked for a division of the House. All those in favor of the motion of the gentleman from Sanford, Mr. Demers, will rise and stand until counted and the monitors will make and return the count.

A division of the House being had,

Fifty-eight voting in the affirmative and 57 in the negative, the motion prevailed.

Conference Report

The committee on Conference on the disagreeing action of the two branches of the Legislature on S. P. 130, L. D. 51, bill an act to amend the law relating to school age, have had the same under consideration and ask leave to report

that the committee is unable to agree.

(Signed)

Messrs. Devereux of Penobscot
Fowles of Pittston
Crowell of Weston
—Committee on Part of House.
Tompkins of Aroostook
Miss Martin of Penobscot
Winn of Androscoggin
—Committee on part of Senate.
Report read and accepted.

The SPEAKER: The Chair now recognizes the gentleman from Oakland, Mr. Martin.

Mr. MARTIN: Mr. Speaker, is a motion to reconsider in order? This man right here in my row did not understand the motion.

The SPEAKER: If the motion is made by one who voted in the affirmative, it is proper.

Mr. NOYES of Franklin: Mr. Speaker, I did not vote at all, I move to reconsider.

Mr. LEWIS of Boothbay: Mr. Speaker, I voted in the affirmative and I move that we reconsider.

The SPEAKER: The gentleman from Boothbay, Mr. Lewis, as the Chair understands, voted in the affirmative. That gentleman now moves that the House reconsider its action earlier today whereby it voted to recede and concur and pass to be engrossed, without amendment, bill an act relating to apothecaries and poisons, which was indefinitely postponed in the House on March 28th. All those in favor of the motion will say aye, contrary-minded no.

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

Mr. SLEEPER of Rockland: Mr. Speaker, I rise for the purpose of offering an amendment which has not yet been prepared. The principal opposition to this bill, as I see it, is coming from the people of the rural towns and their opposition is very justifiable. Certainly a town that has no drug store does not want the sale of these drugs and poisons confined to drug stores alone; and certainly the people living in large towns of 5,000 and over are perfectly justified in asking that these commodities be sold only in drug stores. You know and I know of the tremendous sales that are being made by the five-and-ten-cent stores of inferior products in small bottles selling for five and ten cents. The

average person living in a large town buys the most of his drugs in the five-and-ten-cent store. The druggists are mostly natives, taxpayers, owning their own business, and they are justified in asking for protection with reference to the sale of these things. I would like to table this bill until the afternoon session so that an amendment can be prepared to include these provisions, to apply to all towns of 5,000 people and more. As to the other towns the law would stand as it is. I move that the bill lie on the table until this afternoon session.

A viva voce vote being doubted, A division of the House was had, Sixty-nine voting in the affirmative and 40 in the negative, the motion prevailed and the bill was tabled, pending further consideration, until the afternoon session.

From the Senate: Bill an act providing for assessment of premium notes and insurance contracts, H. P. 1149, L. D. 369, on which the House accepted Report B of the committee on Mercantile Affairs and Insurance reporting a new draft, H. P. 1811, L. D. 852 and passed the bill to be engrossed on March 29th.

Comes from the Senate Report A of the Committee reporting ought not to pass accepted in non-concurrence.

In the House, on motion by Mr. Cambridge of Westfield, that body voted to recede and concur with the Senate in the acceptance of Report A. ought not to pass.

From the Senate: Resolve providing for a State pension for Charles W. Shorey of Waldo, H. P. 1793, L. D. 820, which was passed to be engrossed in the House on March 28th.

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

In the House, on motion by Mr. Payson of Brooks, under suspension of the rules, the House voted to reconsider its action whereby this resolve was passed to be engrossed; and that gentleman offered House Amendment A to Senate Amendment A and moved its adoption, as follows:

House Amendment A to Senate Amendment A to H. P. 1793, L. D. 820,

Amend said amendment by inserting after the word "Shorey" in the first line of the second paragraph thereof, the words 'Resolved that'.

Thereupon House Amendment A to Senate Amendment A was adopted by a viva voce vote, and Senate Amendment A as amended by House Amendment A was adopted.

Thereupon the resolve was passed to be engrossed as amended in non-concurrence.

From the Senate: Bill an act relating to hawkers and peddlers, S. P. 221, L. D. 194, which was passed to be engrossed in the House on March 28.

Comes from the Senate, having been passed to be engrossed in that body on March 26th, subsequently was recalled by Joint Order from the Engrossing Department by the Senate, and that body now sends it to the House passed to be engrossed as amended by Senate Amendment A in non-concurrence.

In the House:
(Senate Amendment A read by the Clerk)

Under suspension of the rules, the House voted to reconsider its action whereby this bill was passed to be engrossed on March 28th. Senate Amendment A adopted in concurrence, and the bill was passed to be engrossed as amended by Senate Amendment A in concurrence.

From the Senate: Resolve providing for a State pension for Winifred Parker of Presque Isle, H. P. 1791, L. D. 818, which was passed to be engrossed in the House on March 26th as amended by House Amendment A.

Comes from the Senate with House Amendment A indefinitely postponed in non-concurrence, and the resolve passed to be engrossed as amended by Senate Amendment A in non-concurrence.

In the House, on motion by Mr. Gray of Presque Isle, that body voted to recede and concur with the Senate in the indefinite postponement of House Amendment A. Senate Amendment A adopted in concurrence, and the resolve was passed to be engrossed as amended by Senate Amendment A in concurrence.

From the Senate: Bill an act relative to vagrant cats, S. P. 696, L. D. 863, which was indefinitely post-

poned in the House on April 3rd in non-concurrence.

Comes from the Senate that body insisting on its former action whereby the bill was passed to be engrossed and asking for a committee of Conference and with the following conferees appointed on its part: Messrs. Schnurle of Cumberland, Ashby of Aroostook, and Fernald of Waldo.

In the House:

Mr. FINDLEN of Fort Fairfield: Mr. Speaker, I move that we insist on our former action and join in the committee of Conference.

Mr. MACE of Augusta: Mr. Speaker, if in order I move that we adhere.

The SPEAKER: The motion is not in order until the motion to insist is disposed of. All those in favor of the motion of the gentleman from Fort Fairfield, Mr. Findlen, that we insist will say aye; contrary-minded no.

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

The SPEAKER: The Chair will appoint as conferees on the part of the House, Mr. Mosher of Farmington, Mrs. Kilroy of Portland and Mr. Mace of Augusta.

From the Senate: Bill an act relating to games of sport on Armistice Day. S. P. 357, L. D. 338, which was indefinitely postponed in the House on March 29th in non-concurrence.

Comes from the Senate that body insisting on its former action whereby this bill was passed to be engrossed and asking for a committee of Conference and with the following conferees appointed on its part: Messrs. Schnurle of Cumberland, Burkett of Cumberland and Bartlett of Oxford.

In the House:

Mr. WRIGHT of Madison: Mr. Speaker, I move that the House adhere to its former action.

Mr. CONNOLLY of Portland: Mr. Speaker, I move that we recede and concur with the Senate.

A viva voce vote being taken, the motion to recede and concur failed of passage.

The SPEAKER: The motion now before the House is the motion of the gentleman from Madison, Mr. Wright, that the House adhere to its former action.

A viva voce vote being taken, the motion prevailed.

From the Senate: Bill an act to provide for licenses and permits for outdoor advertising (S. P. No. 625) L. D. No. 752) which was passed to be engrossed in the House on April 1st as amended by Senate Amendment A as amended by House Amendment A thereto and by House Amendment A as amended by House Amendment A thereto in non-concurrence.

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

In the House:

Mr. VAUGHAN of South Berwick: Mr. Speaker, ladies and gentlemen of the House: I move that the House recede and concur with the Senate because there is no new matter at all offered in this amendment. It is to correct one of those unfortunate and yet obvious omissions in one of our House Amendments.

The SPEAKER: Is it the pleasure of the House that it recede and concur?

The motion prevailed, and thereupon Senate Amendment A to House Amendment A was adopted and the bill was passed to be engrossed as amended in concurrence.

Communication

The following communication was received from the Justices of the Supreme Judicial Court, answering the question of Mr. Clarke of Cooper, as per the order introduced by that gentleman, relative to bill an act concerning fishing and hunting licenses, H. P. 132, L. D. 79:

To the Honorable House of Representatives of the State of Maine:

The undersigned Justices of the Supreme Judicial Court, having considered the question upon which their advisory opinion was requested by House Order of March 30, 1935, respectfully submit the following answer.

QUESTION 1. Is the proposed legislation a measure to raise revenue within the meaning of Section 9 of Article IV of the Constitution, which required that revenue bills shall originate in the House of Representatives?

ANSWER. The Constitution of the State of Maine provides that the Justices of the Supreme Judicial Court "shall be obliged to give their opinion upon important questions of law, and upon solemn occasions, when required by the Governor, Council, Senate, or House of Representatives." Article IV, Sec. 3, Constitution.

Because of the great respect which the Justices have entertained for the Executive and Legislative branches of government, they have, from the beginning, followed the general policy of answering questions so submitted, without much regard to the importance thereof or to the solemnity of the occasion. This has resulted in many opinions having been given on matters of no great moment and not infrequently involving well settled questions of law.

It might reasonably be urged that the instant inquiry is typical of that class.

There can be no serious doubt concerning the point of constitutional law presented. It has been passed on by Federal and State Courts in many cases and with nearly complete unanimity of decision. We might, therefore, be justly excused from answering, but, not wishing to appear discourteous, advise that the primary object of the bill submitted to us being regulatory, it is not, within the meaning of the Constitution, one for "revenue" which should have originated in the House of Representatives.

A "bill for raising revenue" is one for levying taxes in the strict sense of the word, and not a regulatory measure which incidentally creates revenue.

Respectfully submitted,

(Signed) W. R. PATTANGALL
CHARLES J. DUNN
GUY H. STURGIS
CHARLES P. BARNES
SIDNEY ST. F. THAXTER
JAMES H. HUDSON

On motion by Mr. Clarke of Cooper, the communication was received and placed on file.

The following paper was ordered placed on file by the committee on Reference of Bills:

Remonstrance of D. G. Hall Jr. and 291 others of Lewiston and Auburn against any sales tax and petition in favor of further rigid State

economy (H. P. 1867) (Presented by Mr. Flanders of Auburn)

Reports of Committees

Majority report of the Committee on Judiciary on bill an act creating a State system for public employment offices (H. P. No. 1132) (L. D. No. 357) reporting same in a new draft (H. P. No. 1859) under same title and that it ought to pass.

Report was signed by the following members:

Messrs. Burkett of Cumberland
Burns of Aroostook
Fernald of Waldo
—of the Senate.
Vaughan of So. Berwick
Hill of So. Portland
Weatherbee of Lincoln
Gray of Presque Isle
Willey of Falmouth
Philbrick of Cape Elizabeth
—of the House.

Minority report of same Committee reporting ought to pass on same bill.

Report was signed by the following member:

Mr. Jacobson of Portland.
—of the House.

On motion by Mr. Jacobson of Portland, a viva voce vote being taken, both reports tabled, pending acceptance, new draft ordered printed, and specially assigned for tomorrow morning.

Mr. WILLEY of Falmouth: Mr. Speaker, I rise to correct an error. I signed the minority report with Mr. Jacobson and I do not understand what mistake has been made; but it appears that my name is on the majority report. It is there either due to my error in signing or due to some accident to the papers in the committee room. We have been very busy there and in some way it has become mixed. If necessary, I would move that it be recommitted to the committee for the purpose of correcting the error.

The SPEAKER: Does the gentleman from Falmouth (Mr. Willey) wish to reconsider and take this from the table under suspension of the rules for recommitment?

Mr. WILLEY: I do, Mr. Speaker. Thereupon, on motion by Mr. Jacobson of Portland, under suspension of the rules, it was voted to take from the table the two reports referred to in order that they may be recommitted to the committee on Judiciary.

On motion by Mr. Willey, the papers were so recommitted.

Mr. Sewall from the Committee on Appropriations and Financial Affairs reported ought not to pass on bill an act relating to tax for support of University of Maine (H. P. No. 1117) (L. D. No. 308)

Mr. Patterson from same Committee reported same on resolve in favor of Fort Knox (H. P. No. 318)

Mr. Sewall from same Committee on resolve in favor of Frank L. Hopkins of Frankfort (H. P. No. 2) reported that same be referred to the next Legislature.

Mr. Wentworth from the Committee on Sea and Shore Fisheries on remonstrance of the selectmen and 39 others of Roque Bluffs against any change in the clam laws of said town (H. P. No. 607) reported that same be placed on file.

Reports read and accepted and sent up for concurrence.

Mr. Cambridge from the Committee on Claims on resolve in favor of John H. Simmonds of Portland (H. P. No. 957) reported same in a new draft (H. P. No. 1860) under same title and that it ought to pass

Mr. MacKenzie from the Committee on Inland Fisheries and Game on bill an act relative to establishing fishway patrol on the Penobscot River (H. P. No. 1271) (L. D. No. 565) reported same in a new draft (H. P. No. 1861) under same title and that it ought to pass

Mr. Philbrick from the Committee on Judiciary on bill an act relating to semi-trailers (H. P. No. 1238) (L. D. No. 552) reported same in a new draft (H. P. No. 1862) under same title and that it ought to pass

Mr. Chase of Baring from the Committee on Legal Affairs on bill an act relating to the Presque Isle Sewer District (H. P. No. 847) (L. D. No. 292) reported same in a new draft (H. P. No. 1863) under same title and that it ought to pass

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

Mr. Donahue from the committee on Legal Affairs on bill an act to regulate the practices of professional engineering and land surveying; creating a Board of State Registration for Professional Engineers and Land Surveyors (H. P. No. 1220) (L. D. No. 462) reported same in a new draft (H. P. No. 1864)

under same title and that it ought to pass

Mr. DEERING of Hollis: Mr. Speaker, I move that this be indefinitely postponed.

Mr. GRAVES of Mt. Desert: Mr. Speaker, as this bill is in new draft, I move that it be tabled pending printing.

The motion prevailed, and the bill and report were tabled pending the motion of the gentleman from Hollis, Mr. Deering, to indefinitely postpone, and the new draft ordered printed

Mr. Graves from the Committee on Public Buildings and Grounds on bill an act to create State Supervising Architect (H. P. No. 1154) (L. D. No. 373) reported same in a new draft (H. P. No. 1865) under title of an act to provide for supervision of repairs and construction on State owned property and that it ought to pass

Mr. Fogg from the Committee on Sea and Shore Fisheries on bill an act relating to measurement of lobsters (H. P. No. 1282) (L. D. No. 503) reported same in a new draft (H. P. No. 1866) under same title and that it ought to pass.

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

Mr. Worthen from the Committee on Ways and Bridges reported ought to pass 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)

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

Mr. Donahue from the Committee on Legal Affairs reported ought to pass on bill an act establishing in the town of Sanford a representative town government (H. P. No. 1072) (L. D. No. 406)

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

First Reading of Printed Bills

(H. P. No. 1847) (L. D. No. 912) An act relating to competency of witnesses

(H. P. No. 1849) (L. D. No. 914) An act relative to bounty on bears

(H. P. No. 1850) (L. D. No. 913) An act relative to the planting of fish in inland waters

(H. P. No. 1851) (L. D. No. 915) An act relating to assessors

(H. P. No. 1852) (L. D. No. 916) An act relating to State planning and development

Passed to be Engrossed

(H. P. 193, L. D. 618) An act relative to smelt fishing.

(H. P. 1175, L. D. 381) An act to require constables and collectors of taxes to be bonded by a surety company.

Mr. Philbrick of Cape Elizabeth offered House Amendment A, and moved its adoption, as follows:

House Amendment A to bill an act to require constables and collectors of taxes to be bonded by a surety company. H. P. 1175, L. D. 381.

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

'Sec. 1. R. S., c. 14, Sec. 14, amended. Section 14 of chapter 14 of the revised statutes, is hereby amended to read as follows:

'Sec. 14. Bond of collector; **furnished by town.** The assessors shall require such constable or collector **annually** to give bond (delete "underwritten") **executed** by a surety company authorized to do business in this state for the faithful discharge of his duty, to the inhabitants of the town, in such sum, (delete "and with such sureties"), as the municipal officers approve; and the bonds of collectors of plantations shall be given to the inhabitants thereof, approved by the assessors, with like conditions. **The bond required by this section shall be furnished under the direction of the municipal officers at the expense of the town.**

A viva voce vote on the adoption of the amendment being doubted,

A division of the House was had, Forty-six voting in the affirmative, and 23 in the negative, the amendment was adopted, the bill had its third reading and was passed to be engrossed, as amended.

(H. P. No. 1176, L. D. No. 382) An act to require city and town treasurers to be bonded by a surety company.

Mr. Philbrick of Cape Elizabeth offered House Amendment A and moved its adoption, as follows:

House Amendment A to bill an act to require city and town treas-

urers to be bonded by a surety company. H. P. 1176, L. D. 382.

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

Sec. 1. R. S., c. 5, Sec. 21, amended. Section 21 of chapter 5 of the revised statutes is hereby amended to read as follows:

Sec. 21. **Treasurer to give bond; amount; office of treasurer vacant if bond not filed seasonably; vacancy; approval of bond and record;** (delete "municipal officers may accept bond of a surety company at expense of town") **town to furnish bond.** The treasurer before entering upon the discharge of his official duties **annually** shall give bond (delete "underwritten") **executed** by a surety company authorized to do business in this state to the inhabitants of his town (delete "with such sureties and") for such sum as shall be designated by the municipal officers, not exceeding, however, twice the amount of the taxes to be collected during the year for which he is treasurer, conditioned for the faithful discharge of all duties and obligations of his office. If such bond is not furnished and delivered to the municipal officers within 10 days after written demand by the municipal officers on the treasurer therefor, the office of treasurer shall be deemed vacant, and the town or plantation, at any meeting of its inhabitants legally called, may elect a treasurer to fill the vacancy or the municipal officers may fill the vacancy by written appointment which shall be recorded by the clerk in the town records. The municipal officers shall be the sole judge of the sufficiency of such bond (delete "and sureties"). Such bond, after its approval and acceptance by the municipal officers, shall be recorded by the clerk, and such record shall be prima facie evidence of the contents of such bond, but a failure to so record shall be no defense in any action upon such bond. (Delete "The municipal officers may accept any surety company authorized to do business in the state as surety on such bond, and dispense with any further surety or sureties thereon. Any town or plantation may lawfully vote, at its annual meeting to raise money to be expended by its treasurer, under the direction of the municipal officers, for the purpose of purchasing from any surety

company authorized to do business as aforesaid, the bond required by this section.") **The bond required by this section shall be furnished under the direction of the municipal officers at the expense of the town.**

The SPEAKER: The question before the House is on the adoption of the amendment. All those in favor of its adoption will say aye, contrary-minded no.

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

Passed to be Engrossed—Continued

Amended bill:

(H. P. No. 1324, L. D. No. 577)
An act relative to the exemption of personal property from attachment.

Passed to be Enacted

(S. P. No. 218) (L. D. No. 862)
An act amending Section 2 of Chapter 16 of the Private and Special Laws of 1903, relating to Bangor and Aroostook Railroad.

(S. P. No. 295) (L. D. No. 860)
An act to validate certain loans negotiated by the city of Hallowell

(S. P. No. 697) (L. D. No. 859)
An act to repeal an act entitled an act to incorporate the town of Mason

(Tabled by Mr. Donahue of Biddeford, pending passage to be enacted)

(S. P. No. 698) (L. D. No. 865)
An act relative to regulation of the use of the highways by motor vehicles transporting property for hire

(Tabled by Mr. Devereux of Penobscot, pending passage to be enacted, and specially assigned for this afternoon)

(S. P. No. 706) (L. D. No. 886)
An act relating to notary publics outside the State

(H. P. No. 443) (L. D. No. 121)
An act relating to applications for licenses

(H. P. No. 705) (L. D. No. 877)
An act relating to construction of State aid roads in Indian Township

(H. P. No. 826) (L. D. No. 279)
An act relating to census of the Penobscot Indians

(H. P. No. 1364) (L. D. No. 593)
An act relating to local option provisions

(H. P. No. 1819) (L. D. No. 869)
An act providing for the manu-

facture of motor vehicle registration plates for the use of the State at the State Prison

(H. P. No. 1823) (L. D. No. 875)
An act relating to deputy sheriffs

(H. P. No. 1827) (L. D. No. 878)
An act relating to the Bingham Water District

(H. P. No. 1829) (L. D. No. 879)
An act relative to open season on fur-bearing animals

Finally Passed

(H. P. No. 1828) (L. D. No. 882)
Resolve regulating fishing in tributaries to Pleasant, Horseshoe and Mud Ponds in Kennebec and Sagadahoc Counties

ORDERS OF THE DAY

The Chair lays before the House the first matter tabled and today assigned, majority report ought not to pass and minority report ought to pass in a new draft under title of an act to equalize taxation, new draft H. P. 1842, L. D. 900, tabled April 2 by Mr. Crowell of Weston, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. CROWELL: Mr. Speaker and members of the House: There are new drafts in preparation, and I move that this be retabled pending acceptance and specially assigned for tomorrow morning. There is one other reason why I make this motion, and that is this: There is a strong feeling among many members of the House and Senate that this should stay on the table until the return of the Governor this afternoon.

Mr. ALLAN of Topsham: Mr. Speaker, any remarks that I might make here this morning regarding this bill I want it distinctly understood that they reflect in no way upon the four distinguished members who signed the minority report.

The SPEAKER: To what is the gentleman from Topsham (Mr. Allan) addressing his remarks?

Mr. ALLAN: I was going to speak on this bill against the motion of the gentleman from Weston, Mr. Crowell.

The SPEAKER: The motion of the gentleman from Weston, Mr. Crowell, is to table the bill until tomorrow morning and only remarks in regard to the time of consideration would be in order. If the gentleman wishes to address the

House on the matter of consideration, he is in order.

Mr. DOYLE of Skowhegan: Mr. Speaker, if this measure is to be tabled at all, I think it would be advisable to table it until Saturday morning in order that we may have a chance to read the new draft and study it a bit and find out what it is all about.

The SPEAKER: The motion before the House is that of the gentleman from Weston, Mr. Crowell, that this matter be retabled and specially assigned for tomorrow morning. All those in favor of that motion will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had, Seventy-seven voting in the affirmative and ten in the negative, the bill was retabled and specially assigned for tomorrow morning.

The Chair lays before the House the second matter tabled and today assigned, an act relating to the charter of the city of South Portland, H. P. 849, L. D. 293, tabled April 2 by Mr. Hill of South Portland, pending passage to be enacted; and the Chair recognizes that gentleman.

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

The Chair lays before the House the third matter tabled and today assigned, Report A ought to pass in new draft and Report B ought not to pass of the committee on Judiciary on bill an act requiring owners of certain motor vehicles and trailers to furnish security for their civil liability on account of personal injuries and property damage caused by their motor vehicles and trailers, H. P. 1234, L. D. 601, new draft H. P. 1848, L. D. 905, tabled on April 3 by the gentleman from Portland, Mr. Jacobson, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. JACOBSON: Mr. Speaker and members of the House: My twin brother just walked into the hall, and I was trying to decide for myself whether or not I should have him speak in my stead, because perhaps I speak too much for a Freshman in this University, but perhaps you will bear with me today.

As I left my home to attend my first session of the Legislature, I

met a man who has had a wealth of experience in legislative matters, and he offered this thoughtful advice: "The obligations which you are about to assume call for a forgetfulness of self and a mindfulness of others."

No one piece of legislation that came before this body reminds me more forcefully of this advice than the bill that I am to present at this time. This bill is entitled: An act requiring owners of motor vehicles and trailers to furnish security for their civil liability on account of personal injuries and property damage caused by their motor vehicles and trailers. This is commonly called compulsory automobile insurance. This bill is on our desks under a new draft, which I hope all of you have read thoroughly.

Under our present laws, persons of financial responsibility carry insurance on their cars, for their own protection as well as for the protection of those whom they may injure by some act of theirs. It is the intention of this bill to make every person driving a car on our highways a person of financial responsibility.

At the present time approximately seventy per cent of the owners or operators of the cars on our highways are of uncertain financial responsibility. There are those who are intentionally irresponsible, and those who are unintentionally irresponsible. To the first class belong those who drive cars with no possible way to pay for any injury that they may inflict.

We had a bill before our Legislature to prevent the granting of registration to paupers. They come in this class. The latter class consist of those who fail to protect themselves through negligence or otherwise, and find that a judgment is rendered against them, and the result is that they lose their property, their home or their business. I could quote you cases in which that exact thing has happened.

One of the recent cases, and one I have personal knowledge of, is a certain tailor located in the city of Biddeford, who owned his own shop and his own home, and enjoyed a very comfortable business. He was involved in an accident and a judgment of \$3,800 was rendered against him. The final result is that he no longer owns his shop or

his home, and I learned recently that he went through bankruptcy a few months ago. That is not a fairy story; that is a reality, and a fact that is probably known to the members here from Biddeford. That one case should make us ask ourselves this question: Would I dare run the risk of losing my home and my life savings by going without a policy to protect myself and my family if unfortunately, through my negligence, or the negligence of some of the younger members of my family, someone is killed or somebody maimed for life, as a result of which a big verdict is rendered against me? That is a serious question, members of the House.

Now we will look at it in another way. We who are responsible drivers insure ourselves also to protect anyone whom we may injure through negligence. Why should we not be protected if we or our family are injured through the negligence of some irresponsible driver?

According to statistics there are about seventeen million cars on the road in the United States not insured against personal injuries, as against seven million that are insured. What chance has anyone who is injured, or the dependents of those who might be killed by one of these cars, of getting damages? Especially when over sixty per cent of all cars on the road are not wholly owned by the persons who are purchasing them on the installment plan, and who have no property to satisfy a judgment in and when obtained.

Compulsory insurance is social legislation to protect the innocent victims of reckless automobile drivers from having to suffer loss of wages, costs of hospital and medical care and protection for the families of the victims of reckless drivers.

The main argument against a bill of this kind is that it has not worked out satisfactorily in Massachusetts. That, I believe, is an easy argument to combat, and I will try, in my humble way, to prove it.

In the first place, in my opinion, we cannot compare the State of Massachusetts with the State of Maine. We cannot compare the metropolis of Massachusetts, Boston, with the metropolis of Maine, Portland. We know that would not be fair. People in Boston and

Massachusetts are different from those in Maine. The rackets are more pronounced in Massachusetts than in Maine. The traffic regulations are different in Massachusetts than in Maine. There are more cars being driven in Boston than in the entire State of Maine. So, in all fairness to the people of the State of Maine, we cannot compare the State of Maine with the State of Massachusetts, so we should start at the outset by forgetting for a moment that Massachusetts has a compulsory insurance law, and take this as a precedent for the State of Maine.

This bill in no way compares with the law in Massachusetts. In the first place, the main argument against the Massachusetts law has been that all drivers, drunken drivers, or reckless drivers, once they are insured with an insurance company, the insurance company is forced to keep them insured. I do not believe that is fair.

We have had much discussion in this Legislature regarding drunken drivers. We gave in our committee over six hours to one proponent in the drunken driving bill. If we are consistent, we will vote for this bill, because all that was talked about at that hearing was what we should do about the drunken driver. It was urged that the drunken driver should have a mandatory ninety-day sentence. How are we going to find out a man is a drunken driver unless he is convicted? And if he is convicted, the injury has been inflicted. Who is going to pay for the injury to the person he hits? Are we going to allow that drunken driver to injure the first bite? Are we going to allow the horse to have the first kick? We changed the common law, and we do not allow that now. If those proponents of the measure in regard to drunken drivers are consistent, they cannot help but vote for this bill, because we have to take care of that first bite.

Another argument against the Massachusetts bill has been the rates, and in this bill it specifically states: "Each insurer shall file a schedule of rates with the board and no rates shall be effective until approved by the Insurance Commission." The rates shall be approved and based on actuarial experience, and if the rates, in the opinion of twenty-five persons in this State, or in the opinion of the Insurance Commissioner, are excessive, a

hearing can be had before the Insurance Commissioner and an investigation made as to whether the rates are excessive, and if they are, they will be reduced, because they must meet with the approval of the Insurance Commissioner.

Then we have the argument by many who oppose this measure that compulsory insurance will tend to make reckless and negligent drivers. I personally think that is a silly argument, and I will quote you from an authority who has studied this measure thoroughly. I quote from report of Mr. Dudley M. Holman:

"I want to ask a few questions. Why do so many responsible owners of cars in states where the so-called financial responsibility laws are in force insure their cars against the result of their negligent driving?"

"Is it so that they can, thus protected, dash madly over the highways, cut out of line, whiz by intersecting streets with absolute disregard of the safety of other automobile drivers or pedestrians?"

"If this is true, which of course it is not, then the possession of a liability insurance policy is making perpetual murderers out of all insured drivers.

"How ridiculous this statement sounds to every sensible person."

To combat that, in my bill, I propose, under section 3, alternative insurance that takes care of that particular type of person. If a person is a poor risk, and he wants to be insured and drive on our roads, the insurance company can offer him a fifty dollar deductible policy. Under a policy with a fifty dollar deductible clause, if I injure a party, my insurance company will pay the entire amount of the claim, but the insurance company will get back from me the first fifty dollars of the damage caused by that accident, and if I do not turn it over, I lose my plates.

Let us go to the laws we have in force at this time. If a person is convicted of drunken or reckless driving, he cannot get a license again until he files financial responsibility or an insurance policy. In that event, he has already caused damage, and who is going to pay for the first damage? Then if a person, through his negligence, injures a party and a judgment is rendered against him, he cannot get his license back until he pays

the judgment. That does not mean a thing. According to the records of the Secretary of State, ninety-four people whose licenses were revoked in the past five years have never paid the amount of the judgment. I can tell you, as an attorney, my experience in regard to that. I have five executions in my office unsatisfied, some of the worst cases you ever saw. That is the first bite, and our laws do not cover that at this time.

Then we have the story that there will be rackets. That, I do not believe, is a fact in the State of Maine. An editorial that I read in regard to auto insurance in the Sunday Telegram, speaking about this point, said:

"We are not so much given to racketeering in this State as they are in Massachusetts, and the zoning plan is not included in the bill that is before the Maine law-making body. The fact remains that when the State licenses a person to team a gas-driven juggernaut about the streets, it should do something to protect persons who are liable to be injured by the same. There the State has a responsibility for which there is no alibi.

"An attempt has been made to meet this responsibility by the law which provides that a person against whom judgment is found shall have no license until after he meets damages. This may be all right where the damage is considerable, but doesn't help much where it amounts to only a few dollars. A person sustaining comparatively slight injuries is not going to bring action in court to get judgment when to do so might cost him more than his losses."

As I said before, the bill is entirely different than the Massachusetts bill. The people in Maine are different from those in Massachusetts. It is quite unfair for us to judge this bill by the fact that the Massachusetts bill has not worked out satisfactorily, and I hope that we will not take that into consideration.

Now we have started on a right step in this Legislature. There has been a bill presented and passed to be enacted whereby we compel the taxicabs to have compulsory insurance. That is the first and opening wedge. Now we should take care of other drivers of automobiles on the road as well as the taxi drivers.

Now I received a letter from somebody who is not known to me, and I will read it:

"My dear Representative:

As an old Maine man, formerly editor of the Portland Evening Express, and owning a home in Owl's Head, I am naturally very much interested in the discussion before your committee in regard to the compulsory automobile law.

"I have read only a brief resume of the statement made by Mr. J. D. McPherson of Portland, formerly a resident of the Bay State, who predicted that Massachusetts would continue to carry out the present set-up for several years more because the 'racket practice' there brings in so much money to the people who favor the law.

"Having championed this compulsory law ever since it was established, this is a new charge that, in my mind, has not the slightest foundation of fact.

"My company is one of the very few insurance companies advocating this law, for reasons set forth in a pamphlet which I am now having sent to the members of the Massachusetts Legislature, where the perennial attempt is made to repeal the law which the great majority of our citizens approve most heartily, as seen by the vote in favor of its adoption and the votes of their chosen Representatives who have, year after year, in response to the demands of their constituents, voted against its repeal, as I believe they will vote against its repeal this year."

One of the objections that was made by the chief opponent of this measure was that in his opinion rates would be increased. So, being on the carpet, as it were, we asked him what the rates were in New York, where in effect, and what the rates were in Massachusetts. We learned that in New York, where compulsory insurance is not in effect, that rates are twice as high as in Massachusetts. We also learned that in our State of Maine the rates went up between twenty and twenty-five per cent. If he were fair, he would say that in the states where there is no compulsory insurance the rates went up from twenty to forty per cent, but because he is a paid lobbyist against this bill, and represents insurance companies, he says that in Massachusetts rates went up because of compulsory in-

surance. Of course that is not true. One of the greatest arguments in Massachusetts, and one of the greatest causes for the rackets, was the fact they did not have property damage in their bill. In other words, many cars were injured, and there was no insurance to pay for them, so we had many personal injury cases which resulted in nuisance claims to pay for those cars.

I never saw this pamphlet by Dudley M. Holman until a few days ago, and my bill was in here two months ago. This is what he says about where they have no property damage insurance:

"If the law was compulsory as to property damage, even to the amount of \$500, this would put an end to numberless suits for personal injury, brought simply to cover damage to cars and expected to be settled at 'nuisance value' which generally is large enough to repair the injuries to the cars."

That is taken care of in our bill, because we require property damage insurance of \$1,000.

Now I have a letter here from Joseph E. F. Connolly, formerly judge of the superior court, in which he states as follows:

"Dear Jacobson:

Your proposal to compel insuring of automobiles is, I think, timely and needful.

"I have had many cases where liability was certain and damage heavy, but the guilty persons execution proof.

"It will be argued that insurance (compulsory) will result in more accidents, because of inattention of drivers and a reliance upon the ability to pass defense and payments along to the insurer. I have heard of such things under the present system. Surely it cannot be well argued that a meritorious law should not be passed because it will be violated. This is true of all laws.

"I hope for a favorable result."
I have a letter here from one of the highest judges in our State:

"Dear Brother Jacobson:

I have read L. D. No. 601 and am entirely in sympathy with the principle of the legislation. My experience during the last nine years on the court has satisfied me that it is absolutely wrong for any motor vehicle to be allowed on the highway without having behind it financial responsibility. We have

had some pitiful cases come before us which illustrate the need of such legislation."

I also have a letter from Jacob H. Berman of Portland, former county attorney:

"It has been my intention to be present at Augusta and appear before the Judiciary committee in behalf of your bill in re compulsory insurance. My experience as a trial lawyer for twenty-five years for both defendants and plaintiffs leads me to say to you, and I wish you would so state to the other members of the committee, that I am most heartily in favor of this bill. It just so happens that my appointments are such that I am unable to leave.

"I want to call the attention of the committee to two cases: One, the case of Joseph Mizula vs. John M. O'Donnell, reported in 130 Maine 428. In that case, a little girl of high school age was standing on the corner of Brackett and Danforth streets, waiting to cross. An automobile operated by one John M. O'Donnell left the roadway, and pinned this little girl up against a tree, amputating her leg, and causing her other serious injuries. I obtained a verdict of \$22,000 for this girl. The verdict is worth just the amount of the execution, namely, fifteen cents. Answer: No insurance.

"I also want to call the attention of the committee to the case of Whitely vs. Smith. Ed Whitely, a man sixty-eight years of age, stepped off a street car in South Portland. Ed Whitely had worked for the Maine Central Railroad for forty years. He isn't working for the Maine Central Railroad any more, because he was struck by an automobile. His spine was fractured, his skull was crushed, his legs were broken, and today he is a helpless cripple. I obtained a verdict against Louise R. Smith, proprietress of the Elite Cleaners, for something like \$17,000. What happened? Mrs. Smith gave up her business, paid nothing on the execution. Answer: No insurance.

"I could give you case after case, but I think these two cases are sufficient, one, the little girl of seventeen years of age, a helpless cripple, hobbling through life on crutches, the other, the man of seventy years of age, on his back for the rest of his life, because the State of Maine has been so back-

ward in not compelling the drivers of automobiles to carry liability insurance."

Those are a very few cases. I have a case in mind of a young lady who drove a car through South Portland. A street car had stopped, and two old ladies got off the car. She, intending to step on the brakes, stepped on the accelerator, by mistake. She hit those two old ladies and ran away. It was two days before they found this girl, and when they asked her why she left the scene of the accident and ran away, she said she could not face the responsibility because she was not insured and her car did not warrant insurance.

Those are the cars which we will legislate off the road, and this is certainly a safety measure.

I have one case I am very much interested in, because the boy happens to be the son of a very good friend of mine. This boy I have seen on the Deering high school football field, playing football. He weighed 165 pounds. Six months ago he was run over by an automobile, at which time they amputated his right leg, and has spent the past six months in the hospital. He was injured in the other leg and the rest of his body, and is still on crutches. A year ago I saw him on the football field, and today I see him in a wheelchair. Isn't it enough that his folks should suffer and that he should lose his leg and be in the condition he is, without his folks having the burden of paying hospital bills and mortgaging their home to hire money to get doctors to come down from Boston? Three thousand dollars worth of hospital bills have to be paid. That boy now weighs about one hundred pounds.

Think that over seriously. If that affected one of our family, we would urge this legislation, and that is why I am doing it at this time. Mr. Speaker, I move that we accept the report ought to pass, and when it comes to a vote I ask that we have a division of the House.

Mr. SCATES of Westbrook: Mr. Speaker, in order that you may get a correct background, allow me to say that for many years I have been interested in the highways of the State and in safe driving by automobiles. I am also frank to say that I have not heretofore looked with very much favor on compulsory insurance, but I will say that I am in full accord with this

bill. The principal reason that I have is because it will be the most effective measure that I know of in preventing not only drunken, but reckless drivers. The reckless driver is just as bad as the drunken driver, and there are more of them.

This bill eliminates practically all of the bad features of the Massachusetts law. It provides first that you can have insurance by a casualty company, by a regular insurance company. If you do not want that, you can get individual sureties. You are not absolutely bound to be insured by an organized insurance company, not at all.

Furthermore, the Insurance Commissioner has control in a great measure of insurance rates. It has been brought forward that some people could not pay the insurance premium when they took out their license—and, by the way, no party can get their license unless they have some form of insurance. That will drive the reckless driver, the man on the road who ought not to be there, off the road.

Here is this thing—just mark this: "The rates may provide for the payment of premiums monthly, quarterly, semi-annually or annually." So that takes care of that part of it. The insured can pay for his policy monthly. Why is that not fair? So I think that this House would be wise in adopting this bill. I am in favor of it, and I think it is the best measure that has been introduced to stop drunken and reckless driving.

Mr. JACOBSON: Mr. Speaker, just one word. My twin brother has just informed me that the boy I spoke about, this very good friend of mine, went back to the hospital yesterday, with the possibility of the other leg being amputated. That is just one example of why we need this compulsory insurance.

Mr. GRAY of Brooksville: Mr. Speaker and members of the House: It seems to me that this matter should be considered very seriously before we pass a compulsory insurance law. Under the terms of this bill I believe the revenue of our State Highway Department would be materially decreased, also the automobile dealers and gasoline dealers will be affected by this bill. It will affect the labor situation, and the work on our roads which is done by the State. We have hun-

dreds, and I do not know but thousands, of cars in this State that would be legislated off of the road under the terms of this measure.

It seems to me that we should be very careful in considering this legislation before we do anything towards passing it. At the present time I wish to register myself as not in favor of the measure.

Mr. ALLAN of Topsham: Mr. Speaker, I have listened to the remarks of the gentleman from Portland (Mr. Jacobson), and personal experience would cause me to endorse every word he has said. I do not want to take up any more time. I just want to endorse everything the gentleman from Portland (Mr. Jacobson) has said on the floor.

Mr. DOYLE of Skowhegan: Mr. Speaker and members of the House: I dislike to speak upon this measure, but in justice I must say that as concerns liability, it appears to be about as good a document as could be drawn. On several occasions I have had reason to wish that such a law had been written into the statutes, and I just want to say that I support the motion of the gentleman from Portland, Mr. Jacobson.

Mr. SEABURY of Yarmouth: Mr. Speaker, I would just like to state that I heartily endorse this bill. I hope others do not have the painful situation of going through what I have gone through during the last month. I think this bill is a very meritorious bill, and I dare say that every member here, if he could have gone through what I have gone through in the last month, would vote for this, and that it would be passed by a unanimous vote.

Mr. DRISKO of Jonesboro: Mr. Speaker and members of the House: This morning we passed here a compulsory bonding bill for constables and collectors and town treasurers. Now we are trying to get a compulsory insurance bill, and I understood the gentleman from Westbrook, Mr. Scates, to say that this would drive the drunken drivers off the road. That is as much as to say that all the poor men are drunken drivers. I cannot agree with him there. There would be thousands of people who could not get on to the road, and I am very much opposed to it.

Mr. SLEEPER of Rockland: Mr. Speaker, I wish to take just a moment on this, because I will take

more of your time on another matter later. I wish to heartily endorse this bill, for several reasons. As you all know, the automobile is the most murderous weapon ever invented by civilization. More are killed each year by automobiles, to say nothing of those injured, than were killed and injured in the World War. It is like allowing a lunatic to run around with a loaded gun, to allow an irresponsible driver to drive a car around without compulsory insurance.

I will just mention one case, and I think that one case justifies the entire bill. A few years ago, while I was in college, I took part in a little party, a dancing party. Every one was sober, every one was happy, and every one was under twenty years old. On the way down from Hampton Beach, New Hampshire, a car came tearing out of a side road, and there was a tremendous crash. I was stunned; every one in the car was stunned. As we collected our wits and looked around, one party in the car was missing, a young girl only eighteen years old, very pretty. We noticed the top of the car was completely demolished. There were six of us in the car, and this young lady, by necessity, was forced to sit in the lap of one of the fellows. She was not braced, and by the impact of that car she was thrown through the roof and hurled sixty feet and her back was broken. That girl now is a hopeless invalid, and is in bed. There was no insurance on the other car. Her father and mother were people of moderate circumstances, and they have spent \$5,600 to date trying to bring back health and happiness to that girl, but it is impossible. She is doomed to stay in bed for the rest of her life, and that means she is doomed to a bed of poverty, because there is no money available in that family, and there is a mortgage on the house to cover the doctors' bills. That fact alone, I think, makes it necessary to have compulsory insurance on every car. (Applause)

Mr. CLARKE of Cooper: Mr. Speaker, I was surprised and pleased the other day to see, figuratively, the lion and the lamb, possibly not lying down together, but standing up together to oppose a little bill that I introduced. I leave it to you to judge which is the lion and which is the lamb. I don't know. But the gentlemen I refer to are the honor-

able Republican floorleader and the as honorable Democratic floorleader.

I do not know just why they opposed my bill, especially singling me out, unless it is because of the villainess of the bill or because they feared I might possibly put it over. To be consistent with the attitude they took the other day in that it would reduce registration fees, I do not see how either one of them, or those who voted with them, can support this ought to pass report, because I feel quite sure it will reduce the registration fees appreciably, and I wish to register my opposition to the bill.

Mr. HILL of South Portland: Mr. Speaker and members of the House: Occasion has arisen when the animals to which the gentleman from Cooper (Mr. Clarke) refers must again unite. (Applause)

The situation connected with this bill has been extensively discussed. I certainly do not want to take the time of the House to speak at any length on the measure. I do believe, however, that the number of mortalities and serious injuries arising on our highways from automobile accidents is so rapidly mounting, and the situation has become so extreme, that it is necessary that we, here in the State of Maine, enact some kind of legislation for the protection of our citizens who travel on the highways. There are, I believe, far too many cases today in which serious injuries are inflicted, and the operator of the car which does the damage is without any means whatever of redressing those injuries, when he is at fault. I simply, without talking further, will say that as one member of the Judiciary committee I signed the report ought to pass on this bill.

Mr. SMITH of Bangor: Mr. Speaker, I am a partner in the firm of Blake, Barrows & Brown, Inc., in Bangor. I came over here absolutely opposed to any proposition of this kind. Practically every insurance company we represent is opposed to it. But since this bill has come up, I am proud to say that I will vote for the bill, because I believe in it. (Applause)

The SPEAKER: The question before the House is on the adoption of Report A, ought to pass in new draft, of the committee on Judiciary on bill an act requiring owners of certain motor vehicles and trailers to furnish security for their civil

liability on account of personal injuries and property damage caused by their motor vehicles and trailers, H. P. 1848, L. D. 905. The gentleman from Portland, Mr. Jacobson, has asked for a division. All those in favor of Report A, ought to pass, will rise and stand until counted and the monitors will make and return the count.

A division of the House being had, Ninety-seven voting in the affirmative and 25 in the negative, Report A was accepted.

Thereupon the bill had its two several readings under suspension of the rules.

Mr. FOGG of Rockland: Mr. Speaker, I move that it be tabled pending third reading and specially assigned for tomorrow morning.

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

On motion by Mr. Jacobson, the rules were suspended, and the bill was given its third reading and passed to be engrossed.

The Chair lays before the House the fourth matter tabled and today assigned, House report of the committee on Sea and Shore Fisheries on resolve protecting cod, haddock and other ground fish along the coast of Maine from Damariscope to Monroe Island, H. P. 1083, L. D. 328, reporting bill under the title of an act regulating the taking of ground fish by dragging, H. P. 1855, L. D. 907, and that it ought to pass, tabled by Mr. Sleeper of Rockland, pending acceptance; and the Chair recognizes that gentleman.

Mr. SLEEPER: Mr. Speaker and members of the House: The face of this bill would show it, to one who did not understand the complications involved, as a bill of justice. The bill was first introduced to protect a group of the smaller fishermen from the apparent injurious effects of another group of fishermen.

You people who live away from the coast do not understand the curious characteristics which dominate the fishermen. Who are the fishermen? Are they a group of men who fish just for the living involved? They are a group of men whose very life's pulse beats to the tune of the tide. They cannot leave the sea. Every fisherman on this coast is descended from those New England ancestors who carried the American Flag on ships all

over the world, and in turn those New Englanders, in the early days, were descended seafarers on the southeastern coast of England, who were, in turn, descended from the Vikings of the North. These people cannot leave the sea, but this bill would drive them from the sea.

The bill was put in as a protective measure, to protect fish while they were spawning. Does the bill protect them? It protects them from one certain type of fisherman. It protects them from the dragger, but it does not protect them from the trawler or from the gill-netter, which are more dangerous to the small fish. For you who do not understand it, I will say that a drag is not a great iron disc harrow which goes along the floor of the ocean, tearing up mud and stone and the very bottom; the drag is a light net, and the twine of the net is no larger than the lead of a pencil. It is towed behind a boat slowly and does no damage to the bottom. The mesh of these drags is so large that all the small fish slip through, and that certainly protects the small fish.

How about the trawlers? The trawler averages sixty per cent small fish, schrod. The gill-netter's proportion is really larger. If this bill was really fair to all the fishermen, it should be passed.

These draggers are very numerous in this State, and they are willing to be fair in the matter. If this bill could be made to include the gill-netters and the trawlers, then they would gladly endorse it and refrain from fishing for those two months of the spawning season, or whatever period the Commissioner of Sea and Shore Fisheries would impose upon them.

Fishing is a hazardous occupation, and a man is entitled to any profit he can get from it. If a man can get more fish with a drag or a net or a trawl, he is certainly entitled to fish that way. I imagine, if a law was passed in this Legislature, which prohibited the digging of potatoes by a mechanical digger, or if a law was passed that you couldn't plow your ground with a tractor, that you had to use a spade, that there would be a tremendous howl of protest, and rightly so. So why penalize the fisherman because he wants to go modern and catch more fish?

I am personally acquainted with several of these draggers, and they

are all upstanding citizens; there is nothing radical about them. They do not have lily white hands like the stock and bondholders of New York. They are men who earn their living from the sea and hazardous work.

From the little town of Owl's Head, last year, eleven men were lost at sea. I remember distinctly of three boys going out in the winter. One of the boys went because he wanted to get married and needed the money; another boy went because his wife was going to have a little baby, and he wished to have a little more money for that little one; and the other one went from necessity, because he had seven children. Night fell, and the boat did not return. Next day a search was made, and I was on that searching craft. When we reached the scene of the dragging the water was covered with tubs and nets and bait. One of the fishermen says, "I guess it is all over with the boys." In a day or two the frozen bodies were washed up on the island of Monhegan. Just another Toilers of the Sea; seven fatherless children; an unborn child fatherless, and three widows.

It is an occupation you and I have no right to tamper with. You and I have no right to tell these men of the sea how they shall fish. The bill allows the Commissioner of Sea and Shore Fisheries to say as to the season when they cannot fish. You and I have no right to say a man cannot use a drag net, unless we say to all other fishermen: "Keep off these grounds."

Now in justice to the gentleman from St. George (Mr. Wheeler) these fishermen are willing to protect the small hand liner. At the hearing given the first bill of this nature, the opposition was tremendous, and the bill was passed in a new draft. The opponents of the bill, whom I know personally, were mostly hand liners, and this bill still allows the hand liner to fish anywhere on the coast that he wishes to. It also empowers the Commissioner of Sea and Shore Fisheries to give a permit to anybody to fish anywhere if he can prove to him that it is necessary to earn a living.

There is not much more to be said, but dragging is not dangerous, dragging does not destroy fish any more than anything else. Fish have been netted and

dragged since the time of Christ. I imagine that all of you have been to Sunday School, and you know that Christ's disciples were fishermen, and you know they used drag nets, and they are still fishing in the Sea of Galilee, which is no larger than Moosehead Lake, so evidently this method of fishing does not destroy the fish.

Japan consumes forty times as much fish as the United States does per capita. England consumes six times as much fish as this country does, and they have been fishing there for upwards of a thousand years on the same banks and in the same spots, with nets and drags.

I would like to offer this amendment to the bill. These draggers are willing to abide by the law, and if the measure is truly a conservation measure, and if it is the desire of the proponents of this bill, they are willing to keep off these grounds two months on condition that the gill-netters and trawlers must keep off the grounds.

What would it avail if these grounds were closed to draggers? A school of fish runs in here—I have seen it happen, and I am not lying—and a large trawler from Gloucester follows these fish into a little cove, a trawler with twenty to thirty men, and twenty to thirty dories. These men can cover that entire section of the coast, and set out, each of them, five tubs and trawls, and clean out the whole bay.

I say, in justice to the fishermen, who certainly earn the living they get, that this amendment ought to be adopted, and if you close the grounds to the draggers, close them to the gill-netters and trawlers of all types and sizes. This bill is not mandatory, mind you. The Commissioner of Sea and Shore Fisheries can grant any permit he wishes, and the Commissioner of Sea and Shore Fisheries is heartily endorsed by every lobster fisherman on the coast.

I wish to offer House Amendment A to Legislative Document 328, and I trust that you will temper justice with mercy, and so help these three or four hundred people, to whom this means life or death, poverty or prosperity.

Mr. WHEELER of St. George: Mr. Speaker, as a member of the Sea and Shore Fisheries committee, I wish to stand by my action in that committee. We considered this mat- came out of the committee with the new draft of the bill. This bill is

the best we could do after listening to both sides of the measure, and we reported it out ought to pass. We have previously passed in both branches a bill very similar to this before this bill was redrafted, and I see no reason why at this time this House should not pass this bill.

The SPEAKER: The gentleman from St. George, Mr. Wheeler, moves the acceptance of the committee report, ought to pass.

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

Eighty-five voting in the affirmative and none in the negative, the report of the committee was accepted.

Thereupon the bill had its two several readings.

Mr. SLEEPER of Rockland: Mr. Speaker, I offer House Amendment A to H. P. 1854, L. D. 907, and move its adoption.

House Amendment A to H. P. 1854, L. D. 907, an act regulating the taking of ground fish by dragging.

Section is amended to read as follows:

'Sec. 1, Taking of fish regulated.

The taking of any ground fish other than scallops, by means of any device dragged over the bottom, by gill-nets, and by all trawling devices, within the limits of the territorial jurisdiction of the state, is hereby prohibited; provided however, that the commissioner of sea and shore fisheries is hereby authorized in his discretion, and from time to time, to issue rules and regulations permitting the taking of such ground fish at any time except the spawning season, by devices dragged over the bottom, by gill-nets and by all trawling devices, and such rules and regulations shall have the full force and effect of law.'

The SPEAKER: The pending question before the House is on the adoption of the amendment as read. Are you ready for the question. All those in favor of the adoption of the amendment will say aye, those opposed no.

Mr. WHEELER: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from St. George, Mr. Wheeler, asks for a division. All those in favor of the adoption of the amendment will rise and stand until counted and the monitors will make and return the count.

A division of the House being had,

Sixty-one voting in the affirmative and 44 in the negative, the

amendment was adopted, and the bill as amended was assigned for its third reading this afternoon.

The Chair lays before the House the fifth matter tabled and today assigned, House report ought to pass in new draft of the committee on Taxation on bill an act relating to the registration of motor vehicles, new draft H. P. 1853, L. D. 906, tabled April 3rd by Mr. Young of York pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. YOUNG: Mr. Speaker and members of the House: I tabled this bill for the express purpose of affording every man here plenty of time to study this measure. I am not a truck driver but I have been when times were a good deal better than they are now. Since 1929 all I have owned is a small truck. I am not going to make any motion on this bill. I just want to open the discussion, and I would like to hear from some other members of the House in regard to this bill. I feel this way: Under existing conditions I believe that the trucking industry is having all it can do to register its trucks under the present set-up. I feel that to put this added burden on the truck owners would be more than some of them could bear with their expenses running as high as they are now. I also believe that, if this registration is boosted too high, it will be a very simple matter for the truckmen to get together and introduce in the next session of the Legislature an initiative bill and reduce our gas tax. I know the people at large are against so much gas tax. I would like to hear from anyone who is interested in this matter.

Mr. ELLIS of Rangeley: Mr. Speaker, I move the acceptance of the unanimous report of the committee which is ought to pass.

I want to go back into the history of this L. D. 906, which is the redraft of L. D. 494. L. D. 494 was the recommendation of the Recess Committee which studied the situation all summer and brought in their report, as you all know, at the beginning of this session. Their recommendations were much more drastic than the new draft. From the 1,000 pound trucks up to three tons, there is no change in what the truckman obtain today. From there on the present law jumped from eighty to one hundred and

twenty-five dollars under the new bill. A four-ton truck is registered for \$100.00; so that the truck owners in that bracket have gotten a reduction of \$25.00. From there on there is added \$25.00 per ton. This only affects the large trucks that are running over our roads and I can see no reason, and never saw any reason, why those eleven and twelve ton trucks should not pay a little more than the five and six ton trucks. By the proposed law trucks are allowed a twenty per cent overload and this is taken care of by a graduated scale in the new bill running from twenty per cent down to five per cent.

I think that is all I need to explain about the bill to you. It is not drastic in any way, not nearly so drastic as the one the Recess Committee recommended.

Mr. HATHORN of Bangor: Mr. Speaker, I would like to say a few words in regard to this bill. This bill was put in to clarify the trucking industry and it does not create a hardship on the ordinary truckman. It is a bill that follows the old legislation enacted in 1921. At that time they had no large trucks; a five-ton truck was the largest on the road. The trucking gentlemen are all in favor of this bill and I am also in favor of it.

Mr. WILLEY of Falmouth: Mr. Speaker, the Revised Statutes of 1930 made no change in the law, as you members will notice by the printed bill, L. D. 906, which you have in hand—made no change for the first three brackets, that is for a thousand pounds or over, for one ton and not over 2,500 pounds. Now for that particular class there has been set up in this new draft a fee of \$35.00, and with that exception there is no change until you come to the class of five tons or over in which class the rate has been reduced \$25.00 and a graduated rate has been set up for trucks over five tons which requires the payment of \$300.00 on a load of twelve tons or over.

Now the gentleman from Rangeley. Mr. Ellis, said that the truckmen have been permitted a twenty per cent overload. That condition never existed in Maine. No truckman has ever been given authority by our Statute to have an overload. Section 110, Chapter 29, reads as follows: "No person shall oper-

ate, or cause to be operated, any truck, tractor or trailer with a load that is more than twenty per cent above that specified in the registration certificate issued for such vehicle." That provision was put in so I assume, solely for the purpose of protecting a truck operator or owner from prosecution for having a slight overload when he might back his truck up to a big steam shovel and have some rocks or dirt or other load put in there; and, secondly, we know the truckman might go to a factory or a freight yard and say he has only net weights and not gross weights and the containers in which the merchandise might be carried might possibly exceed by five, ten or fifteen per cent the amount of the net registered weight on the containers.

At the Joint hearing by the Judiciary committee and the committee on Taxation, it was developed there by one of the officers of the General Motors Corporation that 93½ per cent of all the trucks on our roads are trucks not to exceed 2½ tons. This legislation seeks to set out and charge a very high rate against the heavier trucks. I do not believe at this time, when the truckmen are having such difficulty to get along that we should increase the rates of one particular class of trucks, those over five tons. I think it is entirely unfair and I move the indefinite postponement of the measure.

Mr. PROCTOR of Naples: Mr. Speaker and members of the House: It has been said sometimes that there is a "nigger in the woodpile," and it seems to me that this "nigger in the woodpile" in this case is this bill. It speaks of vehicles giving a rated capacity of 1000 pounds or less. If I understand the interpretation of that, that would take in all these trailers that people run around with behind their cars so conveniently and sometimes hauling a very small load. If it is the intention of the bill to tax those trailers ten dollars, I don't believe the people in this audience are in favor of it. Therefore, I second the motion of Mr. Willey to indefinitely postpone this bill.

Mr. HATHORN: Mr. Speaker, I do not think this bill intends to tax these trailers behind cars ten dollars.

I would like to say just one word

in regard to taxing the larger trucks. For one ton up to four tons there has been a graduated scale, and I cannot see any reason why a man should pay the same amount of money for hauling twelve tons that he would pay for hauling six tons. That is not fair to the small truck operator. It is unjust for the small men to have these large trucks come in and haul ten tons on one load and pay the same rate that the small men pay on the six ton load.

Mr. ELLIS of Rangeley: Mr. Speaker, I heard one of the speakers say that there was a twenty per cent overload. They still may carry twenty per cent overload, and believe it or not that is what they are doing.

Mr. PROCTOR: Mr. Speaker and members of the House: The point that I brought up about the trailers has not been cleaned up, and I think the people of this House should understand before they vote on this question whether they are going to ask these people who have these little trailers behind their cars to pay ten dollars or not. I do not believe it is up to this honorable body to tax the people who have these little trailers ten dollars, and I would like to see this bill indefinitely postponed.

Mr. HATHORN: Mr. Speaker, I move to retable this bill pending acceptance of the report until four o'clock this afternoon.

A viva voce vote being taken, the bill was so tabled.

The Chair lays before the House the sixth matter tabled and today assigned House report ought to pass of the committee on Inland Fisheries and Game on resolve relative to season and bag limit on smelts, H. P. 783, L. D. 908, tabled April 3 by Mr. Stilphen of Dresden, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Stilphen, the report was accepted.

Thereupon the resolve had its first reading and this afternoon assigned.

On motion by Mr. Connolly of Portland, the House recessed until four o'clock this afternoon.

Afternoon Session

The Speaker in the Chair.

Papers from Senate, out of order, and under suspension of the rules.

From the Senate: Final reports of the committees on
Counties
Mines and Mining
State Lands and Forest Preservation

Comes from the Senate read and accepted.

In the House, read and accepted in concurrence.

On motion by Mr. Jacobson of Portland, the House voted to reconsider its action whereby it passed to be engrossed H. P. 1848, L. D. 905, an act requiring the holders of certain motor vehicles and trailers to furnish security of their civil liability on account of personal injuries and property damage caused by their motor vehicles and trailers.

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

House Amendment A to H. P. 1848, L. D. 905.

Amend said bill by striking out all of section 4 thereof.

Further amend said bill by striking out the terms "commissioner of insurance" and "insurance commissioner" wherever they appear in section 5 thereof, and inserting in place of the struck out terms the words 'secretary of state'.

Further amend said bill by striking out in the second line of section 3 thereof the word "board" and inserting in place thereof the words 'insurance commissioner' and also by striking out the word "board" where it appears at the end of said section and inserting in place thereof the words 'insurance commissioner'.

Thereupon House Amendment A was adopted.

On motion by Mr. Jacobson, the rules were suspended and the bill was passed to be engrossed as amended.

Paper from the Senate, out of order and under suspension of the rules, disposed of in concurrence.

From the Senate: Majority report of the Committee on Judiciary on

bill an act to permit National Forests in Maine (S. P. No. 216) (L. D. No. 189) reporting same in a new draft (S. P. No. 715) (L. D. No. 911) under same title and that it ought to pass.

Report was signed by the following members:

Messrs. Burns of Aroostook, Fernald of Waldo, of the Senate; Vaughan of South Berwick, Willey of Falmouth, Weatherbee of Lincoln, Gray of Presque Isle, Philbrick of Cape Elizabeth, 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 members:

Messrs. Burkett of Cumberland, of the Senate; Hill of South Portland, of the House.

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

In the House:

Mr. MACE of Augusta: Mr. Speaker, I intended to make a motion to accept the majority report; but owing to a request from some of the members who oppose it and who wish to discuss it but are not prepared to do so, I move that the two reports lie on the table and be especially assigned for tomorrow, pending acceptance of either report.

The motion prevailed.

From the Senate: Majority report of the Committee on Judiciary on bill an act relating to the practice of chiropractic (S. P. No. 394) (L. D. No. 417) reporting same in a new draft (S. P. No. 714) (L. D. No. 910) under same title and that it ought to pass.

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

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

Report was signed by the following members: Messrs. Burns of Aroostook, Fernald of Waldo—of the Senate. Willey of Falmouth—of the House.

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

In the House:

Mr. WILLEY of Falmouth: Mr. Speaker, I move the acceptance of the minority report.

Mr. HILL of South Portland: Mr. Speaker, I notice that the gentleman from Falmouth, (Mr. Willey) has not as yet set forth any reason why the House should accept the minority report of the committee. The bill, in its original form, contains certain provisions which were opposed by some people, and which seemed objectionable to some of the members of the committee. In the new draft, however, those provisions were eliminated, and the first section of the new draft simply operates to increase the length of time required for chiropractors in obtaining the education desired by them. I think at the hearing that we heard no objection, as far as I recall, to that part of the bill. The remainder of the bill relates simply to the fees, and I believe there was no objection to that part of the bill. The objectionable features were cut out in the new draft. I therefore hope that the motion of the gentleman from Falmouth (Mr. Willey) does not prevail.

Mr. WILLEY: Mr. Speaker, when this matter was first heard before the Judiciary committee, I think they unanimously felt that the bill as presented should not pass. The matter was considered for some time, and later it was decided that they would, perhaps, some of them, compromise with the chiropractors and give them some part of the bill.

Now if you will look over the legislative records and the laws of Maine, you will find that they have come in year after year and asked for just a little more. This year they wanted the Judiciary committee to permit them to use the word "Doctor" before their names; they wanted us to place them in the same position that we place a man who goes to prep school, goes to college for four years, goes to medical school for four more years, and then serves three years in a hospital as an interne before he can use the word "doctor."

Members, if we permit the acceptance of the majority report, next year they will be here and they will want to use the word "doctor"; and the beauticians will be here and they will want to use the word "doctor". There has got to be a stop some-

where to the amount of recognition you give this particular type of people, and I think we should not give them any more recognition that we have given them now, and I urge the acceptance of the minority report.

Mr. HILL: Mr. Speaker, I think I concur in practically all of the sentiments expressed by the gentleman from Falmouth (Mr. Willey), but he apparently overlooks the fact that the part of the bill which would permit these people to use the word "doctor" has been eliminated from the new draft.

Mr. WILLEY: Mr. Speaker, I did not overlook that fact at all, but I am also cognizant of the fact they came to us and told us what the Judiciary committee did for them two years ago, and two years hence they will come and say the Judiciary committee gave them so much this year. I do not think we should do it, members. In recognition of our doctors in this State, I think we should stop right where we are.

The SPEAKER: The question before the House is on the acceptance of the minority report ought not to pass in non-concurrence. Is the House ready for the question? All those in favor of the motion of the gentleman from Falmouth, Mr. Willey, to accept the minority report will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Thirty-eight having voted in the affirmative and 68 in the negative, the motion did not prevail; and on motion by Mr. Hill of South Portland, the majority report, ought to pass, was accepted in concurrence.

Thereupon the bill had its two several readings and tomorrow assigned.

Senate Bill in First Reading

(Out of order and under suspension of the rules)

S. P. 699, L. D. 864: An act relating to highways.

From the Senate: Report of the committee on Banks and Banking on bill an act relating to small loan agencies, S. P. 406, L. D. 656, reporting same in a new draft, S. P. 690, L. D. 855, under same title and that it ought to pass.

Comes from the Senate report

read and accepted and the bill indefinitely postponed.

In the House, on motion by Mr. Davis of Fairfield, the report of the committee was accepted in concurrence; and on further motion by the same gentleman, the bill was indefinitely postponed in concurrence.

From the Senate: Report of the Committee on Salaries and Fees on bill an act relating to the classification and compensation of State employees (S. P. No. 260) (L. D. No. 204) reporting same in a new draft (S. P. No. 709) (L. D. No. 897) under title of an act establishing the classification and compensation plan of the personnel service of the State of Maine and that it ought to pass.

Comes from the Senate the report and bill indefinitely postponed.

In the House:

Mr. CROWELL of Weston: Mr. Speaker, I would like to have this bill tabled for ten or fifteen minutes. There has been an agreement between the authors of this bill and the Council and they are quite anxious to have some of the recommendations read into the Record and promised to have them here before four o'clock. With your permission I would like to have it tabled until I can go out and get the recommendations which they want read into the Record.

Thereupon the matter was tabled pending consideration to be taken up later in today's session.

From the Senate: Bill an act relating to support of paupers or other dependent persons falling into distress (S. P. No. 422) (L. D. No. 510) which was recalled to the Senate by Joint Order, and on which the House accepted the report of the Committee on Legal Affairs reporting ought not to pass, in concurrence, on March 19th.

Comes from the Senate the bill referred to the 88th Legislature in non-concurrence.

In the House, on motion by Mr. Burnham of Kittery, it was voted to recede and concur with the Senate in the reference of this bill to the 88th Legislature.

From the Senate: An act to amend the law relating to teachers' pensions (H. P. No. 1770) (L. D. No. 800) which was recalled to the Senate by Joint Order from

the Governor, and which was passed to be enacted in the House on March 26th and passed to be engrossed on March 22nd.

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)

Mr. LINDSEY of East Machias: Mr. Speaker, the purpose of this amendment to the bill is to correct an error in the original bill which said 55 years. There are some teachers now receiving pensions who are between the ages of 50 and 55 years, and if the bill had gone along as originally passed, it would have affected those teachers, as I understand it. Mr. Cook of the Education committee called it to my attention because I was the one who presented the bill. The bill had to be recalled to correct that error, and I move the adoption of the amendment.

On motion by Mr. Lindsey, the rules were suspended and the House reconsidered its action of March 26th whereby this bill was passed to be enacted; and on further motion by the same gentleman, under suspension of the rules, the House reconsidered its action of March 22 whereby this bill was passed to be engrossed. On further motion by the same gentleman Senate Amendment A was adopted in concurrence, and the bill was passed to be engrossed as amended in concurrence.

Reports of Committees

(Out of order, under suspension of the rules)

Mr. Bramson from the Committee on Pensions on Resolve providing for a State pension for Ashley J. Keene of Canaan (H. P. No. 312) reported same in a new draft (H. P. No. 1868) under same title and that it ought to pass

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

Mr. Thompson from the Committee on Appropriations and Financial Affairs reported ought to pass on bill an act decreasing the subsidy contributed by the State relative to education (H. P. No. 1197) (L. D. No. 498)

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

Passed to be Engrossed

(H. P. 1072) (L. D. 406) An act establishing in the town of Sanford a representative town government.

Mr. Demers of Sanford presented House Amendment A and moved its adoption as follows:

House amendment A to L. D. 406. Amend said bill by inserting before the enacting clause the following:

Emergency Preamble

WHEREAS the Town of Sanford has a population of approximately thirteen thousand inhabitants and has approximately eight thousand registered voters on its check list; and

WHEREAS the Town Hall of said Town, in which town meetings are held, will admit approximately one thousand people at the limit of its capacity; and

WHEREAS there is no other public hall in the Town of Sanford that will admit of a greater number; and

WHEREAS but a small percentage of the voting population can be accommodated at a town meeting; and

WHEREAS the inevitable crowding of the Town Hall is detrimental to the public health and safety; and

WHEREAS a great many citizens having knowledge of the above conditions refrain from attending annual town meetings; and

WHEREAS a great many citizens are thereby prevented from exercising their legal rights of attending town meetings and voting therein; and

WHEREAS this bill is designed to eliminate the above objectionable conditions; and

WHEREAS in order for said Town to elect town meeting members thereunder at the next annual town meeting, it is necessary that immediate steps be taken to perform the requirements of this Act; and

WHEREAS, in the judgment of the Legislature, these facts create an emergency within the meaning of section 16 of Article XXXI of the Constitution of the State of Maine, and requiring the following legislation as immediately necessary for the preservation of the public peace, health and safety.

Thereupon House Amendment A was adopted.

Mr. Demers of Sanford then offered House Amendment B and moved its adoption, as follows:

House Amendment B to Legislative Document 406.

Legislative Document 406 is hereby amended by inserting after the word "heretofore" in subsection (b) of section 7, the following: "and at such meeting they shall have the same authority as heretofore with reference to all matters, including authority to pass upon appropriations and money affairs for the fiscal year 1936", so that said section as amended shall read as follows:

"(b) The business of the annual town meeting or of any special town meeting held prior to the beginning of the term of office of town meeting members on January 1, 1936, shall be conducted by all of the voters of the town as heretofore, and at such meetings they shall have the same authority as heretofore with reference to all matters, including authority to pass upon appropriations and money affairs for the fiscal year 1936."

Legislative Document 406 is hereby amended by substituting for section 13 thereof the following, viz:

"Sec. 13. **APPLICABILITY OF PRESENT LAWS.** The change in form of government provided herein shall not affect the legal responsibilities and privileges of the town of Sanford, and except as herein otherwise provided, the town and the town meetings held hereunder shall be subject to the general statutes of the State of Maine and to all special acts applicable to town meetings and town elections in the town of Sanford; and to the provisions of sections 38 to 52, inclusive, of chapter 5 of the revised statutes and amendments thereto, which provisions have been accepted by the said town of Sanford."

Legislative Document 406 is hereby amended by adding thereto the following section:

"Sec. 15. In view of the emergency recited in the preamble, this act shall take effect immediately, subject to the approval of the voters as provided in section 14."

Thereupon House Amendment B was adopted.

The bill then had its third reading and was passed to be engrossed as amended:

Passed to be Engrossed—Continued

(H. P. No. 1847) (L. D. No. 912)
An act relating to the competency of witnesses to a will.

(H. P. No. 1849) (L. D. No. 914)
An act relative to bounty on bears.

(H. P. No. 1850) (L. D. No. 913)
An act relative to the planting of fish in inland waters.

(H. P. No. 1851) (L. D. No. 915)
An act relating to assessors.

(H. P. No. 1852) (L. D. No. 916)
An act relating to State planning and development.

Mr. Davis of Fairfield offered House Amendment A to L. D. 916 and moved its adoption, as follows:
House Amendment A to H. P. 1852, L. D. 916

Amend said bill by striking out in the 12th, 13th and 14th lines of Section 1 thereof the words "and shall be supplied with an office in the state capitol or other state office building."

Further amend said Section 1 by striking out all of the last two lines of Section 1 thereof, and inserting in place thereof the following: '(b) The salaries of the members of the board, the compensation of the personnel of its staff and the entire expense of maintaining the board and its activities shall be paid from funds from federal agencies.'

Further amend said bill by striking out all of Section 3.

Further amend said bill by inserting after the word "publish" in the second line of Section 4 thereof the words "without expense to the State of Maine."

Further amend said Section 4 by striking out in the last three lines thereof the words "the proceeds from such sales to be used and expended for operating expenses of the board."

Mr. DAVIS of Fairfield: Mr. Speaker, it might not be amiss for me to explain very briefly the purpose of this amendment. When the original draft creating a State Planning and Development Board came before the Legal Affairs committee, it was given a lengthy hearing and was reported out ought not to pass. The reason for that report was largely due to the fact that the committee saw in it a cost to the State of some \$30,000 as claimed by the proponents, but it might well run to a figure of \$100,000.

The bill and report were recalled to the committee, and a new draft was drawn, with the understanding

that there would be absolutely no expense to the State.

I felt that under this present form of the new draft there might be some question about that. The first part of the amendment probably is not affected by the question of expense. The first part of the amendment simply says that this board shall not be supplied with offices in the State Capitol or other State office building. I offer this reason for putting in the amendment. As we understand the purpose of this planning board, it is directly, and you might say solely, for the purpose of allowing some agency to be set up or some board to be set up to which Federal funds from the Public Works Administration may come to the State. I personally can see no reason why such funds cannot come from the Federal Government and be given to the Maine Development Commission. However, I am not arguing that point. The Legal Affairs committee is willing, and I trust this House will be willing, to establish some sort of a board if there be any question as to the right of Maine Development Commission to receive such funds, so that this board can receive them.

We do not want to be without what little we can get from PWA, but I do not think, if all the money coming in here, comes from the Federal Government, and all of the expenses of the board are to be borne from Federal funds, that the State Capitol or any State building is the proper place for that Federal agency, as we call it. To be sure, it is a State Planning Board.

Now as to the expenses, I felt, when this new draft came out, that we were taken care of so far as expenses were concerned, and that the State would be under no expense. You notice under section (b) of section 1 the personnel of the staff is to be maintained by funds from Federal agencies. That is about all you will find in the new draft that applies to expenses. There is bound to be considerable expense to this board, supplies, materials and so forth and I feel that this amendment will take care of any expense not covered by the new draft.

The third section which is stricken out by this amendment is given for this reason: Under section 3 all public officials shall upon request

make available to the board, within a reasonable time, such information as may be required by the board in the performance of its duty. That is giving to that board more power than the Governor himself has. I do not know any other department of State that can require another department of State to furnish information such as would be absolutely requisite under this clause. I think that should be stricken out.

It has been brought to my attention that under that section the Secretary of State might be required to furnish that board with a list of every individual motor vehicle operator, name and license number, and the Secretary of State would have to give it—"he shall be required to give it."

I think you will agree that that should be stricken out. The other minor changes are to safeguard the State from all expense. I hope the amendment will be adopted.

The SPEAKER: The pending question is on the motion of the gentleman from Fairfield, Mr. Davis, to adopt House Amendment A to House Paper 1852, Legislative Document 916, bill an act relating to State planning and development.

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

Passed to be Engrossed—Continued

(H. P. 783) (L. D. 908) Resolve relative to season and bag limit on smelts.

Amended bill:

H. P. 1854, L. D. 907: An act regulating the taking of ground fish by dragging.

The Chair lays before the House the seventh matter tabled and today assigned, Senate report ought to pass of the committee on Judiciary on bill an act relative to the making of local regulations for fishing by the Commissioner of Inland Fisheries and Game, S. P. 190, L. D. 140, tabled on April 3 by the gentleman from Augusta, Mr. Mace, pending acceptance in concurrence; and the Chair recognizes that gentleman.

Mr. MACE: Mr. Speaker, with your permission, I will yield to the gentleman from Weston, Mr. Crowell.

Mr. CROWELL: Mr. Speaker, this has been a matter that I have

talked about for two years, and I do not care to discuss it this afternoon. I would like to hold the floor just long enough for you to open your books and turn to Legislative Document 140.

Mr. Speaker, I move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Weston, Mr. Crowell, moves the indefinite postponement of this bill. The Chair recognizes the gentleman from Rockland, Mr. Fogg.

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

Mr. ELLIS of Rangeley: Mr. Speaker, the gentleman from Weston, Mr. Crowell, and I never seem to agree on this subject, and I hope his motion does not prevail.

Two years ago we had this same bill presented to the committee on Inland Fisheries and Game, and they reported it ought to pass, and the House killed it, or the Senate killed it—it was killed somewhere.

This year, through the request of Mr. Crowell, in the Reference committee we agreed to refer it to the committee on Judiciary, and they reported it out ought to pass, unanimously. There must be something in it, or those two committees would not have agreed to report it out unanimously, ought to pass. That might be just my own idea.

Under this bill, a hearing has to be held in the territory where the waters are, on petition of a majority of the municipal officers or twenty-five citizens. Every one can go to that hearing and be heard, and the Commissioner, I think, will be fair in making the rules and regulations. So I hope this motion does not prevail, and that the bill will have a passage.

Mr. MACE of Augusta: Mr. Speaker and members of the House: I appeared before the Judiciary committee when this bill was being heard, and I there stated my objections to the bill. At the beginning of the hearing the Commissioner appeared and said he did not know whether he was for the bill or against the bill. He recognized the danger of this Legislature granting to him their powers.

The gentleman from Rangeley (Mr. Ellis), has stated, very fairly, that on petition of twenty-five citizens a hearing will be held, but, if you will read further on that bill, on the initiative of the Commis-

sioner he can make any regulation he sees fit, and we have delegated to him the power of making the laws, and anyone who violates those regulations that he has imposed can be punished, just the same as they can be punished on the laws passed by the Legislature.

We have taken up the time of this House in the past fourteen weeks, and in the hearings I will venture to say that one-eight of the time was spent on special laws and regulations in regard to hunting and fishing. Now if we pass this bill and give to the Commissioner the same authority, we will clutter up the laws of this State in regard to the regulations, so that anyone who fishes our brooks and rivers, and our lakes, or hunts in our forests, no matter how good their intentions, they wish to be, they cannot obey the law if they wish to. I hope that this motion will prevail.

The SPEAKER: The pending question is on the motion of the gentleman from Weston, Mr. Crowell, to indefinitely postpone the bill and report. Is the House ready for the question? The gentleman from Rockland, Mr. Fogg, asks for a division. All those in favor of the motion of the gentleman from Weston, Mr. Crowell, will rise and stand until counted and the monitors return the count.

A division of the House was had. Seventy-six having voted in the affirmative and 46 in the negative, the motion prevailed and the bill and report were indefinitely postponed in non-concurrence.

The Chair lays before the House the eighth matter tabled and today assigned, majority report ought not to pass and minority report ought to pass of the committee on Inland Fisheries and Game on bill an act relative to open season on moose H. P. 433, L. D. 116, tabled April 3 by Mr. Elliot of Rockland, pending the motion of Mr. Davis of Newfield to accept the majority report; and the Chair recognizes the gentleman from Thomaston, Mr. Elliot.

Mr. ELLIOT: Mr. Speaker and members of the House: Before moving the acceptance of the minority report, I would like to give a brief history of the need for this bill. First, this is the only bill relating to open season on moose before the Legislature at this time that has the support of the De-

partment of Fish and Game. It is estimated by the Department that there are in Knox county alone 123 moose, in Lincoln county, 117 and in Waldo county, 170, making a total of 410 moose in those three counties.

Taking Knox county, for example, having an area of only 368 square miles it has 123 moose, making one for every three square miles. In 1933 there were killed, accidentally or otherwise 24 moose in those three counties alone, and only 12 in the rest of the entire State. In 1934 there were seven killed accidentally and only eight in the rest of the entire State.

The new draft of this bill calls for an open season of only three days in 1935 on bull moose only, and a license fee of \$25.25 for non-residents.

I would also like to say at this time that at the hearing there was absolutely no opposition to this bill; everybody seemed to be in favor of it.

I now move the acceptance of the minority report.

The SPEAKER: The Chair will rule that the pending motion before the House is the motion of the gentleman from Newfield, Mr. Davis to accept the majority report.

Mr. DAVIS of Newfield: Mr. Speaker, your committee have the greatest sympathy for the gentleman who introduced this bill. The reasons for our majority report are as follows:

First, there are in the State of Maine only 2,011 moose.

Secondly, it seems by the game wardens' reports that there is a migratory movement of the moose out of the settled areas into the hinterland; and, thirdly, and probably the most important of all, at the present time there is no appreciable increase in the moose. So, while we wish if possible to do something for these gentlemen, it would seem that this time was not the time in the interests of conservation to have an open season on moose.

Mr. WOODBURY of Morrill: Mr. Speaker, the Waldo County Fish and Game Association are strongly in favor of this bill. They were in favor of an open season for bulls and cows, and the sponsors of this bill agreed on a new draft for just bulls. I also understand that the Knox County Fish and Game Association also sponsor this bill. Per-

haps one of the reasons why the moose are not on the increase is that back home there is very much illegal shooting, and that is one of the reasons why our Fish and Game Association think it better to have an open season and give everybody a chance.

Mr. STILPHEN of Dresden: Mr. Speaker, as a member from Lincoln county, I know that down there the moose have increased in the last two years. In working in this session of the Legislature I have tried to cooperate with the members from different sections of the State in their local matters, and I hope that they will cooperate with us in this matter. It is not asking very much when we are only asking for three days of open season. We are not trying to exterminate the moose, as you all know it could not be done in such a short time. I hope that the motion does not prevail.

Mr. HOBBS of Hope: Mr. Speaker, in the proposed area of hunting these moose there is just one member of the Fish and Game committee, and he signed the report in favor of open season on moose. I attended that hearing and we had a hearing two years ago on the same bill. A lot of people from my section of the State are in favor of an open season on moose but we had very little consideration from the committee. I know it to be a fact that the people back home want an open season on moose. At the hearing at this session the chairman of the committee asked me if I thought that the people back home, if given an open season on moose, would be in favor of increasing this fishing and hunting license. There is a bill coming off the table tomorrow raising the hunting and fishing license. I said to the chairman that I could not answer his question as to my people being in favor of this increase, but I did say this that "if you want to advertise Maine, pass this bill, let the people come from out of the State and give them an opportunity to hunt moose. In that way you will get the amount of revenue which you are seeking for the fish and game licenses."

Mr. AYER of Union: Mr. Speaker, this matter has been well covered; but I think we all recognize that a bull moose is a dangerous animal. We tell our farmers to keep their bulls tied up after they are a year

old; but I will say to you that I had rather meet an ordinary bull any time than a bull moose. I know a man who patrols the electric line from Rockland and he had to take to a tree when he met one of these gentlemen. While we have no desire to exterminate the moose, I do think the bull moose ought to be kept down. It will in no way affect the continuation of the moose and it will not exterminate them if a few bulls are killed off. I certainly am in favor of this bill. I know that they are a menace to the highway in Knox county.

Mr. CARLETON of Aina: Mr. Speaker, I think the majority of the people in my district are in favor of this open season. I do not think it would be a hardship to anyone and there would be no danger of extermination of the moose. The people in the rural sections are afraid to go out with a horse and wagon, if they haven't a car, and drive to town to do their shopping, for fear of these bull moose. They are very plentiful in my section. I am in favor of the open season, and I think the majority of the people in my district are also in favor of it.

Mr. PROCTOR of Naples: Mr. Speaker, may I say that we Democrats have always been trying to control the bull moose situation, more or less. (Laughter)

Mr. PAYSON of Brooks: Mr. Speaker, I am not a Democrat but I introduced this bill. This bill is not a one-man bill. It was introduced at the request of the Fish and Game Association of Waldo county. After giving this matter careful consideration for the last two or three years they requested me to introduce this bill. I took occasion to see our Commissioner, Mr. Stobie, and he was in favor of it; in fact he wrote this bill for me which has been introduced here.

Now down in Waldo county, we are a small county, we have no large forests, but they say that we have got 170 moose there, and probably we could afford to lose half of them. They roam the roads and they scare the people. The people down there were the ones who talked this over with the Game Association there in Waldo County. At first I only was interested in this situation in Waldo county because the people down there were the ones who were afraid; but Mr. Stobie

wanted to insert these other two counties and that is why the bill is here. I hope that the motion to indefinitely postpone will not prevail.

The SPEAKER: The pending question before the House is on the acceptance of the majority report ought not to pass on bill an act relative to open season on moose.

Mr. HOBBS of Hope: Mr. Speaker, when the vote is taken, I move that it be taken by a division of the House.

The SPEAKER: Are you ready for the question? All those in favor of the acceptance of the majority report ought not to pass will rise and stand until counted and the monitors will make and return the count.

A division of the House being had, None voting in the affirmative and 66 in the negative, the motion to accept the majority report failed of passage.

Mr. ELLIOT of Thomaston: Mr. Speaker, I move the acceptance of the minority report ought to pass.

The SPEAKER: All those in favor of the acceptance of the minority report will say aye, contrary-minded no.

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

Mr. THOMPSON of Chelsea: Mr. Speaker, through an error in our committee room, one of the original bills was signed when it should have been a redraft. We have been talking on the redraft, and I move to substitute the redraft for the original bill.

The SPEAKER: Is it the pleasure that the bill be given its first and second readings at this time?

The motion prevailed, and the bill had its two several readings.

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

House Amendment A to H. P. 433, L. D. 116, an act relative to open season on moose.

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

"Sec. 1. R. S., c. 38, sec. 60 amended. Section 60 of chapter 38 of the revised statutes is hereby amended to read as follows:

"Sec. 60. Hunting and transporting of moose and caribou, prohibited; exceptions: license for non-resident; permission shall be received before importation. No person shall

hunt, kill, transport or have in his possession any caribou or moose or parts thereof, except that there shall be an open season on bull moose, in the counties of Knox, Lincoln, and Waldo on November 28, 29, 30, 1935 during which period any person legally licensed to hunt may hunt and kill 1 such moose not less than 1 year old and having not less than 2 prongs of not less than 3 inches in length on each horn.

All moose killed hereunder shall be inspected, tagged and registered as provided for deer in section 67, as amended, and all provisions of said section shall apply to moose killed hereunder.

No person shall sell or give away any moose or part thereof to be transported or carried beyond the limits of this state nor shall any person buy or accept as a gift any moose or part thereof to so transport the same; nor shall any resident of this state at any time carry or transport in any manner or attempt to carry or transport in any manner, beyond the limits of this state any moose or part thereof.

Non-residents may hunt moose as provided in this section only, upon payment of a license fee of \$25.25, 25 cents to be retained by the clerk issuing said license. Any non-resident so licensed may transport to his home 1 moose or part thereof killed by him under the provisions of this section. Any moose or part thereof transported by a non-resident shall be transported under the same provisions as is provided for deer in sections 80 and 82 of this chapter.

Provided, however, that the commissioner upon application of any person who has legally killed a caribou or moose beyond the limits of this state may issue a license permitting the importation of such caribou or moose for consumption or mounting, but not for sale.

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

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 resolve relating to moose hunting in Waldo, Lincoln and Kennebec counties, H. P. 561, L. D. 157, tabled April 4 by Mr. Stilphen of Dresden, pending acceptance of the

report; and the Chair recognizes that gentleman.

Mr. STILPHEN: Mr. Speaker, as this is all taken care of in the bill just acted on, I move the acceptance of the committee's report ought not to pass.

The motion prevailed, and the report was accepted.

The Chair lays before the House the first matter tabled and assigned for the afternoon session, bill an act relating to apothecaries and the sale of poisons, H. P. 1773, L. D. 797, which was indefinitely postponed in the House on March 28, came from the Senate passed to be engrossed in non-concurrence, tabled during this morning's session by the gentleman from Rockland, Mr. Sleeper, pending motion of Mr. Demers of Sanford, that the House recede and concur with the Senate in passing the bill to be engrossed without amendments; and the Chair recognizes the gentleman from Rockland, Mr. Sleeper.

Mr. SLEEPER: Mr. Speaker and members of the House: I wish to apologize for talking so much. It is not my fault that my grandfather fell for a pair of Irish blue eyes, and in that trip to Ireland kissed the blarney stone and passed that gift along to me. I have inflicted enough of my talk on the members, and I have been very gratified in the support you have given me.

I believed this bill had merits, and in an effort not to hurt the smaller towns I asked that the bill be laid on the table in order that an amendment could be offered. I have since learned from the proponents of the bill that my efforts were misguided and that an amendment which would exclude small towns from the bill would defeat the real purpose of the bill. They say it is primarily a health measure, and since I am not a druggist, I will yield to the gentleman from Gorham, Mr. Carswell.

Mr. CARSWELL of Gorham: Mr. Speaker and members of the House: I do not believe there is a piece of legislation before this body that has been misunderstood as much as this bill. First, I want to call your attention to the fact that this bill was recommended by the State Department of Health, a department created to preserve the health of all our people in all communities. The bill

does not say that patent medicines, proprietary medicines cannot be purchased in rural communities. This bill does not affect those communities in any way, shape or manner. Any patent medicine made, whether it be listerine, sulphonaphthol, castoria or Pinkham's compound can be sold in any hamlet in the State of Maine. If there is a drug store in those towns, these preparations can still be sold in those towns just the same. Cosmetics can be sold in all those towns. In towns where there are no drug stores, potent drugs, poisons, can be sold, provided they have been prepared by a registered pharmacist and are sold in original packages. I am sure you would not want to have it otherwise, because in towns where there are drug stores patent medicines can be obtained, but the potent drugs cannot be obtained.

The question has been brought up that the members of my profession are entering other professions in the State and are monopolizing the sale of golf balls, tennis rackets, sandwiches, and so forth. But, my friends, we have been driven to that because every patent medicine that is on the market contains as an active ingredient a potent drug. Every cosmetic that is manufactured contains some potent drug. All of those are sold promiscuously in all the stores throughout the State of Maine. Now the gentleman states that if those things can be sold in towns where there are no drug store, why is it not possible for them to be sold in towns where there are drug stores? In the towns where there are no drug stores they are bought as a necessity. A man twenty miles from a drug store may have a sick cow, and he can go to the country store and buy tincture of aconite, properly prepared and properly labeled, for the purposes. There is no danger there. The preparation has been compounded accurately and will be sold accurately. In towns where there are drug stores, it is not necessary for him to buy elsewhere. There is the danger.

Let me give you an example: A person entered a drug store a short time ago and asked for two ounces of formaldehyde. The druggist questioned him, and asked him what it was for, and the customer informed him that it was for a member of the family who had epileptic fits, and it was to put him to sleep at night. If the druggist had dispensed formaldehyde instead of paralde-

hyde, which was required, the patient would have slept all right.

This is for the protection of the people. In every drug store every druggist will tell you that people come there asking to have pills matched as you would buttons. In a drugless drug store, the person in charge may not be conversant with the use of those drugs, but the druggist will dispense them accurately and correctly, of course.

A short time ago a person came to my store with a bottle and wanted two ounces of oil of checkerberry. Upon inquiry I found it was to be used for a little boy who had the stomach ache. It was essence of checkerberry that they wanted, and that contains five per cent of the oil. If I had dispensed oil of checkerberry, little Tommy would have been with the angels now.

Every druggist in the State saves one life every year by asking questions and giving to their customers those preparations which they need.

Do you realize, my friends, that your druggist is educated for the position he holds. He knows the action and the origin of every drug he dispenses. It is unsafe to have these patent drugs sold so promiscuously in all stores.

I wish to call your attention to a few facts. First, patent medicines and household remedies are available in every conceivable sort of store in any and all sections of our State. Second, cosmetics are sold extensively in chain and department stores. The pharmacists of Maine sell less than seven per cent of the total amount of those items used. Druggists sundries also can be bought almost anywhere.

Now, my friends, are we willing that dangerous, poisonous, habit-forming drugs shall be sold by individuals absolutely ignorant of their origin, composition, or even their doses?

This bill only excludes such drugs from general sale, and even these are available in every hamlet in the State of Maine when necessity demands them, in original, properly labeled containers.

The profession of pharmacy, ancient and honorable, that has cautiously, painstakingly, conscientiously served the people of Maine since the days of Governor King, asks you to limit the procuring of dangerous drugs from those persons only whose intimate knowledge of them will avoid any reasonable

danger of their careless, thoughtless use.

My friends, we have been enacting laws for the benefit of the citizens of Maine, a most responsible task. Let us not forget that great group who are seeking to regain their health, and assure them that the important drugs they are compelled to use are pure, and meet the required governmental test for potency.

“Isn't it strange that princes and kings
And clowns that caper in sawdust rings
And common people like you and me
Are building for eternity?”

Each is given a bag of tools,
A shapeless mass, a book of rules,
And each must make, e'er life has flown
A stumbling block or a stepping stone.”

My friends, your grandfathers enacted a pharmacy law for the protection of your fathers and mothers, yourselves and your families, and it is just as essential now that your children and the children to come should be protected from the promiscuous sale of dangerous drugs.

Since the enactment of the first pharmacy law, the Pharmacopea, which contains a long list of drugs, has changed materially. Coal tar products have come into being since then, and they are particularly dangerous. This bill will not injure the rural communities, will not injure the small dealer, and it will save considerable citizens of Maine from buying from an ignorant source those drugs which may ruin their health for all time. I certainly hope we may concur with the Senate in the passage of this bill.

Mr. GRAY of Brookville: Mr. Speaker and members of the House: It was not my intention to say any more on this bill. I am unable to entertain you with any poetry of any sort whatsoever in regard to it, but I know this bill came into the House several days ago, and because of the opposition to the bill there was an amendment offered. Every article in that amendment is sold by the general stores of this State. They are articles that are necessary for the people of this State to have, and if this bill does

exclude those articles, which it evidently does, I say that it is unfair to the small stores of the State. I see no reason why the small stores of this State should be penalized in not being able to sell the things that people really require and want. I am opposed to this bill for that reason.

Now it comes back into this House with this amendment stricken out, and the bill in the same form as it was originally. I am opposed to it, and I hope that the motion of the gentleman from Sanford, Mr. Demers, will not prevail.

Mr. MARTIN of Oakland: Mr. Speaker and members of the House: The gentleman from Gorham, Mr. Carswell, has been discussing a law which we have not before us to discuss. That discussion of his has no reference to the bill before you. If you will turn to the bill and read it, I will guarantee to you that you cannot find in the bill any reference to the matter which he brought before you for discussion this afternoon. His reference and discussion was entirely upon a matter which is already upon the statute books. There is already on the statute books a law concerning drugs and poisons as sold by druggists. This measure has no reference to that at all. His discussion does not pertain to the question before us. Please understand that.

Another thing which he has taken advantage of, I am sorry to say, is that he is quoting the State Department of Health as entering into this discussion. They told me frankly that they did not wish to appear in this matter, and were not to be quoted either for or against the measure. I have that from one of the officials in the State Department of Health. Perhaps you remember, but I will quote again for you one thing which we heard this morning from Mr. Jacobson, and which I think is very much to the point in this discussion: “Forgetfulness of self and mindfulness of others.” Does not that apply in this discussion? In the discussion that has taken place before you on this bill, are the druggists forgetting themselves and mindful of others all the time? They would have you infer that, but I think not. That, I think, is the point in question, and I would like to have you remember, without further discussing the point, that the discussion by Mr. Carswell is not on the bill be-

fore us at all. We already have a law relating to potent drugs and poisons, a law already enacted. This bill simply clarifies the situation, and refers to signs on the outside of bottles and to other minor details, and there it no reference whatever to the sale of potent drugs or poisons. It does have, in the last part, in the application of the chapter, reference to what can be sold. That does not refer there to anything which is not already sold, without fear of the public health or safety in any way whatsoever. I cannot understand how professional men can come before this body of men here and make such statements. It must be they presume on your ignorance of the question at hand. That is the only thing I can say on this point—it must be that they presume on your ignorance of the matter at hand. I sincerely hope that you will not pass a law of this kind to protect one set of merchants in the business who do not deserve that protection, and which is not required by public health, and is not required by the people, because they have not asked for it. It is a measure the druggists have proposed and pushed toward a conclusion. I hope that the motion of the gentleman from Sanford, Mr. Demers, to recede and concur with the Senate will not prevail.

Mr. CROWELL of Weston: Mr. Speaker, a number of times during the last month I have felt that we, as members of this Legislature, were called upon to legislate for the benefit of a small minority at the expense of the great majority. I was glad to learn this afternoon that those of us who are in the merchandising game in the smaller sections of Maine are rather an ignorant class. I have suspected it for some time when I have looked into the glass, but I am sure of it at the present time. We members of this House represent many more towns in Maine than any other legislative body that we could name. We showed our good judgment on March 28th when we indefinitely postponed this bill, and nothing has been said or shown since that time which would cause us to change our opinion.

Mr. Speaker, I move the indefinite postponement of Legislative Document 797.

The SPEAKER: The motion of the gentleman from Weston, Mr.

Crowell, is not in order. The motion to recede and concur is now pending before the House and has precedence. Is the House ready for the question? The question before the House is on the motion of the gentleman from Sanford, Mr. Demers, that the House recede and concur with the Senate in passing the bill to be engrossed without amendments. The Chair recognizes the gentleman from Brooksville, Mr. Gray.

Mr. GRAY: Mr. Speaker, when the vote is taken, I move that we have a division of the House.

The SPEAKER: The gentleman from Brooksville, Mr. Gray, asks for a division of the House. All those in favor of the motion of the gentleman from Sanford, Mr. Demers, that the House recede and concur with the Senate will rise and stand until counted and the monitors will make and return the count.

A division of the House was had.

Fifty-two voting in the affirmative and 60 in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Martin.

On motion by Mr. Martin, the bill was indefinitely postponed.

The Chair lays before the House the second matter specially assigned for this afternoon an act relative to regulation of the use of the highways by motor vehicles transporting property for hire, S. P. 698, L. D. 865, tabled this morning by Mr. Devereux of Penobscot, pending passage to be enacted.

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

The Chair lays before the House the third matter specially assigned for this afternoon, House report ought to pass in new draft of the committee on Taxation on bill an act relating to the registration of motor vehicles, H. P. 1853, L. D. 906, tabled this morning by Mr. Hathorn of Bangor, pending the motion of Mr. Willey of Falmouth to indefinitely postpone; and the Chair recognizes the gentleman from Bangor, Mr. Hathorn.

Mr. HATHORN: Mr. Speaker, I yield to the gentleman from Naples, Mr. Proctor.

Mr. PROCTOR: Mr. Speaker, in talking with the proponents of this bill I found them very fair and

liberal in their ideas. They were willing to strike out the word "trailers" but owing to the fact that there is a new bill that is going to be introduced into this House providing a registration fee of two dollars for trailers, that clarifies the situation and I have no further objection to this bill.

The SPEAKER: The pending question is on the indefinite postponement of this bill on the motion of the gentleman from Falmouth, Mr. Willey.

Mr. HATHORN: Mr. Speaker, I would like to say a word on that motion. I would like to say that if this bill is indefinitely postponed, it will put the Secretary of State's office in a very peculiar position. There will be no way at the present time that they can register semi-trailers, and it will also change and put back, as Mr. Willey has said, twenty per cent of the small truckload. This bill has been given a lot of thought. It is satisfactory to the Secretary of State and also to the Trucking Association, which has a very large membership. Until a very few days ago I had not thought that there was anybody who would oppose the bill. I hope the motion of the gentleman from Falmouth, Mr. Willey, will not prevail.

Mr. ALLAN of Topsham: Mr. Speaker, the committee on Taxation has held several hearings on this bill, one a joint hearing with the Judiciary committee. This bill has been redrafted several times. Many of the truck owners appeared before the committee and a number of the members of the House were also interested. There has been practically no objection to this bill as drafted. It is satisfactory to the Secretary of State. The committee having had that official before them several times. There was only a slight objection presented by one truck owner regarding trucks above the eighty dollar price. Now in all the other cases the majority of the trucks are smaller. One of the reasons for this bill, as explained to the Secretary of State,—it seems as though many of these truck owners have had a habit of registering these trucks in a lower bracket and taking a chance on an overload. Now the idea here is to make the bill fairer to all concerned and to stop that practice. Any change in this bill is materially

going to affect the registrations in the Secretary of State's office. I hope that the motion of the gentleman from Falmouth will not prevail.

Mr. MACE of Augusta: Mr. Speaker, there are certain vicious elements that still remain in this bill. For instance, the increase from \$20 to \$35 on trucks that carry up to three tons would harm a large number of our farmers who have trucks and who can register them today up to three tons for \$20. This would be an increase of \$15. We have those farmers with their woodlots and with their small lumber trucks who manufacture or cut wood during the winter and carry that wood and the lumber to various sections and sell it to support their families. Those men do not obtain their licenses until the very last days of February. Why? Because they have not the money to get that license—the twenty dollars. Now those men did not appear before the committee because they were not able to do so; but we men here, chosen last September to represent all the people of the State, to represent those poor people back on the farms, are here and we should not allow any laws to go through that would place a more heavy burden on these people who can least afford to bear that burden. Unless some amendment is made to relieve those poor people, I hope the motion to indefinitely postpone will prevail.

Mr. HATHORN: Mr. Speaker, the gentleman made the remark, as I understood him, that the registration was increased by this bill. If it is in order I would like to have him tell me where this increase is.

The SPEAKER: The gentleman from Augusta, Mr. Mace, may answer if he chooses.

Mr. MACE: It increases the load now up to two and a half or three tons.

Mr. HATHORN: The law as it is now states that for a one thousand pound truck or a half ton truck the fee is \$10. The law as written here is \$10 for a thousand pound truck, and not over one ton, \$15, on the bill. For one ton, but not over two tons, \$20, on the bill. For two tons and not over two and half tons, it is \$35. Two tons and not over two and a half, \$35, on the bill. For two and a half and not over three tons, the old registration is \$55. For two and

a half and not over three tons, \$55, over four tons, \$80 over three tons and not over four tons \$80 on the bill.

Now here is where it is cheaper, and I am surprised that the gentleman did not realize it: Four tons and not over five tons, \$125. That is what they have to pay today. Four tons and not over five tons, \$100, on the bill. Now it says in the old registration, not over five tons, \$150. And here it says, over five tons and not over six tons, \$125, which is \$25 cheaper.

Now I would like to find out where he got his information to put before the House that the registration is increased up to five tons. In fact, on the four and five tons we have decreased it \$25, for the benefit of that bracket in which there are so many people hauling, the bracket from four to five tons. We have increased it for one reason, and that is when you get up to six and seven tons it is \$150; seven to eight tons, \$175; eight to nine tons, \$200; nine to ten tons, \$225; ten to eleven tons, \$250; eleven to twelve tons, \$275; twelve tons, \$300. But who is that carries eight, nine, ten or twelve tons? It is the men who come in here from out of the State. They pay a license fee of \$150, and they pay \$10 on top of that, and they are allowed to carry up to 37,000 pounds gross weight. Today the manufacturers of trucks are making their trucks lighter, because they can carry more pay load. It is pay load they want.

We have on our statute books that a four-wheel truck without duals can carry 24,000 pounds. If they have a set of duals on the rear wheels, they can carry 27,000 pounds. If they have six wheels, two sets on the rear, they can carry 36,000 pounds gross weight. Therefore, when they reduce the weight of a truck a ton, they can carry a ton more of pay load.

The majority of our trucks in this State are from two to three ton trucks. Two to three ton trucks, after this bill goes through, can be registered at the same price as they were registered last year, this year, or four years ago. Members, do you want your streets ruined by ten or twelve ton trucks running over them? And when you carry ten tons of pay load, you have a ten ton truck, or a total weight of twenty-four tons. That is too

much to haul over your roads. If they reduce the weight of the truck, they are going to haul more pay loads. And when you set up \$150 plus \$10 for an unlimited license, you can haul up to 36,000 pounds and not pay any more money than the man who pays \$150 and gets a five ton load. It is not fair; it is not equal. If they raise the rate for from one ton to two tons, and three tons to four tons, and four tons to five tons, why shouldn't the man pay more for from six to seven tons, seven to eight tons, eight to nine tons, nine to ten tons? If anybody can point out anything in this bill that will justify it, I would like to know what it is. This bill has been accepted in my town by eight or nine of our best truckmen, who put their signatures on a petition in favor of it, that it ought to pass.

As I understand, this bill has been in the committee a long time. Everyone has had a chance at it. They have had committee meetings, and so far not over two men in this State House have ever gone against this bill, and they have tried, for the last four or five or six days, to lobby in an endeavor to stop this bill.

That suggests one or two things. I still say that if that motion for indefinite postponement prevails, it will be a very sad thing for the the Secretary of State's office and also for the rural districts. (Applause)

The SPEAKER: The question before the House is on the indefinite postponement of the bill. Are you ready for the question? All those in favor of the indefinite postponement of the bill will say aye; contrary minded no.

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

On motion by Mr. Hathorn of Bangor, it was voted to accept the report of the committee.

Thereupon, the rules were suspended and the bill had its two several readings.

The Chair lays before the House a matter tabled earlier in the session by the gentleman from Weston, Mr. Crowell, report of the committee on Salaries and Fees on bill an act relating to the classification and compensation of State employees; and the Chair recognizes that gentleman.

Mr. CROWELL: Mr. Speaker: I now move the indefinite postponement of this bill because this matter of classification and compensation was started during the last Legislature and a law passed at that time providing for the plan so called to be approved and put in operation by the Governor and Council.

Up to the time of this session nothing had been done by the Governor and Council to this end. Hence a bill was introduced at this session and unanimously voted out by the Salaries and Fees Committee ought to pass, approving and setting up the plan.

Now after a conference between

members of the Legislature and the Governor's Council, the Council have agreed to carry out the provisions of the original law and put the plan into operation, so rather than clutter up the books with new laws we have agreed to allow this bill to be indefinitely postponed relying upon the agreement of the Council to put the plan into effect at once.

On motion by Mr. Crowell, the bill and report were indefinitely postponed in concurrence.

On motion by Mr. Hill of South Portland.

Adjourned until ten o'clock tomorrow morning.