

# 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

**SENATE**

Wednesday, March 6, 1935.

Senate called to order by the President.

Prayer by the Rev. G. Douglas Fraser of Caribou.

Journal of yesterday, read and approved.

Papers from the House disposed of in concurrence.

**House Bills in First Reading**

"Resolve in Favor of Samuel Dana, Representative of the Passamaquoddy Tribe of Indians". (H. P. 1527) (L. D. 672)

"Resolve in Favor of John S. Nelson, Representative of the Penobscot Tribe of Indians." (H. P. 1528) (L. D. 673)

"An Act Relating to Law Court Briefs". (H. P. 1177) (L. D. 383)

"An Act Relating to Islesboro Transportation Company." (H. P. 852) (L. D. 296)

From the House:

The Committee on Legal Affairs on Bill "An Act to Amend the City Charter of Bangor" (H. P. 845) (L. D. 290) reported the same in a new draft (H. P. 1529) (L. D. 674) under the same title, and that it ought to pass.

In the House, the report was read and accepted and the bill given its several readings and passed to be engrossed.

In the Senate:

Miss MARTIN of Penobscot: Mr. President, I think there is an error on the calendar. It reads Biddeford and should read Bangor, and I move that the report and the bill be laid upon the table.

Thereupon, the report and the bill were laid upon the table pending acceptance of the report.

The following petitions were received and on recommendation by the committee on reference of bills were referred to the following committee:

**Education**

Mr. Winn of Androscoggin presented petition of Arthur H. Lawrence of Lisbon and 54 others in favor of L. D. 56 relating to Educational Program. (S. P. 465)

Mr. Tompkins of Aroostook presented sixteen petitions in favor of the same. (Senate Papers 466 to 481 inclusive)

Mr. Pinansky of Cumberland presented "Petition of B. F. Wentworth of Scarborough and 94 others in favor of the same." (S. P. 482)

Mr. Harmon of Hancock presented three petitions in favor of the same. (Senate Papers 483 to 485 inclusive)

Mr. Bodge of Kennebec presented seven petitions in favor of the same. (Senate Papers 486 to 492 inclusive)

Mr. Pillsbury of Kennebec presented four petitions in favor of the same. (Senate Papers 493 to 496 inclusive)

Mr. Hussey of Kennebec presented six petitions in favor of the same. (Senate Papers 497 to 502 inclusive)

Mr. Burkett of Knox presented "Petition of LeForrest A. Thurston of Union and 10 others in favor of L. D. 56 Relating to Educational Program." (S. P. 503)

Mr. Cowan of Lincoln presented five petitions in favor of the same. (Senate Papers 504 to 508 inclusive)

Mr. Goodwin of Oxford presented four petitions in favor of the same. (Senate Papers 509 to 512 inclusive)

Miss Martin of Penobscot presented five petitions in favor of the same. (Senate Papers 513 to 517 inclusive)

Mr. Jackson of Sagadahoc presented "Petition of Maxine Moulton of Sagadahoc County and 41 others in favor of the same". (S. P. 518)

Mr. Friend of Somerset presented three petitions in favor of the same. (Senate Papers 519 to 521 inclusive)

Mr. Weeks of Somerset presented "Petition of George A. Moore of Pittsfield and 62 others in favor of L. D. 56 relating to Educational Program." (S. P. 522)

Mr. Worcester of Washington presented five petitions in favor of L. D. 56 relating to Educational Program. (Senate Papers 523 to 527 inclusive)

Mr. McDonald of Washington presented nine petitions in favor of the same. (Senate Papers 528 to 536 inclusive)

Mr. Billings of York presented three petitions in favor of the same. (Senate Papers 537 to 539 inclusive)

Mr. Fernald of York presented nine petitions in favor of the same. (Senate Papers 540 to 548 inclusive)

Sent down for concurrence.

**Orders**

On motion by Mr. Burns of Aroostook, it was Ordered, that the Rev. B. C.

Bubar of Blaine be invited to officiate as Chaplain on the morning of Thursday, March 7th, 1935.

#### First Reading of Printed Bills

"Resolve Authorizing the Forest Commissioner to Convey Certain Lands to the Highway Commission." (S. P. 117) (L. D. 684)

Bill "An Act Relating to West Bath Game Preserve." (S. P. 278) (L. D. 685)

"Resolve Relative to Opening Cold Brook and Toothaker Brook." (S. P. 279) (L. D. 686)

"Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in a Certain Lot of Land to Receiver of the State Trust Company." (S. P. 397) (L. D. 688)

Bill "An Act Relating to the Transportation of Fish Taken from Inland Waters." (S. P. 464) (L. D. 687)

#### Reports of Committees

Mr. Burkett from the Committee on Judiciary on "Resolve in Favor of Daniel Bradley" (S. P. 270) reported that the same ought not to pass.

Which report was read and accepted.

Sent down for concurrence.

Mr. Fernald from the Committee on Judiciary on Bill "An Act Providing for the Establishment of a Judicial Council" (S. P. 149) (L. D. 81) reported that the same ought to pass.

Which report was read and accepted, the bill given its first reading and tomorrow assigned for second reading.

#### Passed to be Engrossed

Bill "An Act Relating to Clerk Hire in County Offices in Oxford County." (H. P. 702) (L. D. 222)

"Resolve in Favor of William C. Boyles of Castle Hill." (H. P. 1486) (L. D. 667)

Bill "An Act Relating to Proceedings in the Probate Court." (S. P. 461) (L. D. 682)

Bill "An Act to Provide for the Investigation of Divorce Cases in Which the Custody of Children is Involved." (S. P. 462) (L. D. 680)

Sent down for concurrence.

Bill "An Act Relating to the Blue Sky Law." (S. P. 463) (L. D. 681)

(On motion by Mr. Jackson of Sagadahoc, the bill was tabled pending passage to be engrossed.)

#### Orders of the Day

The President laid before the Senate, Senate Report from the Committee on Legal Affairs "Ought to Pass" on bill, Act relating to use of temporary number plates, (L. D. 55), tabled by Mr. Fernald of Waldo on February 13th pending acceptance of the report, and the Chair recognized that Senator.

Mr. FERNALD of Waldo: Mr. President and Members of the Senate, the matter before us this morning is Legislative Document 55. Up to the year 1931 the law in Maine relative to this particular subject, the use of temporary number plates, was the same as it is today. For the period from 1931 to 1933 we tried this very noble experiment, this very expensive experiment which, it has been estimated, cost the people of Maine, the municipalities, cities and towns and the state itself, some say \$100,000 and some say \$200,000. But at any rate, it cost the people of Maine too much in these times of needed economy, in these times when we need to administer our laws properly and economically. I do not believe that we should flirt with this question and further an experiment with the pocketbooks of the taxpayers of Maine when the question involves \$100,000 or \$50,000 of their money.

In 1931 a bill was passed similar to Legislative Document 55 which is before us. It was tried out for two years. At the end of the two years the then Secretary of State made some very pertinent remarks relative to the administration of this law. He made them at the time when he was not a candidate for any office and he made them at the time when he was seeking to improve the administration of the laws of his department and he made them with no selfish motive in mind, and he made them when he sought not to improve any particular thing except the efficiency of his department and the saving of the money of the taxpayers and people of Maine.

I will read you his statement made November 30, 1933. I will read from the Kennebec Journal of Thursday, November 30, 1933. It says, The Secretary of State "Tells Augusta Kiwanians Paper Temporary License Plates are Being Used in 'Racket.'" Now, quoting from Mr. Tobey's address before the Au-

gusta Kiwanis Club. (This is on Page 10, Column 4 of the Kennebec Journal of Thursday, November 30, 1933) "Paper License Plates. We lose much in the use of the so-called paper plates put out by dealers and municipalities, lose in excise tax money uncollected in the use of these paper plates. Realizing the advantages of these paper plates to the dealers, I declare that the law as it now stands, is impracticable and that it is in conflict with other sections of the statutes. The abuse of this privilege has reached a state where legislative action seemingly must be taken.

"This temporary plate or paper plate law places upon our highways cars upon which only a small payment has been made and upon which no further payment is intended. There is a great demand for them over week ends and holidays during the summer months. Many of these cars are used for trips of not over seven days and turned back. Old trucks are used for a trip and then turned back or discarded. No excise tax is paid; no registration fee is paid and most serious of all, the dealer by affixing a set of these paper plates may place upon the highways persons whom the department of state in its automobile division could not under law grant registration.

"It is cheaper to make a down payment frequently on a car that is good for a seven-day trip than it is to register the car and pay for its operation in the regular way. This temporary plate business is a serious one and it is hard to beat it. Our only hope so long as the law is on the statute books is to see that unscrupulous dealers do not have dealers' plates. A large percentage of those holding dealers' plates should be denied the right. It is unfair to the state; this use of dealers' plates by those who do a little dickering, maintaining grave yards and indiscriminately issue paper plates. More discretion will be exercised in the issuing of dealers' plates for 1934."

That was the statement by the Secretary of State, November 30, 1933. As a consequence, his judgment was followed by the legislature without a dissenting vote, without a dissenting vote either in the House or Senate or in committee, and the law was repealed, and here is a system that was set up. Here is a statement, a form

letter that was sent to dealers to cover the situation. It was sent out by the Secretary of State's department. "We shall let dealers who are willing to accept the responsibility, act as agents for this department. They will be supplied with plates and temporary certificates. An applicant who desires to register his car or to transfer plates from one vehicle to another will make out the usual application. On new registrations the dealer will collect the full amount of the registration fee and will immediately mail the same, together with the completed application, to the office of the secretary of state. The dealer will issue to the applicant a temporary certificate with the corresponding number of the plates issued. He will date the certificate with the day of expiration which shall in no case, be more than five days beyond the date of the application card.

"In cases of transfer, the dealer shall collect \$2.00 for the transfer and, if the fee be greater, he shall collect the difference in fee. If the fee be less, there will be issued a refund check from the state controller. The dealer will issue the special certificate which will be supplied for that purpose and return with the application the original certificate properly filled in on the back.

"The applicant must in all cases present by mail or otherwise the excise tax receipt within the five days during which the temporary certificate is valid. On transfers it is necessary to have a tax receipt showing that matters have been adjusted with the excise tax collector whether an increased payment is necessary or not.

"Dealers should have no difficulty in fixing the correct fee for upon passenger cars it is based on horse power and weight and with these facts, the dealers are thoroughly conversant." Then, skipping a few lines, "The temporary certificate issued will be good for five days only, and should the applicant fail to present the excise tax receipt within the five day limit, the temporary certificate will automatically be suspended and will not be restored until the tax has been paid. This will be in compliance with the law which forbids registration until the tax receipt is presented."

In brief, the system as set up for the convenience of the public is this,

that every bonafide dealer is supplied with a set of number plates, or metal plates, the same as you and I have on our cars. A person going into a garage or motor show room to buy a car, upon the payment of the registration fee, as you would have to make downstairs, he would get his plates and then within five days, if he did not obtain from his local tax collector his tax receipt for the payment of his taxes on that car, his registration would be taken away from him. It meant no inconvenience to the public but it did mean that the garage man and the automobile salesman should assume, and was required to assume a certain amount of responsibility to the State of Maine and to the people of Maine, and that he was required to do his part in seeing that no car was placed upon the highway upon which the taxes were not paid, just as you have to pay the tax, or I have to pay it or the average citizen has to pay it.

Now, in order that I might not be subject to very severe criticism that I was confronted with yesterday by the distinguished senator from Cumberland (Senator Schnurle), I have taken it upon myself to ascertain from the people who are most conversant with the administration of motor vehicle registration, their views on this very subject that is before us. Now, I would like to ask you if you were going to seek information as to the administration of a motor vehicle law, who would you ask? There is only one answer,—you would write to the registrar of motor vehicles of the various states of the union, none of whom I am personally acquainted with, and consequently I sent each registrar of motor vehicles in the 48 states of the union and a 49th to the registrar of motor vehicles of the District of Columbia, and I asked them, first, "Do you have such a system of temporary paper number plates in your state?" Second, "Do you favor such proposed legislation as is presented before you in Legislative Document 55?"

In order that there may not be any misapprehension as to their reply, I will read you briefly some of the replies. In fact, I will read you all of the replies. I won't burden you with the unnecessary replies. I see here on top a letter from the Registrar of Motor Vehicles of the state of Arkansas, Little Rock, Ar-

kansas. "Do you have such a system of temporary paper number plates in your state?" Answer "No." "Do you favor such proposed legislation?" Answer "No."

What do they say up in Wisconsin? "We have your letter of February 16th with copy of proposed bill for temporary number plates. Wisconsin has no such system and it is hoped that it never will. I do not believe that such a system would work satisfactorily. It is my opinion that it would be difficult for the central office to exercise any sort of supervision for control if these temporary plates were to be issued by the dealers. We find that the dealers in this state are rather negligent in making their monthly report of sales as required by law."

Well, here is one from the District of Columbia. "Receipt is acknowledged, etc." "We do not favor the use of such plates in the District."

Minnesota. "In reply to your inquiry of February 23, I have to say that my judgment is opposed to the issue of paper plates as contemplated by the proposed bill of which you sent me a sample." Further he says, "We are inclined to believe from what we have observed that issuing paper plates promiscuously" (promiscuously is a good word because during the time this law was in effect 56,000 of them were issued in the State of Maine, 56,000). Continuing, "We are inclined to believe from what we have observed that issuing paper plates promiscuously might lead to serious evasion and in case of accident it might be difficult to find the record."

North Carolina. "Your letter of February 23rd enclosing copy relative to temporary number plates to be issued by manufacturers or dealers upon exchange of motor vehicles is at hand and contents carefully noted. The laws of this State do not permit the issuance or use of any temporary number plates and this Department does not sponsor or recommend an amendment of the law to this effect. In my opinion, this Act will permit a privilege which can be very greatly abused to the detriment of the State and its revenue unless your laws controlling and regulating the motor vehicle manufacturers and dealers of your State is such that the administrator of your motor vehicle laws can keep an abso-

lute check on the issuance and use of these temporary plates and prohibit the abuse thereof."

Here is Missouri. They have to be shown in Missouri. "For your information, we do not have such a system in this state and since we have never had any occasion to consider this question, we would be unable to state whether or not we would favor such proposed legislation. However, it occurs to us that probably this would necessitate quite a little expense in the manufacturing, handling, issuance, and distribution of such plates."

Illinois. "Personally, I am opposed to the use of temporary plates because of the many abuses which would be practiced in their use. For instance in the event a dealer fails to notify the Secretary of State's office, the party who has such plates in his possession may operate for the full year on temporary plates without being stopped by the police. Then, too, while these plates are on the car there is no record in the Secretary of State's office and should an accident occur there would be no way of checking on these people. There are many similar abuses which would follow the use of such plates. We do not have a law of this kind in effect in the state of Illinois."

Indiana. "Owing to the complications we became involved with the past year or two in the use of cardboard plates, we are arranging a plan for 1936 to eliminate the cardboard plates by supplying the metal plates at the time of the initial application." In other words, they are discarding the practice which we discarded, and they are adopting the system now in vogue in Maine. Continuing, "It appears that the act proposed for your state would require a considerable attention of enforcement officers to know that the practice is not being abused."

Pennsylvania. "We have never approved of the idea of issuing temporary registration plates. In our opinion, Section 3 of the proposed act would tend to decrease the revenue, as well as make the improper use of these temporary registration plates an easy violation, which would be practically impossible to enforce."

Richmond, Virginia. "We do not have temporary paper number plates in Virginia and from our experience and observation, we do not believe that they will be satisfactory."

Nebraska. "The Nebraska legis-

lature of 1933 repealed this law in Nebraska." (The same as the Maine legislature did in 1933.)

Michigan. They might know something about automobiles in Michigan. "I have your letter of February 16th enclosing bill to permit use of temporary number plates. Our statute does not permit use of temporary number plates. As this is the center of the automotive industry, I do not believe such a bill would aid in the enforcement of the motor vehicle laws in our state."

Columbus, Ohio. "There is no need for the use of a temporary plate under our system."

Des Moines, Iowa. They have such a system out there. He writes, "The use of these plates are for a limited time, not to exceed ten days. This has been very much abused, however, and has caused us much difficulty, and I expect some time in the near future to see it repealed. I feel that we have the majority of the dealers with us. My personal opinion would be that any State adopting the use of temporary plates is taking on some trouble in the matter of enforcement."

Providence, Rhode Island. They have no paper plates.

Hartford, Connecticut. "The law does not allow dealers to issue temporary registrations."

Albany, New York. No paper plates used.

Massachusetts. "With reference to your inquiry of February 8th, would advise that last year this department proposed legislation providing facilities quite similar to the set-up in your Legislative Document No. 55 with regard to temporary number plates. We ran into difficulties, however, and were quite relieved to have the legislature decide not to enact the legislation which started out as a departmental recommendation." Gentlemen, that is what the proposition is that is before you today a departmental recommendation. Further on in the letter from Massachusetts, "Although bills have been introduced in previous years by the dealers," (and that is what this is, a dealers' bill) "and by the department last year, as herein referred to, we have been inclined to believe that the abuse of the temporary plate might offset the advantages and therefore not warrant the change."

New Jersey. "We have never found it necessary to provide for temporary plates of this kind."

Now here are a couple unopened

that came in this morning. We will take a pot shot at them. This is from Delaware and I hope it is with me." In response to your letter of February 23rd, I may say that we do not have a system of temporary paper number plates in this State, and would not favor any such legislation here."

Let's see, this is from Bismarck, North Dakota. That might be against me. They have sent me back my bill. "The State of North Dakota does not have a system of temporary paper number plates in this state. We do not favor such proposed legislation."

Now, members of the Senate, I believe I have presented evidence enough to show that the argument is not all on one side, and I believe that with such a distinguished committee as we have in the Legal Affairs committee, and with such a group of fair minded men and women as constitute that body, that they, in their discretion and in their judgment, seeing all the facts that are before them and more facts that will come through the mail tomorrow and the next day and next week, they, in their judgment, as servants of the State, servants of all the people, can handle this matter in a judicial manner; and, Mr. President, I move the bill and report be re-committed to the Committee on Legal Affairs for their disposition, and when the vote is taken I would like to have a rising vote.

Mr. BLAISDELL of Hancock: Mr. President, I would like to take this occasion to thank the Senator from Waldo, Senator Fernald, for all the kind things he has said about our Committee and to assure him that the Committee on Legal Affairs did take this matter seriously and did hear all the evidence, at least that there was to be presented to it at the time.

The system of operating committees, finding out the facts, gathering information, makes it necessary for a committee to be set up and to listen to the facts, and unless it is a known and positive fact that a committee has made grievous error, the careful judgment and report of the committee is something that should be taken quite seriously. I hope that I shall be one of the last to try to break down committee reports unless they show plainly that either they have not had the facts or that an error

has been committed. Personally, sitting as a member of a committee and listening to the evidence as presented, I take great interest, first in trying to determine what the demand is, whether the demand is just a short, selfish set-up or whether or not it is a large demand of a large group of people who want something, and as soon as I find out what the demand is and the bill seems to be a proper one and in its place, very careful consideration should always be given.

Now, there is an organization of Maine automobile dealers, an association separate and apart from the Maine Automobile Association, in which there are eight hundred and forty-nine dealers, in the state of Maine. They have rather closely organized themselves and while this has been called a dealers' bill in one sentence, the opposition to the bill declares it to be a departmental bill in another sentence. The demand seems to be that eight hundred and forty-nine dealers of the state of Maine wanted this law back on the statute books. The head of the department of the Secretary of State wanted this bill put back on the statute books. The chief of the State Highway Police and the chief of the inspection of automobiles in this state wanted this bill put back on the statute books. The opposition to the bill as presented to the committee consisted of that splendid Senator from Waldo, Senator Fernald, and none others. The committee concluded that if the State Highway Police and the State Inspection Service and the Department and eight hundred and forty-nine automobile dealers in the state of Maine want the bill and assure the Committee, as they did assure the Committee, that they were capable of enforcing it, your Committee became convinced that a reasonable demand existed and it granted this bill a unanimous report. You have heard the evidence that has been presented here. It has been elaborated upon a bit more but it still existed the same before the Committee. And yet the Committee rendered this opinion.

There is one other opposition that has developed to this bill since it has been spoken of here and that is the opposition of a vast number of our sister states. Of course I did not know that our sister states had a habit of appearing



in opposition to measures before this Legislature. I am not going to take your time. I know that the operation of this bill can be successful. I know that dealers all over the state, when a person comes to purchase an automobile and wants his automobile right then and there, as I always do—I always did when I got one—didn't want to wait a minute—and he cannot pay his excise tax and cannot get his number plates or get the thing straightened out, the automobile dealers throughout the state don't want him to get away and fear that he may go into another city or town and make his purchase there. I know that where an automobile is purchased they can go into the Clerk's office in that city or town and pay their excise tax, and not have to go to another town or the place of their residence. That is one of the good features of this bill, the ability to issue these number plates to those people who have bought their automobile, and they may pay their excise tax exactly where they are supposed to pay it, and that is in the town of their residence.

Of course I hope you will consider it perfect folly to assume for a moment that there is any department in the State of Maine that is operating deliberately at a loss of from one hundred to two hundred thousand dollars. There can be no argument to that. It is our understanding under the present set-up that the Secretary of State, as soon as a temporary number plate is issued and the report of it goes in to the Secretary of State's office, shall forthwith send notice of the fact that temporary number plates have been issued to the Clerk of the town where the party resides and then the Secretary of State's office, with all their inspection departments, and the Clerks of towns where the automobile is sold or where the buyer resides, then has the full opportunity of checking up and no sooner will those plates be issued than the record is placed in a separate file in the Secretary of State's office and they have the opportunity to examine them just the same as the teller of a bank examines every day his record to see whether or not your note comes due on that day—and you never knew one of those fellows to miss—and the inspection department will not miss one of these temporary plates issued. So much for that.

We have a situation wherein the dealers today are permitted to issue permanent number plates. They don't have all the exact facts and yet we have the opposition saying that we shouldn't issue temporary plates for seven days and at the same time there is on our statute books a law giving them the right to issue permanent plates.

All of these things are pertinent to the subject matter before us. The Committee heard this matter fully. We heard the opposition and we heard the proponents. I resist, Mr. President, the effort to recommit this to the Committee. The Committee has plenty of work to do. We have given this thing the consideration that it deserves and have reported conscientiously as we believed, and I resist the motion to recommit.

Mr. FERNALD: Mr. President, the distinguished Senator from Hancock (Senator Blaisdell) says that his Committee heard all the facts on this question at the time of the hearing. It may be that his statement is correct. It may be that the opinions of administrators of motor vehicle laws in other states are not facts pertinent to the question. But I say to you here that at the time of the hearing I never for one moment thought that this matter would be considered seriously for one moment by the Committee. I could not see how it could be seriously considered on the basis of the fact of two years of previous mal-administration of the same system. The question has been raised that there is a demand for this bill, that eight hundred and forty-nine dealers demanded it. True, they demanded it. And why shouldn't they? Because in their particular instances it made the sale of motor vehicles easier. But I say to you now that there is no difficulty under our present law, under our present statute, in buying a car and driving it right out of the show room. Everyone of you, if you can make the necessary financial arrangements, can go down here to Augusta and drive a car out of the show room in five minutes, just as quick as they can start it. All you have to do today when you want to buy a car is to go into a garage and ask the dealer to put on a set of plates and pay the dealer for them. They are the same plates that you would get downstairs here. And then within five minutes you can

go home to your local tax collector and pay to him the tax that is due to your community on that car; the same thing that you and I who have secondhand cars have to do every year. The distinguished Senator from Hancock (Senator Blaisdell) has said that you have to go to another city, under the present law, but the laws of Maine apply to all of the sixteen counties and the five hundred and twenty communities in Maine and there is no advantage to one dealer over another under the present law. Then they say there are eight hundred and forty-nine dealers that are in favor of this proposition, but I feel quite sure that I can go out and get automobile dealers to say that they are perfectly satisfied with the present law. As a matter of fact I drove my car into a garage last Friday and one of the first things the man said to me was, "Are you going to allow these paper plates to come back here and pester us? The present law is working all right." And that was a garage right here in Augusta.

Now, the distinguished Senator says that he knows that this law can be administered. The facts remain, ladies and gentlemen, that for two years it was not administered in this State and that the registrars of motor vehicles in all these other states say that in their judgment the administration of such a law is subject to abuse.

Now, I do not believe that it was necessary in the two years that we had this law, to issue fifty-six thousand paper plates in the State of Maine to take care of the public that needed to be satisfied as a matter of convenience. I think that the Committee should at least be willing to consider the judgment of experts of motor vehicle administration and to look further into the question. That is only a fair proposition. The distinguished Senator said he did not believe anything should be recommitted to a committee. Now let me point out to you, if you will look at your advance journal, the fifth unassigned matter there. When I get through arguing this matter I'm going to move that the fifth unassigned matter be recommitted to the Committee on Inland Fisheries and Game, and the gentlemen from Cumberland, the Chairman of the Committee, is not going to oppose

that motion. Why? Because it is a matter that should be recommitted to be changed and corrected. I never for a minute have thought that there is anything infallible about a committee. We all know that everyone of us here as an individual is not infallible. Well then, because we constitute ourselves as a committee, where do we acquire this mass sense of infallibility? I never saw anything sacred about a committee room. I never saw anything sacred about an organization of ten men who are selected by the presiding officer, just because they were grouped together; and I have seen committees make mistakes and we know there have been committees in the Maine Legislatures which have made mistakes, and I am very sure that I have been on some of those committees that have made mistakes. And I am also very sure that the very distinguished Judiciary Committee, of which I am a member, has already in this session made mistakes, unwittingly, however, and probably facts have passed before us that we were not aware of. And I am quite sure that at the next session of the Legislature we will be confronted with bills to amend or repeal laws that we have passed at this session, because if this Legislature is so infallible that another Legislature does not have to amend our laws it will be the first Legislature that ever sat under the gilded dome at Augusta.

Now, all I am asking you is to protect the financial interests of five hundred and twenty communities, the financial interests of eight hundred thousand of our people, and to ascertain the facts in this matter and face them, and to look at this public question as a public question and not as a political question.

The PRESIDENT: Is the Senate ready for the question? The question is on the motion of the Senator from Waldo, Senator Fernald, that bill, An Act relating to use of temporary number plates (S. P. 139) (L. D. 55) be recommitted to the Committee on Legal Affairs; and the same Senator asks for a division.

A division of the Senate was had. Three having voted in the affirmative and twenty-two opposed, the motion to recommit did not prevail.

Mr. FERNALD: Mr. President, I

now move that the bill and the report be indefinitely postponed.

A viva voce vote being had.

The motion to indefinitely postpone did not prevail.

Thereupon, on motion by Mr. Blaisdell of Hancock, the Majority Report of the Committee "Ought to Pass" was accepted and the bill was given its first reading and tomorrow assigned for second reading.

Sent down for concurrence.

The President laid before the Senate, bill, An Act relating to the payment of excise taxes by foreign corporations (H. P. 1460), tabled by Mr. Friend of Somerset on February 26th pending reception by the Senate; and the Chair recognized that Senator.

Mr. FRIEND of Somerset: Mr. President, I yield to the Senator from Aroostook, Senator Ashby.

Mr. ASHBY of Aroostook: Mr. President, I think this bill was introduced after the time limit had expired for the introduction of bills. Is that about right?

The PRESIDENT: The Senator is correct.

Mr. ASHBY: And it requires unanimous consent of the Senate to introduce this?

The PRESIDENT: The Senator is correct that it requires the unanimous consent of the Senate before the bill can be received into this body.

Mr. ASHBY: Mr. President, I object to this bill being received by the Senate.

The PRESIDENT: The Senator from Aroostook, Senator Ashby, objects to the reception of this bill in the Senate. That being the case, under the rules the bill is automatically referred to the next legislature.

The President laid before the Senate, bill, An Act to provide for annual audits in cities, towns, plantations and village corporations (S. P. 457) (L. D. 653), tabled by Mr. Cowan of Lincoln on February 26th pending first reading; and the bill was given its first reading.

Thereupon, Mr. Cowan of Lincoln offered Senate Amendment "A" and moved its adoption: "Senate Amendment 'A' to Senate Paper 457, Legislative Document 653, An Act to provide for annual audits in cities, towns, plantations and village corporations. Amend Section 97 by

adding after the word 'State' in the third line of said Section 97, the words 'of one thousand inhabitants or more'."

Mr. COWAN of Lincoln: Mr. President, the small towns are now burdened with expenses that they are unable to meet and while this audit might be to them of small amount, the accumulation of these small overhead charges from year to year is working on those towns a hardship. I have offered this amendment because in my own county we have ten towns of less than one thousand inhabitants. Those towns have no manufacturing, they have nothing whereby the citizens can earn a decent living anyway, and to place upon them any more expense is a hardship.

They tell us that these audits will cost the small amount of from ten to seventy-five dollars but it is the accumulating overhead charges that make a burden upon these small towns. Now, I feel that if the small towns come to the point where they feel that the decent administration of their government demands these audits it should be left to them to come before the Legislature and say that they want the State to take hold and direct them in it.

Another objection that I have personally is the fact that it is tending to centralize the government in the State and to take away from the towns those rights which they have hitherto enjoyed. I believe that what few rights these small towns have left they should retain, and therefore I move the adoption of the amendment.

Thereupon, on motion by Mr. Tompkins of Aroostook, the bill and the amendment were laid upon the table pending adoption of the amendment.

The President laid before the Senate, bill, An Act to repeal acts incorporating the town of Concord (S. P. 164) (L. D. 658), tabled by Mr. Blaisdell of Hancock on February 27th pending its first reading; and the Chair recognized that Senator.

Thereupon, Mr. Blaisdell of Hancock yielded to the Senator from Somerset, Senator Friend; and on motion by that Senator the bill was retabled and especially assigned for tomorrow morning.

The President laid before the Senate, bill, An Act relating to

smelt fishing (H. P. 193) (L. D. 618), tabled by Mr. Fernald of Waldo on February 28th pending enactment; and the Chair recognized that Senator.

Mr. FERNALD of Waldo: Mr. President, I move that the bill and report be recommitted to the Committee on Inland Fisheries and Game.

Mr. SCHNURLE of Cumberland: Mr. President, I wish to take this opportunity to thank the Senator from Waldo (Senator Fernald) for his interest in our committee and I am frank to confess that there is

an error in the bill. We only have one member of the legal fraternity on our committee and I dare say he was absent on the particular day when we reported out this bill, and therefore the bill is in error.

Thereupon, the bill and the report were recommitted to the Committee on Inland Fisheries and Game, in non-concurrence.

Sent down for concurrence.

On motion by Mr. Burkett of Knox,

Adjourned, until tomorrow morning at ten o'clock.