

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

1937

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, March 10, 1937.

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

Prayer by the Rev. Mr. Dunn of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

S. P. 255, L. D. 391: An act relating to appointment of commissioners; tenure of office; vacancies; clerks and their duties, Chief Inspector of Utilities; office and equipment.

S. P. 256, L. D. 392: An act relating to grade crossings.

S. P. 254, L. D. 396: An act relating to examiners of the Public Utilities Commission.

From the Senate: Report of the committee on Legal Affairs reporting ought to pass on bill an act relating to motor vehicle road and tourist service, S. P. 202, L. D. 292.

Comes from the Senate, report read and accepted and the bill passed to be engrossed as amended by Senate Amendment A.

In the House, report read and accepted in concurrence, the bill had its two several readings and Senate Amendment A was read by the Clerk.

Senate Amendment A adopted in concurrence and the bill as amended was tomorrow assigned for third reading.

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

Ways and Bridges

Petition of Henrietta L. Hatch and 14 other residents of Swanville in favor of using 5% of the gasoline tax on rural dirt roads (H. P. No. 1700) (Presented by Mr. Payson of Brooks)

Petition of R. F. Tufts and 9 others of Poland in favor of a new bridge at Poland Corner (H. P. No. 1701) (Presented by Mr. Goss of Poland)

Petition of C. W. Bailey and 96 others of Poland in favor of same

(H. P. No. 1702) (Presented by same gentleman)

Petition of Minnie Dudley and 72 others of Poland in favor of same (H. P. No. 1703) (Presented by same gentleman)

Petition of Almon Waterhouse and 71 others of Poland in favor of same (H. P. No. 1704) (Presented by same gentleman)

Petition of Charles Plummer and 48 others of Poland in favor of same (H. P. No. 1705) (Presented by same gentleman)

Orders

Mr. Weatherbee of Lincoln presented the following order and moved its passage:

Ordered, the Senate concurring, that all joint standing committees of the Eighty-eighth Legislature that have visited State Institutions be and hereby are authorized to file reports of the conditions found in said institutions, if the committee deems it advisable, together with the committee's recommendation for any changes in existing laws governing such institutions.

The order received passage and was sent up for concurrence.

Mr. Carleton of Alna, presented the following order and moved its passage:

Ordered, that the State Controller be directed to furnish the members of the House of Representatives with a summary of all the receipts and a statement of the cost of the entire department of Inland Fisheries and Game during the fiscal years of 1935 and 1936.

On motion by Mr. Flanders of Auburn, the order was tabled pending passage.

On motion by Mr. Sleeper of Rockland, it was

Ordered, that there be printed 500 additional copies of H. P. 1575, L. D. 716, bill an act relating to shipping clams beyond the borders of the State.

Mr. Mosher from the Committee on Claims on resolve in favor of Raymond R. Hobbs of Kittery (H. P. No. 1141) reported leave to withdraw.

Mr. Boothby from the Committee on Inland Fisheries and Game reported same on bill an act relating to closed time on deer in Cumberland and Lincoln Counties (H. P. No. 1159) (L. D. No. 439)

Same gentleman from same Committee reported same on bill an act relating to closed time on deer in Cumberland and York Counties (H. P. No. 352) (L. D. No. 107)

Mr. Pike from the Committee on Legal Affairs reported same on bill an act relating to fees for officers and witnesses (H. P. No. 307) (L. D. No. 115)

Mr. Davis from the Committee on Inland Fisheries and Game reported ought not to pass on bill an act relative to game preserve in Penobscot County (H. P. No. 1455) (L. D. No. 643)

Mr. Elliot from same Committee reported same on bill an act relating to the hunting of rabbits in Waldo County (H. P. No. 662) (L. D. No. 211)

Mr. Hascall from same Committee reported same on bill an act repealing the Standish Game Preserve (H. P. No. 855) (L. D. No. 263)

Mr. Higgins from same Committee reported same on bill an act relating to hunting of deer in Washington County (H. P. No. 854) (L. D. No. 262)

Mr. Noyes from same Committee reported same on bill an act relating to closed time on wild hares and rabbits (H. P. No. 452) (L. D. No. 133)

Mr. Story from same Committee reported same on bill an act relating to bounty on foxes (H. P. No. 1456) (L. D. No. 524)

Mr. McGlaulin from the Committee on Judiciary reported same on bill an act relating to speed on highways (H. P. No. 670) (L. D. No. 215)

Mr. Philbrick from same Committee reported same on bill an act relating to issuance of operators' licenses (H. P. No. 671) (L. D. No. 216)

Mr. Thorne from same Committee reported same on bill an act relating to registration of motor vehicles (H. P. No. 471) (L. D. No. 136)

Mr. Cole from the Committee on Legal Affairs reported same on bill an act to authorize towns to establish the office of Town Manager (H. P. No. 683) (L. D. No. 239)

Mr. TABBUT of Columbia Falls: Mr. Speaker, I move to substitute the bill for the report. It has always been my method to complete anything that I started and that was my purpose when I introduced this bill early in the session of this Legislature. Under our special acts it is necessary for any town which

wishes to have a Town Manager to get legislation in order to do so. This bill was made up and drafted from a New Hampshire law which was already in operation, also from special acts which I got from the State Librarian and from old original acts passed authorizing towns to form unions for the purpose of hiring superintendents of schools. Under those special acts I noticed that they went to some length to say that the selectmen were councilors and to explain their duties as councilors, but they did not say so much about the duties of a Town Manager, which was a new office to be created.

Under this bill selectmen remain selectmen. The duties of the selectmen are already provided for in the statute. This bill says that the Manager shall be at all times under the supervision of the selectmen. This bill goes to some length in explaining the duties of the Town Manager. The Town Manager has nothing to do with the schools. It provides that the other officers shall be the same except those whose duties are taken over by the Manager. It provides for a union of towns in case some small towns cannot afford to pay the salary necessary to procure the services of an efficient Manager.

At hearings before other committees which I have attended I noticed that sometimes members of the committee would suggest some change which they, the members, thought might be beneficial. I did not hear any such suggestion before the committee at this hearing. One of the prominent members of the committee gave me as a reason for the unfavorable report that under this system towns at their town meetings, or people at the town meetings, would be likely to have fights over the bill. I think usually they have some disagreement anyway, but I cannot see why they would have any more disagreement if this were a general law than they would under a special act of the Legislature.

The members of the committee seemed to think that perhaps the law should remain as it is and have them come to the Legislature and get a special act through, and the committee would be able to settle the fight, and I presume they thought that the people would then go home and live happily ever after. Thank you.

Mr. HIGGINS of Ellsworth: Mr. Speaker, I would like to say just a word in support of the report of the committee. Our position, to make it very brief, was that the laws were very satisfactory at the present time. Towns could come here at any session of the Legislature every two years and petition and ask that they be given the right to change their form of government. Our principal reason for reporting the bill out ought not to pass was the fact that any town by a mere vote could do that themselves, and that it might cause constant turmoil in many towns. At the start of this session representatives from Bar Harbor brought in a bill asking that we repeal the charter that had been granted to them some twelve or fourteen years ago whereby they might have a town manager form of government. They came back here this year, after voting on it five or six times, and every time it had been overwhelmingly voted down, and there was a constant turmoil and unrest where certain factions kept fighting every change in the town charter until a board of substantial citizens came over here and asked us to withdraw the charter so they would not have to fight it at every town meeting. We feel it is a very satisfactory situation now and that it is well for a little time to elapse whenever a group of citizens decide they want to change their form of government. Let a year or two elapse until in the cool deliberation of their judgment they can decide whether or not they want any change. Then we will not have a situation where a group of people in a town, three or four or five weeks before election, will be saying "Let us have a change; we are dissatisfied with the three selectmen; let us get rid of them and upset the whole thing."

That is the principal reason that we reported the measure out in the way we did. We felt it would be a very unwise change to let a town, quickly and hurriedly, maybe by one vote, perhaps 51 to 50, change their form of government entirely. Is it not better for that town to send representatives here, draw up their charter and go over it with the committee here finally? I think so, in most every case where they desire to change their form of government. That, members, is the position of the committee in this matter.

The SPEAKER: The pending

question is on the motion of the gentleman from Columbia Falls, Mr. Tabbut, that the bill be substituted for the report of the committee. The Chair recognizes the gentleman from Columbia Falls.

Mr. TABBUT: Mr. Speaker and Members of the House: If any town comes here to get a special act passed, then that special act has to come up before the town to be accepted by vote of the town. Under our system of union of schools for the purpose of hiring a district superintendent of schools, they probably had some argument in town meeting over that. What has happened in regard to that law? Simply this: That they liked it so well that it has become compulsory. I can see no more reason for fights or disagreements by towns if we have a general law providing for a Town Manager than I can under the present system. I think it would be a great advantage to the town, myself.

The SPEAKER: The question is on the motion of the gentleman from Columbia Falls, Mr. Tabbut, that the bill be substituted for the report of the committee. As many as are in favor of the motion will say aye; those opposed no.

A viva voce vote being taken, the motion to substitute the bill for the report did not prevail.

On motion by Mr. Higgins of Ellsworth, the ought not to pass report of the committee was accepted.

Reports of Committees

(Continued)

Mr. Higgins from the Committee on Legal Affairs reported ought not to pass on bill an act creating a State Lottery Commission (H. P. No. 4) (L. D. No. 2).

(On motion by Mr. Weatherbee of Lincoln, bill and report tabled pending acceptance of the report and specially assigned for Tuesday, March 23rd).

Mr. Paul from the Committee on Legal Affairs reported ought not to pass on bill an act relating to medical examiners and their duties (H. P. No. 1530) (L. D. No. 679).

Mr. Payson from same Committee reported same on bill an act relating to records of birth (H. P. No. 884) (L. D. 281).

Mr. Higgins from the Committee on Inland Fisheries and Game reported same on bill an act relating to open season on fur-bearing ani-

mals (H. P. No. 1450) (L. D. No. 519)

Reports read and accepted and accepted and sent up for concurrence.

Mr. Davis from the Committee on Inland Fisheries and Game on bill an act to provide for issuing duplicate hunting and fishing licenses (H. P. No. 291) (L. D. No. 90) reported same in a new draft (H. P. No. 1706) under same title and that it ought to pass.

Mr. Story from same Committee on bill an act relating to hunting while under the influence of intoxicating liquor or drugs (H. P. No. 367) (L. D. No. 111) reported same in a new draft (H. P. No. 1707) under title of an act relating to hunting while intoxicated or under the influence of drugs and that it ought to pass.

Same gentleman from the Committee on Sea and Shore Fisheries and Inland Fisheries and Game jointly on resolve limiting weir fishing for salmon in Penobscot River (H. P. No. 1013) (L. D. No. 417) reported same in a new draft (H. P. No. 1708) under same title and that it ought to pass.

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

Mr. Boothby from the Committee on Inland Fisheries and Game reported ought to pass on bill an act relative to Game Preserve in the towns of Limington and Hollis in York County (H. P. No. 1270) (L. D. No. 457)

Same gentleman from same Committee reported same on bill an act relating to closed time on deer in York County (H. P. No. 608) (L. D. No. 199)

Mr. Hascall from same Committee reported same on bill an act relative to Game Preserve in York County (H. P. No. 1500) (L. D. No. 608)

Same gentleman from same Committee reported same on bill an act relative to sale and transportation of wild hares and rabbits (H. P. No. 1078) (L. D. No. 343)

Mr. Noyes from same Committee reported same on bill an act relative to the sale of deer (H. P. No. 1082) (L. D. No. 409)

Mr. Paul from the Committee on Legal Affairs reported same on bill an act relating to commitment of the insane (H. P. No. 1533) (L. D. No. 665)

Same gentleman from same Committee reported same on bill an act relating to pauper settlement (H. P. No. 1542) (L. D. No. 569)

(Bill and report tabled by Mr. Ellis of Fairfield, pending acceptance of the report)

Mr. Elliot from the Committee on Maine Publicity reported ought to pass on resolve relating to an official song for the State of Maine (H. P. No. 120) (L. D. No. 54)

Mr. Dwinal from the Committee on Towns reported same on bill an act to annex Hurricane Island to the town of Vinalhaven (H. P. No. 1128) (L. D. No. 371)

Mr. Higgins from the Committee on Inland Fisheries and Game reported same on bill an act relating to fly-fishing (H. P. No. 856) (L. D. No. 264)

(Bill and report tabled by Mr. Payson of Brooks, pending acceptance of the report)

Mr. Higgins from the Committee on Inland Fisheries and Game reported ought to pass on bill an act relating to fishing in Pocumpus Lake and in Western Grand Lake in Washington County (H. P. No. 853) (L. D. No. 303)

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

Passed to be Engrossed

(S. P. No. 170) (L. D. No. 247)
An act decreasing the subsidy contributed by the State relative to physical and industrial education

(H. P. No. 1691) (L. D. No. 825)
An act imposing a tax of one cent per barrel on potatoes for advertising and stabilizing the potato industry of the State

(Tabled by Mr. Richardson of South Portland, pending third reading)

(H. P. No. 1692) (L. D. No. 826)
An act to create the Hampden Water District

(H. P. No. 1693) (L. D. No. 827)
An act to incorporate the Danforth Water District

(H. P. No. 1694) (L. D. No. 828)
An act to provide a Town Council and Manager form of government for the town of Old Orchard Beach

(H. P. No. 1695) (L. D. No. 824)
An act to enlarge and define the powers of the Androscoggin and Kennebec Railway Company

Passed to be Enacted

(Emergency Measure)

H. P. 1092, L. D. 414: An act to incorporate the Portland Water District.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of the House. All those in favor of the passage of this bill to be enacted will rise and remain standing until counted and the monitors will make and return the count.

A division being had,

One hundred forty-three having voted in the affirmative, and none in the negative, 143 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

(Emergency Measure)

H. P. 1662, L. D. 789: Resolve relating to fishing for ground fish in Sheepscot Bay.

The SPEAKER: This being an emergency measure, it is necessary that it have the affirmative vote of two-thirds the entire elected membership of this House. All those in favor of the final passage of this resolve will rise and stand in their places until counted and the monitors will make and return the count.

A division being had,

One hundred and thirty-nine voting in the affirmative, and none in the negative, 139 being more than two-thirds of the entire elected membership of the House, the resolve was finally passed.

Passed to be Enacted

(S. P. 90, L. D. 88) An act relating to town meetings in town of Boothbay.

(S. P. 117, L. D. 258) An act relating to issue of stocks, bonds and notes by public utilities.

(S. P. No. 118) (L. D. No. 259) An act relative to the issuing of capital stock by railroad corporations.

(S. P. No. 201) (L. D. No. 291) An act to incorporate the State of Maine Publicity Bureau.

(S. P. No. 331) (L. D. No. 586) An act relating to appeals from magistrates.

(S. P. No. 409) (L. D. No. 786) An act to incorporate the Calais School District.

(H. P. No. 615) (L. D. No. 187) An act relating to the maintenance of the Androscoggin Lake Dam.

(Tabled by Mr. Day of Durham, pending passage to be enacted.)

(H. P. No. 1053) (L. D. No. 339) An act providing for a recorder of South Portland Municipal Court.

(H. P. No. 1658) (L. D. No. 792) An act relating to clerk hire in the office of Register of Deeds, in the county of York.

(H. P. No. 1659) (L. D. No. 791) An act relating to Recorders of Municipal Courts.

(H. P. No. 1660) (L. D. No. 790) An act relating to bounty on seals in Hancock and Washington counties.

(H. P. No. 1663) (L. D. No. 795) An act to provide a Manager Form of Government for the town of Milo in the county of Piscataquis.

Finally Passed

(H. P. No. 32) (L. D. No. 17) Resolve changing the name of Big Indian Pond and Little Indian Pond.

(H. P. No. 701) (L. D. No. 229) Resolve relating to closed time in Jonesport-Addison.

(H. P. No. 702) (L. D. No. 787) Resolve relating to taking of clams in South Thomaston.

(H. P. No. 1179) (L. D. No. 440) Resolve authorizing compensation for Paul F. Fitzpatrick of Gardiner.

(H. P. No. 1661) (L. D. No. 788) Resolve relating to the taking of clams on Gouldsboro.

Orders of the Day

The SPEAKER: Under orders of the day, in accordance with the House Order passed on March 3rd, the Chair lays before the House the first tabled and unassigned matter, bill an act defining, regulating and taxing games of skill, H. P. 1642, L. D. 782, tabled February 24th by Mr. Hinckley of South Portland, pending reference to a committee, and the Chair recognizes that gentleman.

Mr. HINCKLEY: Mr. Speaker, there are several other matters before the Legislature covering this same subject matter, several bills, and I believe the members of this House would like to have them all go to a committee at the same time, but one of them is being held up. I therefore move that the matter lie on the table.

The motion prevailed and the bill was retabled pending reference to a committee.

The **SPEAKER**: The Chair lays before the House the second tabled and unassigned matter, being House report ought not to pass of the committee on Judiciary on bill an act relating to date of the general election, H. P. 674, L. D. 219, tabled February 24th by the member from Bethel, Mrs. Thurston, pending acceptance of report; and the Chair recognizes the lady from Bethel, Mrs. Thurston.

Mrs. **THURSTON**: Mr. Speaker and members of the House: Whereas I realize that all freshman legislators should be seen and not heard, and whereas I realize that this is probably my first and only membership in this august body, and as I believe in this measure and think it is worth working for a bit, I exercised my privilege of tabling this document in order to get the House sentiment in regard to it.

During the past two weeks exactly thirty-three House members have come to me unsolicited and stated that they favored this measure. In the corridors I have overheard snatches of conversation many times, also favoring this measure. There is a well-known popular demand for his measure. It is not a new subject. In the last forty years it has come before this Legislature several times.

I would like to answer two objections which are sometimes thoughtlessly voiced: First, that we should keep our state and national issues separate. Now we do not do it as it is, for we always elect United States Senators and Congressmen in our September elections. If we so acknowledge that our people are not capable of handling two issues in one election, then it is paramount to admitting that our people are not so intelligent as the citizenry of the other forty-seven states. In the second place, it is argued that September in respect to weather is a better month than November, yet we have to vote in November every fourth year, so there is a fallacy in that statement; and statistics show for the last ten years that anywhere from twenty to seventy thousand more people have voted in the November elections than in the September elections of the same year.

On all sides this year we hear economy urged, and I heartily agree with Governor Barrows in his address before this House in respect to that subject. So far this year I believe that this bill is the first one

to be brought to the floor of the House in which there is an opportunity to vote for economy, notwithstanding the fact that I read in this morning's newspapers that the Republicans in caucus last evening voted unanimously against this measure and in support of the report of the Judiciary Committee. I appeal to you to place economy above politics and not to treat this as a partisan issue.

I wish to quote some figures which are non-controversial. I will try not to be lengthy. Our authorities in towns and cities spend for every September election well over \$30,000—and that figure is not guess-work; you may see it in the *Legislative Record of 1935*. The department of the Secretary of State spends between \$9,000 and \$17,000 for the September election. I secured those figures after working a half day with the clerk in the State Auditor's department.

There are in Maine between 200,000 and 300,000 voters who go to the polls in September and November. We all know from experience that they spend there anywhere from two hours to a half day and even a whole day, away from their work. Let us be conservative and call it an average of two hours that each one of the 200,000 voters spends away from work. There are 400,000 minimum man-hours multiplied by a rate of 40 cents per hour, and you have the astonishing figure of \$160,000 in time lost and probably money lost by attending the September election in the same year that they have got to be away from their work and attend the November election.

We of the Legislature have been here exactly nine weeks today. I secured from the Controller this morning some interesting figures—maybe they are familiar to you. Based on the 1935 costs of the legislative session—and it is quite the same as other years—we have expended \$215,000. That was the cost of running the Legislature last session, and Mr. Runnells tells me there is no reason to believe that the figure will not be the same this year. The costs are quite fixed, especially as to our salaries, which, by the way, total \$145,000, and our mileage, which is practically always the same, about \$4500.

Now, I ask you, are we worth it? Have we done anything to date in the interests of economy? I appeal to this 88th Legislature not to go

home and tell your constituents that you had an opportunity to vote for economy and turned it down. I appeal to you to treat this measure conscientiously and seriously. I now move, Mr. Speaker, that the bill be substituted for the report.

Mr. PHILBRICK of Cape Elizabeth: Mr. Speaker, I regret very much to be forced to disagree with the lady member from Bethel (Mrs. Thurston).

My first disagreement with her is in her opening remarks in which she expressed the sentiment that freshman members should be seen and not heard. I have no such theory as to that, and I am glad she has been heard. She has stated her argument fervently and earnestly and I know with sincerity. But I do think it fair, in view of the unanimous report of the ten members of the Judiciary Committee, to explain a little bit the argument that appealed to them.

The proponent of this bill was the only person who appeared before the committee in its favor. So far as I am aware, no member of the committee received any letter or any suggestion from any member of the public urging us to pass the bill and change the date of the election.

The Legislative Record of 1935 has been referred to by the lady member from Bethel (Mrs. Thurston) as stating some of the arguments in favor of the bill. That same record states at some length in the speeches that were made in both branches of the Legislature the arguments against the bill. I shall not take your time this morning to go over those at length. I would like only to point out one or two which appeal particularly to me. On this matter of economy, which I believe is the principal argument made by the proponents of the bill, I heard it estimated two years ago—and it was only an estimate—that the saving by changing the date of the election would be perhaps \$50,000. I was interested to see how those figures would break down. The lady member from Bethel (Mrs. Thurston) in speaking before the Judiciary Committee, stated that from her experience in the Secretary of State's office the cost of the November election to the State of Maine—and I am speaking now of the State as a unit rather than including the cities and towns—the

cost to the State of Maine was \$5500—in other words \$1400 a year on an average. In addition to that, there is the cost to the cities and towns, which varied from \$10 in Patten, \$12.50 in Lee, \$20 in Bangham, going on up to the larger towns, \$90 in Skowhegan, to \$125 in Mount Desert, which was the highest cost, according to these figures, of any of the towns in the State—and again it should be remembered that that must be divided by four, and that the annual cost to those towns varied from \$2.50 to \$31. In the cities of course the cost is somewhat more: Hallowell, \$167, Calais \$376, and, going on up quite a large jump to Portland, where the cost was \$2000. Those figures again must be divided by four, and you find the annual cost to the cities ranging from \$40 up to \$500 in Portland.

Now perhaps by minimizing the cost of the second election I am giving the impression that even that small amount should not be saved. I do not mean to give that impression, but I would like to have the members look for a moment to what we may possibly receive in return.

I do not need to recall to you what happened last August, when every newspaper in the eastern part of the country, probably in the entire country, every magazine, especially the news weeklies, had not only news articles but special articles, and most of them sent special writers to Maine, who spent days and weeks here, and day after day there were headlines and long articles on the front page, which could not be bought for any amount of money the State could raise, talking about Maine. What is Maine going to do?

There is, I believe, a theory of advertising that any mention of a name has some value. Without the necessity of going into that, I believe the mention of Maine as it was mentioned last August does have value.

The Maine Development Commission had a budget last year of \$100,000. They are trying this year to increase it, and they are receiving good newspaper support in their desire to increase that budget. They budget that amount of money very carefully, principally over the leading magazines and newspapers in the east, in an effort to get the most value for every cent of that money. They tell me that if it were

possible to measure the amount of space which the State of Maine received last August in dollars and cents, it would run into hundreds of thousands and even more, and they also tell me that they believe that advertising is of value.

Someone may object that the result of the election made that mention of Maine somewhat of a joke, but I do not feel it is an unpleasant joke. I think, on the contrary, that people may be slightly amused by the failure of the slogan "As Maine goes, so goes the Nation" to operate last year. Nevertheless, there seems to be a good-natured sort of a feeling, and in some cases they are even inclined to come to Maine this summer and see just what there is in this museum of antiques.

Unless the cost to the State of Maine and the towns and cities of the State is more than \$1400 a year in the case of the State and two dollars or three dollars, running up to thirty or forty dollars in the case of the towns, and a little more in the case of the cities, I believe the value of that advertising is way in excess of the cost.

There is one other argument which I do not recall ever seeing mentioned before, because it has just arisen recently. About the time of our committee hearing the Associated Press carried a news item from Washington to the effect that the change of the inauguration date from March to January had not been entirely successful, because the period of time between the November election and January was too brief, and the suggestion was made and there was talk in the capitol that a further amendment might be necessary to put the present November election back into October.

Now we are discussing at this present moment a statutory change, which of course could not take effect unless this Legislature would adopt the third unassigned matter, which is a resolve for a constitutional change, and unless that constitutional change were approved by the people. However, I assume we are waiving that technicality and discussing the merits of both the bill and the resolve together. In view of the solemnity of the Constitution, it seems to me unwise to urge at this time any change in the Constitution of the State of Maine if there is any chance of

our finding within the next year or so that Congress is proposing a further change of the date of the national election, which would require a further change by us.

As I have said, the ten members of the Judiciary Committee have made a unanimous report, ought not to pass, and I, speaking for the committee, hope, therefore, that the motion of the lady member from Bethel (Mrs. Thurston) will not prevail.

Mr. SEABURY of Yarmouth: Mr. Speaker and Members of the House of the 88th Legislature: Having thus far restrained myself to a high degree of efficiency in not speaking to this body—those of you who were here two years ago found I very cheerfully assumed the rights of the freshman in regard to talking frequently—I am going to be very brief in my remarks. I would like to speak on the pending matter and I will try to be brief. I always try to be brief, but sometimes I do not succeed. I would like to state my position in this matter, not having been at the caucus last night. Had I been there I would have reserved the right to speak on this matter this morning. I understand it was reported unanimously by the Republican members of the committee, but, not having been there, I insist on my right to state my position in the contrary to that opinion without any reflection against any member who was there. It is our right to speak our mind as we see it, and, in order that I may succeed in being reasonably brief, I will confine myself to a few notes I have jotted down relative to this pending matter.

In the first place, in the various and complex exigencies surrounding and influencing our official actions here we are likely to accept false values and ill-considered reasons to sustain our views.

We all like to be on the winning side of a proposition or controversy, but it would be my opinion, if we accept this report, the winning side will soon be on the losing side.

While I do not intend to presume to be wise, I do feel I am honest in my opinion that this is a matter which the State has a wide interest in.

The situation, as I see it, is that we find ourselves confronted with many requests for additional services to be rendered by the State.

And I would like to emphasize that the Federal government has not any monopoly in that respect. The State of Maine has many requests for additional services, and I believe we would like to comply with those requests for services if we were convinced that the additional load could be carried by the taxpayers, but I think we hesitate to comply with all these demands because we do feel that the present load is perhaps about all we should undertake.

Now it seems to me, being confronted with sales taxes and income taxes, beer taxes and all the kinds of taxes we can think of, and still looking for new things to tax, that the matter of economy might be considered. Up to this morning at least I have not heard it mentioned very prominently. If my memory serves me correctly, the Republican platform had a very definite indication that if we were elected as the majority party of this State we would consider economy, and I am certain my memory is not so far wrong as to be wrong on the presumption that during that campaign the matter was spoken of very frequently and emphatically. Of course we had an elegant chance to point our finger at the National Democratic Administration, but there was certainly a great deal of talk on economy and the presumption was that if we were put in power we would show the way to economical administration of State affairs. I hope that the members will do so, but I have not seen any indication yet pointing toward it. I think it is incumbent on the majority party to realize that we are the ones who are going to be held responsible for what we do, and, may I add, for what we do not do. That may loom up somewhat larger.

It seems to me that here is an opportunity to save \$50,000 once in four years, without injury to any essential services. And I want to impress upon you that particular definition. That when we set out here to save money we must realize we are liable to cripple some essential service which it would be our desire to increase and expand, but here is our chance to save some money without injury to any essential service.

I admit that \$50,000, as we have been handling money in the last four years, is almost a negligible

quantity, but, as a matter of fact, it is the biggest item that has come to our attention where we could save anything and not do injury to some essential service, and I think that is a pretty hard definition to comply with.

I have not a great deal more to say. Perhaps that covers my point of view. James Blaine once said that a party platform was just like the platform at the railroad station; it was made to get in on. I think perhaps we are following his advice. I think we might have a little respect for the promise of economy.

In conclusion, I wish to say that it appears to me that here is the measure of our sincerity in the matter of State economy, and I certainly hope that the motion of the lady member from Bethel (Mrs. Thurston) will prevail. I thank you.

Mr. LEE of Rumford: Mr. Speaker, I rise to try to convey to the members of the House a little of the history of this bill, that I might impress upon the members that in the press the citizens of the State of Maine have expressed a desire that this measure go through.

In almost every session of the Maine Legislature, during the last fifty years, the Democrats have sought to set the machinery in motion to eliminate the September elections. They would follow the example of the rest of the country and have all the voting done in November. The barometer idea has worked to their disadvantage too often, both nationally and locally. But they have never been able to get to first base with their project. The Republicans, always dominant in one of both Houses, have blocked the changes which would require a State constitutional amendment.

Now let us look at the record again. I say that the people demand that we run our government as economically as possible without decreasing any of the necessary functions of our government, and I say that if by passing this bill we can save from \$10,000 to \$12,000 annually that that is "urgently demanded and absolutely necessary."

Governor Brann in his 1933 Inaugural said:

"Two state-wide elections in a Presidential year, with the attending double cost to State, cities and towns seem unnecessary and I rec-

commend a change in the date of the State election to coincide with the National election. This would entail an amendment of the State Constitution."

The 1934 Maine Democratic Platform said:

"Maine is the only state in the Union which holds two elections every four years, involving unnecessary expense in time and money to the candidates and the public and added expense to the State. We are in favor, therefore, of an amendment to the Constitution of the State and of such changes in the Statutory Law as may be necessary to change the election of all officers now elected on the second Tuesday of September as provided by the Constitution, to the Tuesday next after the first Monday in November, thus eliminating the September election and conforming to the method adopted in other States."

Governor Brann in 1932 and 1934 ran on a political platform that stood for this bill and the people elected him by 2,000 in 1932 and by a 23,000 majority in 1934.

Governor Fernald advocated the bill in 1909.

The opponents have said there was no agitation in the newspapers for the bill.

Let us look at the record again. From the Bangor Daily Commercial, February 3, 1933, they ask:

"Why not a change?"

"A majority report of the Judiciary committee of the Maine legislature returns an adverse verdict against the proposal to change the date of the biennial state election to correspond with the national election. Perhaps the majority of the committee found cogent reasons for objecting to the state getting in line with most of the other states, or it may be that they will favor some other bill designed to accomplish the same purpose. We do not know the reasons that impelled the majority of the committee to oppose the bill but hope that they were other than political.

"The suggestion has been made previously in the Maine legislature that the state should get along with but a single election in the years of presidential elections, but unsuccessfully. The Republican members have been found in opposition very generally for the supposed reason that an early election in Maine with Republican victory

aids that party in other states. This is a reason that does not offer so much argument as before last September. The only other arguments that might be advanced, so far as we can see, in opposition to holding the state election within November is that the weather is more clement in September and voters can reach the polling places with more ease. We do not argue the thought that the gentlemen who assist their incomes from political activity prefer two opportunities rather than one to gain financial sustenance, although the influence of this thought may have been felt at Augusta.

"Aside from weather conditions we can discern no legitimate argument unless it be publicity for Maine, to support September elections, and there are several good reasons why the date should be changed. One reason is financial, for the state could be saved a good many thousand dollars by eliminating one state election every four years.

"Another good reason, also financial, is the saving of time for the 200,000 or more citizens of the state who participate in the elections, the unnecessary election one year in four constituting a very considerable economic waste.

"Until recent years the Maine custom of holding two elections in presidential years has not borne so heavily upon the voters as it does at the present, for with the adoption of the direct primary there came another biennial election, so that now the presidential years Maine voters are called three times to the polls, causing a rather general attention to politics from June to November.

"It may be that the politicians object to a change on the not declared ground that national committees may be inclined to send more money into Maine for the September election on the ground that a good showing in Maine may have its effect upon the national contest, but considering the loud lamentations last fall to the effect that very little money was received from the national committees, one of these statements must be discounted.

"Generally speaking, it appears to us that the elimination of one election in presidential election years should be beneficial to the state and to its people. The leg-

islature should insist on the production of good reasons for refusal to make the proposed change."

Quoting from the Bangor Daily Commercial, February 11, 1933:

"Lewiston Evening Journal, January 13, 1933:

"We are inclined to agree with Mr. Fernald about the union of the two elections every four years."

From the Bangor Daily News, February 4, 1933:

"If it is undesirable, all we can say is that of the 48 states comprising this glorious union all are out of step but Maine."

The 1934 Maine Republican platform said:

"This cause of good government requires a new brand of political ethics. The procurement of political support by the unwarranted expenditure of public money must be regarded as bribery in its lowest form."

And in 1933 the Selectmen of the following Maine towns and cities (252) favored it. And why? Because it meant an individual saving for their communities while the Selectmen of only eight Maine towns opposed the proposition, and in those eight towns there were 3821 voters, as given in the 1930 census.

And the opposition says there is no demand for the change. I will leave the answer to you.

If you want to advertise Maine, let's abolish the September election. Let us then spend the \$50,000 we could save—in direct advertising of our agricultural products, sea products, and other Maine commodities. It would be more direct and more valuable to the people of Maine whom we are trying to help.

Why did Vermont abolish its September election in 1913? In many ways Vermont resembles Maine. It is also a recreational state, but it saw the need for real economy, an opportunity to save the people's money, and no advantage in the September election.

In the Portland Evening News Tuesday, May 6, 1930, as a Republican, I advocated the changes I now advocate from the floor. In 1933 the House passed this bill 96 to 50. Representatives Ashby, Friend, Goodwin and Fernald voted for it. Those members are still down here, I see, and going along in good style. I was only attempting to carry on a great political program of a great Republican Governor of Maine, Bert M. Fernald, who said in his Inaugu-

ral address of 1909: "It is a waste of time and money to hold two elections when one can serve as well."

The Democrats of Maine in their platform of 1932 and 1934 were pledged to this measure. Governor Brann advocated it in his 1933 inaugural. It is a measure that is as sure of adoption as the sun is to rise tomorrow. Our President has called for a "New Deal." I am calling on you to give the people of Maine a "square deal."

Mr. GYGER of Cumberland: Mr. Speaker, it seems to me it is rather egotistical for any one group of persons or any person to admit their constituents sent them to Augusta as the sole representatives of an economy program. It seems to me that all of the voters of the State of Maine sent all of us down here with the idea that we were to exercise economy. But when it comes to selling our interest in State issues for a few paltry dollars, I definitely oppose that as economy. I am for economy in material things, but it seems to me that any person who is fundamentally interested in a popular form of government cannot criticize the two hours an individual spends in attending the September election. Our criticism of the voters of the State of Maine and the voters of this Nation has been on the other side, that they do not pay sufficient attention to public questions.

From the standpoint of a person who is interested in public education, I think that the September election does a grand piece of work for the State of Maine. We have had the headlines on our State issues, and we are using them, we may say, to educate the public to a better use of its voting power.

Many of us are alarmed at this time, I think, because of the degree of concentration of power in national governments throughout the world. I rise at this time to say this is not the time to scramble our state issues with national issues. (Applause)

Mr. THORNE of Madison: Mr. Speaker, I realize the sincerity of the lady member from Bethel (Mrs. Thurston) and the gentleman who preceded me, but to bring about the principles incorporated in Legislative Document 219 and Legislative Document 222, which is the amendment to the Constitution of the State of Maine, it will be necessary to have a constitutional amendment

before those ideas are brought about, and if, while we are going through the legal and election machinery in bringing about a constitutional amendment to change the time of the State election from September to November, the Federal government should change the time of the National election to October, we would indeed be in the unique position of holding our election after the National election.

These bills before the Judiciary Committee were well advertised in the press of the State of Maine. There appeared, notwithstanding that advertising, only the lady from Bethel before the committee. The matter was given a full hearing, and the lady from Bethel, as I remember it, was the only one who appeared for the bill. I may be in error. But there seemed to be, notwithstanding the advertising of the bill in the papers of this State, no widespread desire for it. And after a full hearing and a full and complete discussion by the members of the committee, the unanimous report, ought not to pass, was reported.

I feel that it is not the time to change the date of the September election to November, for the reasons I have just mentioned, and, furthermore, notwithstanding the fact that the mother country holds its election in November, I feel we should retain to ourselves and for ourselves one of the last few privileges which we have, which is to hold our election when we want it.

Mr. PAYSON of Brooks: Mr. Speaker, I move the previous question.

The SPEAKER: Inasmuch as this is the first time during this session that a motion for the previous question has been made, the Chair will say that the effect of the motion, if adopted, is to terminate debate and also preclude any amendments to the bill. To entertain the previous question requires, under the rules, the consent of one-third of the members present. As many as are in favor of sustaining the motion for the previous question will rise and remain standing until counted and the monitors will make and return the count.

A division of the House was had.

The SPEAKER: Obviously more than one-third of the members having arisen, the previous question is in order. The question is shall the main question be put now? This question is debatable. Any member

may speak on it but not exceeding five minutes under the rules. Is the House ready for the question? Shall the main question be put now? Those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The pending question is on the motion of the lady from Bethel, Mrs. Thurston, that the bill be substituted for the ought not to pass report of the committee. Those in favor of the motion of the lady from Bethel, Mrs. Thurston, will say aye; those opposed no.

A viva voce vote being taken, the motion to substitute the bill for the ought not to pass report failed of passage.

On motion by Mr. Philbrick of Cape Elizabeth, the ought not to pass report of the committee was accepted.

The Chair lays before the House the third tabled and unassigned matter, House report ought not to pass of the committee on Judiciary on resolve proposing an amendment to the Constitution changing the date of the general election, H. P. 678, L. D. 222, tabled on February 24th by Mrs. Thurston of Bethel, pending acceptance of the report; and the Chair recognizes the lady from Bethel, Mrs. Thurston.

Mrs. THURSTON: Mr. Speaker and Members of the House: As this is of necessity tied up with the previous legislative document which has just been given so generous an airing, there does not seem to be anything else to do; but before I make the motion I would like to call attention to the fact that before the Judiciary Committee, while there was no other proponent, neither was there any opponent. I understand this was a unanimous report ought not to pass, and I believe the Chairman of that committee is Senator Fernald, who sponsored the bill previously. I now move that the report of the committee, ought not to pass, on L. D. 222, be accepted.

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

The Chair lays before the House the fourth tabled and unassigned matter, House report ought not to pass of the committee on Salaries

and Fees on bill an act relating to the salary of the Recorder of the Old Town Municipal Court, H. P. 891, L. D. 274, tabled on February 24th by Mrs. Latno of Old Town, pending acceptance of the report; and the Chair recognizes the lady from Old Town, Mrs. Latno.

On motion by Mrs. Latno the bill and report were recommitted to the committee on Salaries and Fees and sent up for concurrence.

The Chair lays before the House the fifth tabled and unassigned matter, House report ought not to pass of the committee on Salaries and Fees on bill an act relating to the salary of the Judge of the Old Town Municipal Court, H. P. 892, L. D. 275, tabled on February 24th by Mrs. Latno of Old Town, pending acceptance of the report; and the Chair recognizes the lady from Old Town, Mrs. Latno.

On motion by Mrs. Latno the bill and report were recommitted to the committee on Salaries and Fees and sent up for concurrence.

The Chair lays before the House the sixth tabled and unassigned matter, House report ought not to pass of the committee on Salaries and Fees on bill an act relating to compensation of the County Attorney of Penobscot, H. P. 5, L. D. 3, tabled on February 24th by Mr. Churchill of Brewer, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Churchill the report of committee was accepted.

The Chair lays before the House the seventh tabled and unassigned matter, House report ought not to pass of the committee on Salaries and Fees on bill an act to increase the amount to be paid for clerk hire in the office of Register of Deeds in Penobscot County, H. P. 124, L. D. 56, tabled on February 24th by Mr. Churchill of Brewer, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Churchill the report of the committee was accepted.

The Chair lay before the House the eighth tabled and unassigned matter, bill an act relating to Penobscot County Court House, H. P. 1632, L. D. 764, tabled on Feb-

ruary 24th by Mr. Leonard of Hampden, pending passage to be engrossed and the Chair recognizes that gentleman.

Mr. LEONARD: Mr. Speaker, I find that the County Commissioners already have the rights that are asked for in this bill. I do not object to the improvements that this bill asks for, and I have to say that our County Commissioners will make these improvements as fast as the finances of the county will permit. It does not seem necessary to me to clutter up the law books of the State with a bill of this kind, and I move its indefinite postponement.

The SPEAKER: The gentleman from Hampden, Mr. Leonard, moves that the bill be indefinitely postponed. The Chair recognizes the gentleman from Bangor, Mr. Whitney.

Mr. WHITNEY: Mr. Speaker, it seems to me that this is simply an enabling act to enable the County Commissioners of Penobscot County to make some changes in the court house if, as, and when they deem necessary. This particular bill was drawn by one of the more prominent attorneys in the city of Bangor who happens to be an ex-Attorney General. I have talked with him, and his idea is that there seems to be some question whether or not the County Commissioners have the right to make these changes. I have talked with one member of the Board of County Commissioners, who happened to be the chairman, and there seems to be some question in his mind about it. He thinks they have a right to do so but is not certain. This bill was drawn with the approval and consent of the members of the Penobscot County Bar Association.

The duties of the County Commissioners are purely statutory. They have no right under the common law. Therefore the only rights they have are the rights given them by this legislative body. Their counsel, who happens to be the County Attorney—and I have talked with him—seems to think that this bill should have passage; that there is some question of the interpretation of the law as to whether or not they have the right to go ahead and make these changes contemplated under this law. I move that the bill be passed to be engrossed.

Mr. LEONARD: Mr. Speaker, my authority for stating that they had the right to ask for this bill came from the attorney who had this bill introduced. He acknowledged to me that they already have this right.

Mr. WEATHERBEE of Lincoln: Mr. Speaker, as a House member of the Judiciary Committee and one who signed the unanimous ought to pass report, the Bar of Penobscot County have been urging the County Commissioners for several years to make these improvements in the facilities at the court house, and I assure you that these improvements are very necessary. At the present time there are no proper witness room or rooms for parties to the action or consultation rooms. You go up there in court time and you find witnesses crowded in the corridors, not even provided with proper seating facilities. You find attorneys going over the cases with the witnesses and clients sitting on a stairway leading up to the court room. I might also say that there are no proper accommodations for women jurors. The County Commissioners, if I am correctly informed, have taken the attitude for the past month that while they believe this action should be taken, they wanted authorization from the Legislature because they did not feel, they said, that the statutes gave them clearly the right which they sought. Many attorneys seemed to believe that they have that right; others are not quite clear about it.

It was the belief of the committee that inasmuch as these improvements are very necessary, and inasmuch as the County Commissioners did want authorization for the reason that the matter was not absolutely clear, this bill should have passage.

I might say that although no one has mentioned the matter of economy here, this does not entail a great expense. The rooms are already there in the building and they were put in there for that purpose, but they have not been finished up as yet. I might also point out that this does not mean that the State pays for these improvements. It merely authorizes the County Commissioners to make the improvements at the expense of the county of Penobscot. Neither does it mean that the County Commissioners are required to make

the improvements but it is within their discretion to do so. In other words, it simply enables them to go ahead and make these much needed changes if and when they see fit to do so. For this reason, because it certainly does no harm and because there is a real question among legal minds whether it may or may not be necessary, I hope that the motion of the gentleman from Hampden, Mr. Leonard, that the bill be indefinitely postponed, will not prevail.

The SPEAKER: The gentleman from Hampden, Mr. Leonard, moves that the bill be indefinitely postponed. The gentleman from Bangor, Mr. Whitney, moves that the bill be passed to be engrossed. The motion for indefinite postponement has precedence. The question is on the motion of the gentleman from Hampden, Mr. Leonard, that the bill be indefinitely postponed. As many as are in favor of that motion will say aye; those opposed no.

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

On motion of Mr. Whitney of Bangor, the bill was passed to be engrossed.

The Chair lays before the House the ninth tabled and unassigned matter, House report ought not to pass of the committee on Sea and Shore Fisheries on resolve regulating fishing in Flanders Bay, H. P. 309, L. D. 97, tabled on February 25th by Mr. Noyes of Franklin, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. NOYES: Mr. Speaker, I move that the resolve be substituted for the report, for the purpose of making an amendment.

The SPEAKER: The gentleman from Franklin, Mr. Noyes, moves that the resolve be substituted for the report. Those in favor of the motion will say aye; those opposed no.

A viva voce vote being taken, the motion to substitute the resolve for the report prevailed.

Mr. NOYES: Mr. Speaker, I now offer House Amendment A and move its adoption.

The SPEAKER: Will the gentleman kindly defer his amendment until after the first reading of the resolve.

On motion by Mr. Noyes, the re-

solve had its first reading under suspension of the rules.

The **SPEAKER**: The gentleman from Franklin, Mr. Noyes, now presents House Amendment A and moves its adoption. The Clerk will read the amendment.

House Amendment A to H. P. 309, L. D. 97, entitled "Resolve regulating fishing in Flanders Bay."

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

'Fishing in Flanders Bay regulated.

Resolved, that the Commissioner of Sea and Shore Fisheries be and hereby is directed to issue a rule and regulation prohibiting persons from taking smelts except by hook and line from any of the waters in Flanders Bay inside of a line drawn from Doane's Point, so-called, in Sorrento, to the western end of Ash Neck or Scheffelin's Point, so-called, located in Gouldsboro. Whoever shall violate any of the provisions hereof shall be punished by a fine of not more than fifty dollars for each offense.'

The **SPEAKER**: The question is on the motion of the gentleman from Franklin, Mr. Noyes, that House Amendment A be adopted. The Chair recognizes the gentleman from South Portland, Mr. Richardson.

Mr. **RICHARDSON**: Mr. Speaker, I move that the amendment be indefinitely postponed, and in explanation I will say that this resolve was referred to the committee on Sea and Shore Fisheries. It was advertised and a large delegation from that section of the State came up here. The committee gave them a lengthy hearing of perhaps two hours and a half. In executive session it was unanimously voted ought not to pass. The bill was to be dropped in the hopper and my good friend from Franklin, Mr. Noyes, asked me to hold the bill back, as he wanted to offer a new draft. I did so, and presented the matter to the committee the following week, and they decided to stand by their unanimous vote ought not to pass. Mr. Noyes asked me about it and I told him what the committee did. The bill and report came in and he tabled it. He found that he could not do anything with the new draft, and now he comes out with this amendment. He asked me yesterday what I was going to do and I asked him what he was going to do,

and he said he was going to introduce an amendment.

Now, ladies and gentlemen, this resolve ought not to pass in justice to the fishermen in that section. It is simply a little jealousy down there. There are in that section three or four weir fishermen, and the hook and line fellows object to it. They do not hurt the hook and line fellows in any way, shape or manner, according to the testimony of both sides, and I believe that if this amendment is adopted, the fishermen down there would not know anything about it and it would be just too bad to pass this amendment and not allow those fellows to know anything about it. I therefore move that the amendment be indefinitely postponed.

Mr. **NOYES** of Franklin: Mr. Speaker, I dislike very much to get up on the floor of this House and attempt to make a speech. I dislike very much to take up your time in discussing a resolve of a strictly local nature as is this resolve before me. I dislike very much to disagree with the distinguished gentlemen on this committee. However, the statement has been made that the weir fishermen do not hurt the men who fish with hook and line. I cannot go in to any great discourse on weir fishing and smelt fishing, but any man who knows the habits of a smelt and knows what a fish weir looks like, knows that is not true. Smelts, when broken up in a weir, are not located in a position where one can get enough under a hook and line to do business.

As the gentleman from South Portland (Mr. Richardson) has so well said, there are three or four weir fishermen; but he did not say that there were 100 to 150 hook and line fishermen, and that is the issue, ladies and gentlemen. I realize that the men on this committee are human beings, and as such they sometimes make mistakes, and I feel that they have made a mistake in this case, a mistake which affects the welfare of 100 or 150 men who labor. I say this is a local matter. This resolve would close Flanders Bay in the towns of Sullivan and Sorrento to the taking of smelts except by hook and line. There are fifteen other bays along the coast of Maine from Kittery to Eastport that have the same identical law that we are asking for down there in Sullivan; and, by the way, you have today on your

calendar, in Item 20, a resolve passed out of this committee putting four weir fishermen in the Penobscot River out of business so that you fellows can go up there and catch salmon. I charge that this committee is inconsistent. If this sort of legislation is bad, then those veteran legislators who were here last night are guilty,—they are fifteen times guilty of enacting bad legislation.

In the case under discussion there are 100 to 150 men who gain their living during the winter months by catching smelts with hook and line, and, as has been said before, there are four weir fishermen. The question resolves itself to this: Are we going to legislate for the four or for the one hundred? In fact, ladies and gentlemen, this is truly a conservation measure, and I believe right here I have made a mistake, like all human beings. I should have called this a conservation measure and made it illegal to take any smelts less than six inches in length. Anybody who knows anything about smelt fishing knows that when you catch smelts with hook and line you catch only the large ones, whereas the weir fishermen catch large and small ones and each year come back and take more. The weir fishermen, if allowed to go on, will destroy the whole fishing industry. I believe I should have put on an emergency clause like the one protecting the ground fish. Three times, members, last week, we had an emergency clause put on a bill entitled a conservation measure to protect the majority of the fishermen, and we have a similar bill here now.

There are just two ways of settling the fate of this resolve. First, we can conform to the legislative custom and uphold a committee report which is obviously wrong, or, secondly, we can vote for the majority as against a small minority; but as for me, ladies and gentlemen, I will stand where I have always stood. I will stand for those basic principles of good government wherein we will enact laws for the greatest good for the greatest number. I thank you. (Applause)

The SPEAKER: The gentleman from Franklin, Mr. Noyes, has moved the adoption of House Amendment A. The gentleman from South Portland, Mr. Richardson, has

moved the indefinite postponement of the amendment. The question is on the motion for indefinite postponement. Is the House ready for the question? Those in favor of the motion of the gentleman from South Portland, Mr. Richardson, that House Amendment A be indefinitely postponed will say aye; those opposed no.

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

The SPEAKER: The pending question is on the adoption of House Amendment A. Is it the pleasure of the House that this amendment be adopted?

Thereupon, a viva voce vote being taken, House Amendment A was adopted.

On further motion by Mr. Noyes, a viva voce vote being taken, the rules were suspended, and the resolve as amended by House Amendment A had its two several readings and was passed to be engrossed.

The Chair lays before the House the tenth tabled and unassigned matter, House report ought to pass of the committee on Salaries and Fees on bill an act relating to mileage compensation by county officials, H. P. 1178, L. D. 435, tabled on February 26th by Mr. Flanders of Auburn, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. FLANDERS: Mr. Speaker, I think there is quite a lot of misunderstanding among the proponents of this bill, and I move that the bill and report be retabled pending acceptance of the report, and be specially assigned for Tuesday, March 16th.

The motion prevailed, and the bill was so retabled and assigned.

The Chair lays before the House the eleventh tabled and unassigned matter, bill an act relating to clerk hire in the Registry of Deeds in Aroostook County, S. P. 400, L. D. 760, tabled on February 26th by Mr. Packard of Houlton, pending passage to be engrossed; and the Chair recognizes that gentleman.

Mr. PACKARD: Mr. Speaker, I will say, for the information of the House, that the Aroostook County delegates gave this matter due consideration and unanimously approved the bill. I therefore now

move that the bill be passed to be engrossed.

The motion prevailed, and the bill was passed to be engrossed.

The Chair lays before the House the twelfth tabled and unassigned matter, an act relating to raccoons, H. P. 185, L. D. 58, tabled on March 2nd by Mr. Hammond of Strong, pending passage to be enacted; and the Chair recognizes that gentleman.

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

The Chair lays before the House the thirteenth tabled and unassigned matter, House report ought not to pass of the committee on Judiciary on bill an act relating to rights of way, H. P. 1442, L. D. 583, tabled on March 3rd by Mr. Mosher of Farmington, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Mosher, the report of the committee, ought not to pass, was accepted.

The Chair lays before the House the fourteenth tabled and unassigned matter, House report ought not to pass of the committee on Judiciary on resolve proposing an amendment to the Constitution relating to signers on referendum petitions, H. P. 1636, L. D. 775 tabled on March 3rd by Mr. Sleeper of Rockland, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. SLEEPER: Mr. Speaker and Members of the House: I will admit that when the bill first came out that I seriously considered accepting the report of the committee, but, without any fear of contradiction I can state that several members of that committee came to me and said that the bill had considerable merit and they wished I would table the bill and bring it before the members of the House.

The bill under discussion is one that merits no personal consideration or feelings, but rather it appeals to our common sense as citizens of the State.

The present figure for referendum petitions requires ten thousand names. The bill was passed in 1907. Now we will take a little mathematical problem. In 1907 the population of this State was a little over 680,000 people. Today the popula-

tion of this State is a little over 800,000 people, and that fact alone, in order to bear out the same ratio as to the number of names necessary for a real expression of popular approval or disapproval of a bill, means that we at least should add 14 per cent more to the number of names required, or 1400 more names.

Now a little more mathematics: In 1907 the ladies who now occupy a prominent position in the State, both socially and in public life, were not allowed to vote. Since that time, Maine, through its wisdom, has allowed women to take part in our discussions, and we have several in this House, and so the number of people entitled to the franchise of voting and giving public disapproval or approval on any measure has been doubled. So again we add and multiply and find that to maintain the same ratio that we should have 24,000 names in order to maintain the same ratio that was warranted in 1907.

The principal argument for 10,000 names in 1907 was that unless ten per cent of the voters or of the citizens wanted a change then that change was not really wanted. In 1906 the total number of votes cast for Governor was 113,479. Last September 310,044 people voted for the Governor. Nearly three times as many people are taking part in our public affairs, so that, in order to initiate a bill denoting the approval or disapproval of any bill that has been passed by the Legislature, why should not we take that same ratio, ten per cent of the people who are interested in our problems, or 30,000?

I have not touched on the biggest argument why this number of signatures should be raised. Since 1907 methods of communication and transportation have probably trebled in efficiency and improvement, and through the radio one is able to reach almost every voter in the State; through the telephone returns can be transmitted and orders transmitted almost instantaneously. Through the improvement of transportation, trains and automobiles have improved so that the entire State can be canvassed for anything in twenty-four hours.

I won't say whether I believe in it or not, but a recent petition for the 14,000 names on the beer referendum was accomplished in a week—14,000 names secured in less

than a week; and I really think if you have five hundred dollars you could go out and get ten thousand names inside of a week to adopt the sunflower as the State flower of this State.

To show you some of the abuses under this small number of names: Some town in Knox County, somewhere around 1920 or 1921, was divided by an act of the Legislature. The population of that town was 848 people. Possibly a little less than one-half of the people objected to that move of the Legislature—we will say 400 people objected to the town being divided. There happened to be in this minority two or three men of a little wealth and a little influence, and those men sent petitions to Bangor and to Portland and hired men to pass those petitions through the streets and gave the passers of the petitions a cent a name for each name that they could get. In four days the ten thousand names on the petition were secured and the matter was put to a referendum.

I think we have heard this morning a lot of talk about the expense of special elections. I agree there is no need for special elections; but three hundred and some odd people in a small town in Knox County, through the ease in getting these ten thousand names, forced a referendum on this State which at the lowest estimate would cost about \$5500. It is not right; it is not common sense. The State is growing, and I still say, as was the original intention in 1906, that a referendum is not really wanted unless ten per cent of the people entitled to vote ask for that referendum. So, for that reason, I move that the bill be substituted for the report, the bill which says 30,000 names instead of 10,000 is necessary for a referendum. I move that this bill be substituted for the report and it be given a passage.

Mr. McGLAUFILIN of Portland: Mr. Speaker, ladies and gentlemen of this Legislature: If you think that the people of Maine have a tendency to commit suicide, then vote for substituting the bill for the report.

The people of this State are very jealous of their rights to a referendum. The last speaker has pointed out how easy it is to get names when you have money with which to get them; but supposing it is a mea-

sure that involves the laborers of the State and they are interested in a measure but have no money. Are we going to deprive them of their privilege to have a referendum? This bill makes it three times as difficult for the people to get a referendum as it is now. The Judiciary Committee reported against this bill. Why? Because the people of the State will feel that we are trying to take away their rights if we pass this measure making it three times as difficult for them to pass upon the measure as it is now.

Secondly because there is no general demand for any such change. So far as I am aware, the proponent of this bill is the only person to say anything in favor of its passage.

Thirdly, we opposed it because the Judiciary Committee does not believe that it is well to try to pass an amendment to the Constitution every time somebody has a brilliant idea, even though there may be some merit in the idea. Therefore I am opposed to the motion and I ask for the acceptance of the committee's report.

Mr. SLEEPER: Mr. Speaker, I would just like to add that I am not trying to arbitrarily force people to adopt something against their will; but you will note that the bill would have to go to a referendum in the next election and the people are entitled to vote yes or no on the question. I merely ask that the people of the State be allowed to say whether they want to be ruled by a minority of less than three per cent of the voters or whether they wish their acts to be approved by a good, healthy minority of ten per cent of the voters. If there is any real demand for a referendum, 30,000 names will come very easily. That is only ten per cent of the voters. And again we are not taking away the rights of the people, because it gives to them the right to a referendum at the next election. I merely ask that the people be allowed to say for themselves whether they wish this act passed. So I move again that the resolve be substituted for the report.

The SPEAKER: The question is on the motion of the gentleman from Rockland, Mr. Sleeper, that the resolve be substituted for the report. The Chair recognizes the gentleman from Portland, Mr. Wilkes.

Mr. WILKES: Mr. Speaker and Members of the Eighty-Eighth Legislature: We are here united for a

common purpose regardless of political philosophy or political thought. We come from all parts of the State to give our services to the people of this State. I rise in defense of the motion proposed by the gentleman from Rockland (Mr. Sleeper). I believe in this day and age that things are moving with speed and rapidity, and as he has so well and ably advocated illustrating it through the means of the radio and through the means of transportation so there is no method whereby we cannot reach all the voters of the State. Why not increase this to the ten per cent as he has stated? After all it is submitted to the people. They have the right to decide. We are not amending the Constitution every time, and I fully and whole-heartedly desire to see the motion of the gentleman from Rockland (Mr. Sleeper) prevail.

The SPEAKER: As many as are in favor of the motion of the gentleman from Rockland, Mr. Sleeper, that the resolve be substituted for the report will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the resolve was substituted for the report.

Thereupon, the rules were suspended and the resolve was given its first reading at this time and tomorrow assigned.

The Chair lays before the House the fifteenth tabled and unassigned matter, House report ought not to pass of the committee on Legal Affairs on bill an act to repeal the organization of the plantation of Dallas, H. P. 622, L. D. 202, tabled on March 3rd by Mr. Chase of Baring, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Chase, the bill and report were recommitted to the committee on Legal Affairs and sent up for concurrence.

The Chair lays before the House the sixteenth tabled and unassigned matter, House report ought not to pass of the committee on Legal Affairs on bill an act to incorporate the Lincoln Water District, H. P. 1064, L. D. 356, tabled on March 3rd by Mr. Higgins of Ellsworth, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Higgins, the

bill and report were recommitted to the committee on Legal Affairs and sent up for concurrence.

The Chair lays before the House the seventeenth tabled and unassigned matter, bill an act to provide for aid to dependent children, H. P. 1656, L. D. 794, tabled on March 3rd by Mr. Hinman of Skowhegan, pending acceptance of the report of the committee on Bills in the Third Reading; and the Chair recognizes that gentleman.

Mr. HINMAN: Mr. Speaker, in view of the fact that it seems necessary that the Department of Welfare have more time, I would move that the bill and report be retabled pending acceptance of the report of the committee on Bills in the Third Reading.

The motion prevailed.

The Chair lays before the House the eighteenth tabled and unassigned matter, resolve relating to the taking of clam worms, S. P. 406, L. D. 784, tabled on March 4th by Mr. Carleton of Alna, pending second reading; and the Chair recognizes that gentleman.

On motion by Mr. Carleton, the resolve had its second reading and was passed to be engrossed in concurrence.

The Chair lays before the House the nineteenth tabled and unassigned matter, bill an act regulating and defining games of skill, S. P. 402, L. D. 812, tabled on March 5th by Mr. Hinckley of South Portland, pending reference in concurrence; and the Chair recognizes that gentleman.

Mr. HINCKLEY: Mr. Speaker, for the reason given relative to the first unassigned matter, I move that the bill be retabled pending reference to a committee in concurrence.

The motion prevailed, and the bill was retabled.

The Chair lays before the House the twentieth tabled and unassigned matter, House report ought to pass in new draft of the committee on State Lands and Forest Preservation on bill an act relating to Knox Arboretum, H. P. 1123, L. D. 420, new draft H. P. 1697, tabled on March 5th by Mr. Flanders of Auburn pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. FLANDERS: Mr. Speaker, as this calls for a good sized appropriation, I move that it be retabled pending acceptance of the report.

The motion prevailed and the bill and report were retabled.

The Chair lays before the House the twenty-first tabled and unassigned matter, House report ought to pass of the committee on Judiciary on bill an act to require the use of safety glass on motor vehicles, H. P. 1095, L. D. 375, tabled on March 5th by Mr. Carleton of Alna, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Carleton the report was accepted, the rules were suspended and the bill given its two several readings.

Thereupon, Mr. Carleton offered House Amendment A as follows:

House Amendment A to H. P. 1095, L. D. 375, bill an act to require

the use of safety glass on motor vehicles.

Amend said bill by striking out in the sixth line of Section 2 thereof the words "subject to the provisions of this act," and insert in place thereof the words 'manufactured or assembled after December 31, 1937.'

Thereupon, on motion by Mr. Carleton, a viva voce vote being taken, House Amendment A was adopted, and the bill as amended by House Amendment A was tomorrow assigned for its third reading.

The SPEAKER: The House having covered all the matters laid on the table under the joint order, there are no further matters to be laid before the House. The Clerk will read the notices.

On motion by Mr. Owen of Bath, Adjourned until ten o'clock tomorrow morning.