

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

Thursday, March 25, 1937.

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

Prayer by the Rev. Mr. Cunningham of Augusta.

Journal of the previous session read and approved.

From the Senate: Petition of Elwood A. Stevens and 48 others of Dexter in favor of H. P. 627, an act in favor of State Armories, S. P. 458.

Comes from the Senate, referred to the committee on Military Affairs.

In the House, on motion by Mr. Sawyer of Garland, the petition was ordered placed on file in non-concurrence, and sent up for concurrence.

Paper from the Senate disposed of in concurrence.

From the Senate: Report of the committee on Library reporting ought not to pass on resolve for the purchase of "Maine Digest, Fact and Law" by Barlett and Stern, S. P. 131.

Comes from the Senate, referred to the 89th Legislature.

In the House, on motion by Mr. Ellis of Rangeley, the resolve was substituted for the report.

Mr. ELLIS: Mr. Speaker, I move that the resolve be referred to the 89th Legislature.

Mr. WEBBER of Auburn: Mr. Speaker, I would say a word in regard to that as a member of the Library Committee. All of these resolves that call for an appropriation were reported out of the committee ought not to pass by reason of the fact that we could not get any money and we thought it better to have them cleared up. There were five in the lot brought over from the last Legislature. This particular resolve, the lady member of the Senate from Bangor (Miss Martin) wished carried along to the next Legislature.

The SPEAKER: The Chair will say that it is impossible to refer to the 89th Legislature the report of a committee, and therefore it was necessary to substitute the resolve for the report and have the resolve referred to the 89th Legislature.

Mr. WEBBER: I understand that, Mr. Speaker, but I was just giving

an explanation of why all these resolves have come out the way they have.

Thereupon, the resolve was referred to the 89th Legislature in concurrence.

Senate Bills in First Reading

S. P. 307, L. D. 514: An act regulating pledge of assets by Trust Companies.

S. P. 272, L. D. 779: An act relating to Loan and Building Associations.

S. P. 133, L. D. 169: An act relating to pension for State employees.

S. P. 207, L. D. 293: An act relating to the water supply of Boothbay Harbor.

S. P. 251, L. D. 846: An act to extend the charter of the Vanceboro Water Company.

S. P. 365, L. D. 622: An act relating to salary for clerks in the office of Register of Deeds in Kennebec County.

From the Senate: Resolve regulating fishing in Flanders Bay, H. P. 309, L. D. 97, reported ought not to pass to the House on February 25th, on which the resolve was substituted for the report of the committee on Sea and Shore Fisheries and passed to be engrossed in the House on March 10th as amended by House Amendment A.

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

In the House, on motion by Mr. Noyes of Franklin, that body voted to insist upon its former action and ask for a committee of Conference.

The Chair appointed on the committee of Conference, on the part of the House, Messrs. Noyes of Franklin, Barter of Stonington and Stilphen of Dresden.

The SPEAKER: The Clerk has in his possession an additional paper just received from the Senate, not printed on the calendar, being bill an act to validate the incorporation of the town of Jonesport School District, S. P. 460. This bill was received in the Senate on March 25 by unanimous consent, and under suspension of the rules was read twice in that body and passed to be engrossed without reference to a committee. Is there objection to the reception of the bill?

The Chair hears no objection and declares the bill received.

On motion by Mr. Ellis of Range-

ley, the rules were suspended, the bill given its three several readings and passed to be engrossed in concurrence, without reference to a committee.

The **SPEAKER**: The Clerk has an additional paper from the Senate, just received, being bill an act to provide for the surrender by the town of Carroll of its organization. H. P. 297, L. D. 95, which was passed to be engrossed as amended by House Amendment A in non-concurrence in the House on March 24th.

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

Senate Amendment A read by the Clerk.

Thereupon the House voted to recede and concur with the Senate in the adoption of Senate Amendment A.

Thereupon, the bill as amended by House Amendment A and Senate Amendment A was passed to be engrossed in concurrence.

Orders

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

Ordered, that no amendment to a bill or resolve shall be acted upon by the House until the same has been printed or reproduced and distributed to the members under the direction of the Clerk of the House, unless the same shall bear the recommendation of the committee on Rules and Business of the House that such printing or reproduction be dispensed with; and any amendment not so printed or reproduced or bearing such recommendation shall lie on the table until printed or reproduced or until said committee has recommended that such printing or reproduction be dispensed with.

Mr. ELLIS: Mr. Speaker, and Members of the House: Since I have been here, the way that we have amended bills by reading them once by the Clerk has been more or less of a headache to a good many of us. This order we believe will eliminate those objections. A concrete illustration of what it will do is on your desks this morning, House Paper 1635, L. D. 772. In other words, every amendment that is offered in the House will be print-

ed and put on your desks before we can act upon it. The question has been raised whether or not this might delay the procedure in the House. We believe that it will speed up rather than delay because, when an amendment is offered for every other thing, somebody does not know what it is all about, and puts it on the table, to be taken off later. Under this order the amendment will be submitted and be before you in the morning when you come in, thus avoiding delay. We believe this will expedite matters very much.

The **SPEAKER**: Since this is a standing order, it must, under the Rules, be laid on the table for one day before it is acted upon. Therefore the order will lie on the table and be specially assigned for tomorrow morning.

Reports of Committees

Majority report of the Committee on Judiciary reporting ought to pass on bill an act to provide maternal and child health services (H. P. No. 1514) (L. D. No. 711)

Report was signed by the following members:

Miss Laughlin of Cumberland
Mr. Willey of Cumberland
—of the Senate.

Messrs. Thorne of Madison
McGlauffin of Portland
Philbrick of Cape Elizabeth
Weatherbee of Lincoln
Hinckley of So. Portland
—of the House.

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

Report was signed by the following members:

Mr. Fernald of Waldo
—of the Senate.

Messrs. Bird of Rockland
Varney of Berwick
—of the House.

Mr. PHILBRICK of Cape Elizabeth: Mr. Speaker, I move the acceptance of the majority report, ought to pass.

On further motion by Mr. Philbrick, the bill and accompanying reports were tabled pending the motion of that gentleman that the majority report ought to pass be accepted.

Majority report of the Committee on Judiciary reporting ought to pass on bill an act to provide for child welfare service (H. P. No. 1511) (L. D. No. 709)

Report was signed by the following members:

Miss Laughlin of Cumberland
Mr. Willey of Cumberland
—of the Senate.

Messrs. Thorne of Madison
McGlauffin of Portland
Philbrick of Cape Elizabeth
Weatherbee of Lincoln
Hinckley of So. Portland
—of the House.

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

Report was signed by the following members:

Mr. Fernald of Waldo
—of the Senate.

Messrs. Bird of Rockland
Varney of Berwick
—of the House.

Mr. PHILBRICK of Cape Elizabeth: Mr. Speaker, I move the acceptance of the majority report, ought to pass.

On further motion by Mr. Philbrick the bill and accompanying reports were tabled pending the motion of that gentleman that the majority report ought to pass be accepted.

Majority report of the Committee on Judiciary reporting ought to pass on bill an act to provide for services for crippled children (H. P. No. 1513) (L. D. No. 710)

Report was signed by the following members:

Miss Laughlin of Cumberland
Mr. Willey of Cumberland
—of the Senate.

Messrs. Thorne of Madison
McGlauffin of Portland
Philbrick of Cape Elizabeth
Weatherbee of Lincoln
Hinckley of So. Portland
—of the House.

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

Report was signed by the following members:

Mr. Fernald of Waldo
—of the Senate.

Messrs. Bird of Rockland
Varney of Berwick
—of the House.

Mr. PHILBRICK of Cape Elizabeth: Mr. Speaker, I move the acceptance of the majority report, ought to pass.

On further motion by Mr. Philbrick, the bill and accompanying reports were tabled pending the mo-

tion of that gentleman that the majority report ought to pass be accepted.

Majority report of the Committee on Judiciary reported ought to pass on bill an act to validate the acts of the county of Oxford. (H. P. No. 76) (L. D. No. 32)

Report was signed by the following members:

Miss Laughlin of Cumberland
Mr. Willey of Cumberland
—of the Senate.

Messrs. Thorne of Madison
McGlauffin of Portland
Philbrick of Cape Elizabeth
Weatherbee of Lincoln
Hinckley of So. Portland
—of the House.

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

Report was signed by the following members:

Mr. Fernald of Waldo
—of the Senate.

Messrs. Bird of Rockland
Varney of Berwick
—of the House.

Mr. DORR of Mexico: Mr. Speaker, I move that we accept the majority report, ought to pass.

Mr. VARNEY of Berwick: Mr. Speaker, in view of the absence of the gentleman from Rockland, Mr. Bird, I move that the bill and accompanying reports be tabled pending the motion of the gentleman from Mexico, Mr. Dorr, to accept the majority report.

The motion prevailed, and the bill and reports were so tabled.

Mr. Bird from the Committee on Judiciary reported ought not to pass on bill an act relating to official reports as evidence. (H. P. No. 1619) (L. D. No. 746)

Mr. Philbrick from same Committee reported same on bill an act relating to composite reports as evidence. (H. P. No. 1620) (L. D. No. 747)

Same gentleman from same Committee reported same on bill an act relating to judicial notice of foreign law. (H. P. No. 1617) (L. D. No. 744)

Mr. McGlauffin from same Committee reported same on bill an act relating to business records of evidence. (H. P. No. 1618) (L. D. No. 745)

Mrs. Currier from the Committee on Library reported same on re-

solve for the purchase of copies of "Traditions and Records of Brooksville, Maine." (H. P. No. 478)

Same member from same Committee reported same on resolve in favor of the purchase of "History of Oxford County." (H. P. No. 479)

Mr. Webber from same Committee reported same on resolve for the purchase of the History of the towns of Madison and Anson. (H. P. No. 1168)

Same gentleman from same Committee reported same on resolve for the purchase of one hundred copies of "Old Foxcroft, Maine." (H. P. No. 191)

Same gentleman from same Committee reported same on resolve for the purchase of "The History of Morrill, Maine." (H. P. No. 480)

Mr. Sleeper from the Committee on Sea and Shore Fisheries reported same on bill an act to prohibit the taking of ground fish in certain waters during the spawning season. (H. P. No. 205) (L. D. No. 74)

Same gentleman from same Committee reported same on bill an act relating to scallops. (H. P. No. 497) (L. D. No. 165)

Same gentleman from same Committee reported same on resolve relative to fishing in Winslow Stream. (H. P. No. 703)

Same gentleman from same Committee reported same on bill an act relating to the taking of crabs. (H. P. No. 893)

(Bill and report tabled by Mr. Sleeper of Rockland, pending acceptance of the report.)

Mr. Sleeper from the Committee on Sea and Shore Fisheries reported ought not to pass on bill an act relating to lobster fishermen's licenses. (H. P. No. 1572) (L. D. No. 624)

(Bill and report tabled by Mr. Paul of Portland, pending acceptance of the report.)

Mr. Higgins from the Committee on Legal Affairs reported same on bill an act relating to poisons. (H. P. No. 1550) (L. D. No. 706)

Reports read and accepted and sent up for concurrence.

Mr. Woodbury from the Committee on Agriculture on bill an act providing for the exemption from taxation of certain farm animals (H. P. No. 899) (L. D. No. 312) reported same in a new draft (H. P. No. 1749) under same title and that it ought to pass.

Mr. Findlen from same Committee on bill an act relating to pay-

ment of damages done by dogs or wild animals (H. P. No. 1473) (L. D. No. 559) reported same in a new draft (H. P. No. 1750) under title of an act relating to payment of damages done by dogs or wild animals and to the registration and licensing of dogs and that it ought to pass.

Mr. McGlaufflin from the Committee on Judiciary on bill an act relating to the Brunswick Municipal Court (H. P. No. 1045) (L. D. No. 333) reported same in a new draft (H. P. No. 1751) under same title and that it ought to pass.

Mr. Sleeper from the Committee on Sea and Shore Fisheries on resolve relating to the taking of clams within the town of Perry (H. P. No. 705) reported same in a new draft (H. P. No. 1752) under same title and that it ought to pass.

Mr. Varney from the Committee on Judiciary on bill an act relating to the terms of office of the members of the Interstate Authority for the Portsmouth-Kittery Bridge (H. P. No. 870) (L. D. No. 304) reported same in a new draft (H. P. No. 1753) under same title and that it ought to pass.

Mr. Varney from same Committee on bill an act relating to permits for moving heavy objects over ways and bridges (H. P. No. 1422) (L. D. No. 574) reported same in a new draft (H. P. 1755 under same title and that it ought to pass.

Same gentleman from same Committee on bill an act relating to operating certain vehicles on roads and bridges without special permit (H. P. No. 1426) (L. D. No. 578) reported same in a new draft (H. P. No. 1756) under same title and that it ought to pass.

Mr. Chase from the Committee on Legal Affairs on bill an act to provide a Town Council and Manager Form of Government for the town of Fort Kent in the county of Aroostook (H. P. No. 888) (L. D. No. 282) reported same in a new draft (H. P. No. 1754) under same title and that it ought to pass.

Mr. Cole from same Committee on bill an act relating to the civil jurisdiction of Municipal Courts (H. P. No. 1437) (L. D. No. 556) reported same in a new draft (H. P. No. 1757) under same title and that it ought to pass.

Mr. Dow from same Committee on bill an act relating to pauper settlements (H. P. No. 1637) (L. D. No. 776) reported same in a new

draft (H. P. No. 1758) under same title and that it ought to pass.

Mr. Paul from same Committee on bill an act relating to pauper expense (H. P. No. 1539) (L. D. No. 568) reported same in a new draft (H. P. No. 1759) under same title and that it ought to pass.

Mr. Pike from same Committee on bill an act relating to the Board of Trustees of the town of Hodgdon School District (H. P. No. 1060) L. D. No. 353) reported same in a new draft (H. P. No. 1760) under same title and that it ought to pass.

Mr. Bruce from the Committee on Salaries and Fees on bill an act relating to mileage compensation for county officials (H. P. No. 1178) (L. D. No. 435) reported same in a new draft (H. P. No. 1761) under same title and that it ought to pass.

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

Mr. Sleeper from the Committee on Sea and Shore Fisheries reported ought to pass on resolve relating to the taking of clams within the town of Dennysville (H. P. No. 707)

Same gentleman from same Committee reported same on resolve relating to the taking of clams within the town of Robbinston (H. P. No. 706)

Same gentleman from same Committee reported same on resolve relating to Atlantic salmon fishing in certain waters (H. P. No. 895)

Same gentleman from same Committee reported same on resolve relating to digging for clams in certain waters (H. P. No. 896)

Same gentleman from same Committee reported same on resolve relating to taking of clams in Milbridge (H. P. No. 1121)

Same gentleman from same Committee reported same on resolve relating to the taking of clams within the town of Pembroke (H. P. No. 704)

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

Mr. McGlaufflin from the Committee on Judiciary reported ought to pass on bill an act to make uniform costs in Municipal Courts (H. P. No. 1635) (L. D. No. 772)

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

Mr. McGLAUFFLIN of Portland: Mr. Speaker, I offer House Amend-

ment A and move its adoption, and I would like to say just a word in explanation. There is in this State an organization known as The Municipal Court Judges of Maine. They have long seen the need of having a uniform fee bill. They have a special committee that drafted this particular bill, which met the uniform approval of the Judiciary Committee, but it was discovered that they had made some clerical errors in the bill, and this bill is to correct those clerical errors.

House Amendment A to H. P. No. 1635, L. D. No. 772, bill an act to make uniform the costs in municipal courts.

Amend said bill by inserting opposite the phrase "mittimus for a commitment of any person" the amount '1.00';

And further amend said bill by capitalizing the word "issuing" in the succeeding phrase which reads as follows: "issuing a subpoena separate from the warrant."

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

Mr. Pike from the Committee on Legal Affairs reported ought to pass on bill an act relating to the use of check lists in Sanford (H. P. No. 1058) (L. D. No. 352)

Mr. Chase from same Committee reported same on bill an act to provide for the surrender by Mayfield Plantation of its organization (H. P. No. 623) (L. D. No. 178)

Mr. Payson from same Committee reported same on bill an act to provide a Town Manager Form of Government for the town of Dover-Foxcroft (H. P. No. 680) (L. D. No. 237)

Mr. SNOW of Dover-Foxcroft: Mr. Speaker, I wish to table this bill for the purpose of offering House Amendment A, which I have not prepared under the Rules.

The SPEAKER: Does the gentleman wish to let the bill take its regular course and have its first and second readings? It would be in order for amendment tomorrow morning on its third reading.

Mr. SNOW: Mr. Speaker, I will do that.

Thereupon, under suspension of the rules, the report of the committee was accepted, the bill had its two several readings and tomorrow assigned.

Mr. Payson from the Committee on Legal Affairs reported ought to pass on bill an act relative to Presque Isle Sewer District (H. P. No. 1106) (L. D. 416)

Mr. Higgins from same Committee reported same on bill an act to incorporate the town of Livermore School District (H. P. No. 1687) (L. D. No. 821)

Mr. Paul from same Committee reported same on bill an act to repeal acts incorporating the town of Freeman (H. P. No. 473) (L. D. No. 137)

Mr. Higgins from same Committee reported same on bill an act relating to pauper settlement (H. P. No. 1545) (L. D. No. 629)

Mr. Seabury from the Committee on Salaries and Fees reported same on bill an act relating to the salary of County Treasurer of Washington County (H. P. No. 1638) (L. D. No. 777)

Mr. Sleeper from the Committee on Sea and Shore Fisheries reported same on resolve regulating the taking and sale of clams in the town of Cape Elizabeth (H. P. No. 1069) (L. D. No. 378)

Same gentleman from same Committee reported same on resolve relating to close time in Gouldsboro, Eden, Trenton, Hancock, Sullivan and Sorrento (H. P. No. 1315) (L. D. No. 462)

Same gentleman from same Committee reported same on resolve relating to close time in waters adjacent to Petit Manan (H. P. No. 1316) (L. D. No. 463)

Same gentleman from same Committee reported same on bill an act relating to taking of soft shelled clams (H. P. No. 1574) (L. D. 639)

Same gentleman from same Committee reported same on resolve in favor of the location of a fish weir off Calf Island (H. P. No. 1571) (L. D. No. 650)

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

First Reading of Printed Bill and Resolve

(H. P. No. 1748) (L. D. No. 855)
An act to provide for the surrender by town of Somerville of its organization

(H. P. No. 865) (L. D. No. 854)
Resolve relating to ice fishing in

Eagle Lake and St. Froid Lake in Aroostook County

Passed to be Engrossed

(S. P. No. 189) (L. D. No. 288) An act relating to vital statistics

(Tabled by Mr. Owen of Bath, pending passage to be engrossed)

(S. P. No. 247) (L. D. No. 383) An act confirming the action of the town of Cranberry Isles in taking over a certain wharf and authorizing the raising and expending of moneys for maintenance of same

(S. P. No. 252) (L. D. No. 394) An act to extend the charter of the Patten Water Power Company

(H. P. No. 890) (L. D. No. 283) An Act relating to the Harrison Mutual Fire Insurance Company

(H. P. No. 1064) (L. D. No. 336) An act to incorporate the Lincoln Water District

(Tabled by Mr. Weatherbee of Lincoln, pending third reading)

(H. P. No. 1176) (L. D. No. 433) An act relating to the salary of Judge of Probate of York County

(H. P. No. 1299) (L. D. No. 482) An act relating to domestic mutual insurance companies

(H. P. No. 1552) (L. D. No. 686) An act relating to rights of creditors and beneficiaries under insurance policies

(H. P. No. 1742) (L. D. No. 852) An act regulating the transportation of poultry

(H. P. No. 1743) (L. D. No. 853) An act relating to investment of deposits of mutual saving banks

(H. P. No. 1067) (L. D. No. 358) An act to incorporate Yarmouth and Cousins Island Park and Development Company as amended

(H. P. No. 1743) (L. D. No. 853) An act relating to investment of deposits of mutual saving banks

(H. P. No. 1067) (L. D. No. 358) An act to incorporate Yarmouth and Cousins Island Park and Development Company as amended

(H. P. No. 1742) (L. D. No. 852) An act regulating the transportation of poultry

(H. P. No. 1743) (L. D. No. 853) An act relating to investment of deposits of mutual saving banks

(H. P. No. 1067) (L. D. No. 358) An act to incorporate Yarmouth and Cousins Island Park and Development Company as amended

(H. P. No. 1742) (L. D. No. 852) An act regulating the transportation of poultry

(H. P. No. 1743) (L. D. No. 853) An act relating to investment of deposits of mutual saving banks

(H. P. No. 1067) (L. D. No. 358) An act to incorporate Yarmouth and Cousins Island Park and Development Company as amended

(H. P. No. 1742) (L. D. No. 852) An act regulating the transportation of poultry

(H. P. No. 1743) (L. D. No. 853) An act relating to investment of deposits of mutual saving banks

(H. P. No. 1067) (L. D. No. 358) An act to incorporate Yarmouth and Cousins Island Park and Development Company as amended

(H. P. No. 1742) (L. D. No. 852) An act regulating the transportation of poultry

(H. P. No. 1743) (L. D. No. 853) An act relating to investment of deposits of mutual saving banks

(H. P. No. 1067) (L. D. No. 358) An act to incorporate Yarmouth and Cousins Island Park and Development Company as amended

(H. P. No. 1742) (L. D. No. 852) An act regulating the transportation of poultry

(H. P. No. 1743) (L. D. No. 853) An act relating to investment of deposits of mutual saving banks

(H. P. No. 1067) (L. D. No. 358) An act to incorporate Yarmouth and Cousins Island Park and Development Company as amended

(H. P. No. 1656) (L. D. No. 794)
An act to provide for aid to dependent children

The SPEAKER: The Clerk has received S. P. 460, an act to validate the incorporation of the Town of Jonesport School District, which this morning was received by unanimous consent, given its three several readings under suspension of the rules, and passed to be engrossed. It is now in order on its passage to be enacted. The Chair wishes to inquire whether there is any member of the House who wishes to speak on this bill and explain it, before it is passed to be enacted.

On motion by Mr. Ellis of Rangeley, the bill was tabled pending its passage to be enacted.

Orders of the Day

On motion by Mr. Ellis of Rangeley, the rules were suspended and it was voted to take from the table, out of order, the twenty-seventh unassigned matter, majority report ought to pass and minority report ought not to pass of the committee on Legal Affairs on bill an act to permit Sunday moving pictures, H. P. 1297, L. D. 473, tabled by that gentleman on March 24th, pending the motion of Mr. Higgins of Ellsworth, that the minority report, ought not to pass, be accepted, the previous question having been ordered.

On motion by Mr. Packard of Houlton, the House voted to reconsider its action of yesterday whereby the main question was ordered to be put.

Mr. PAUL of Portland: Mr. Speaker, as a member of the Legal Affairs committee, I consider it is a privilege and a pleasure to explain in detail in a very short, brief manner the disposition of the committee on Legal Affairs.

This bill came into our committee—and I might say that we have had about 135 bills—and this is one among many. The sponsor of this bill was Mr. Smith of Westbrook. The committee listened very briefly to Mr. Smith. He had practically nothing to say. The opponent of the bill was Mr. Smith from Waterville.

I want to say to the members of this House that we were serious in our consideration of this bill; we were honest in our convictions; and,

for various reasons, we determined to report the bill out with a majority report, seven against three.

I will give you a few of the reasons for reporting this bill out—and I was with the majority report—ought to pass. Two years ago I probably would not have done as I did at this time. Being very much interested in youth welfare work, and having been president of a youth welfare movement for the past ten years, and having had the experience of seeing what has happened and what is happening every day, and knowing, as I think I do, the conditions in the State of Maine, and that we as a recreational state cater to the tourists who come to our state from all parts of the country where moving pictures are allowed on Sunday, I signed the majority report.

I certainly am a believer in the Lord's Day and think that it should be preserved. I have a family of my own of four children, and, in my opinion the Sunday movie bill does not deprive me of the right of handling my own children. I do not hesitate in saying that this bill, in my opinion, will not harm or influence the children of any member of this body. I do have many friends who are interested in movies on Sunday, and I can see no vital objection to it.

On Sunday our public ways are crowded with the young people who would follow and attend the pictures, and in many ways the Sunday moving picture privilege will take from our public highways the reckless, careless individual between the ages of 50 and 25 who causes a great many of our reckless driving cases.

I just want to say that after having seriously considered this matter we were honest in our convictions, and we will stand by what we did.

In closing, I want to move, Mr. Speaker, that the majority report be accepted. (Applause)

The SPEAKER: The pending question is on the motion of the gentleman from Ellsworth, Mr. Higgins, that the minority report be accepted. The Chair recognizes the gentleman from Norway, Mr. Dow.

Mr. DOW of Norway: Mr. Speaker and Members of the 88th Legislature: I realize it is getting close to the noon hour, and, rather than wander afield, what few remarks I

have to make as one of those who signed the majority report, ought to pass, I have written them down on a piece of paper, and if you will indulge me the privilege of reading them I shall try to be brief.

I want to say that the reasons given by the gentleman from Portland, Mr. Paul, for the action of the majority who signed the ought to pass report are correct. The bill was properly advertised, had a full hearing in committee and a full, free and fair discussion in the executive session of the committee.

I yield to no one in my respect for the ancient landmarks of this State and Nation; and as one of those members of the Legal Affairs committee who signed the majority report, I resent the insinuation voiced by one of the speakers of yesterday, not a member of the Legal Affairs committee, that the members of the Legal Affairs committee were unduly influenced in so signing it.

The members of our committee who signed the minority report on this bill have not signified in our presence, and I respect them to the extent of saying that in the privacy of their own thinking that they do not question our honesty or integrity in differing with them in our opinion in this matter. One's opinion in this matter is a personal one, the same as one's practice of his or her religion in this country is, and as it should be. I grant to every member of this Legislature the right to think as they honestly feel, and I like to think that each and every member of this august body accords me the same privilege.

We have many problems of a social and economic nature in this State and Nation, and we all have our own ideas of the suitable panacea for these problems.

This measure, as has been previously stated, contains a local option provision, and I do not fear to trust the wisdom of the voters of the several communities in this State to exercise properly their right of franchise for the best interests of the State and Nation as a whole.

For these reasons, I hope that the motion of the gentleman from Ellsworth (Mr. Higgins) does not prevail. (Applause)

Mr. McGLAUFILIN of Portland: Mr. Speaker, I take it from the remarks of the gentleman who has just spoken that he has reference to some

remark that I made yesterday when I was giving an illustration of how lotteries and other institutions practically tried to bribe the State, and I gave as an illustration—supposing that a man had offered a hundred dollars for your vote.

I want to say here and now that I never even thought of one of the members of the committee. I have the highest respect for very member of that Legal Affairs Committee. I do not think for one moment that one of them could be bought in any way. I simply want to clarify that situation, if the gentleman's remarks referred to anything that I said, for I think that the members of that committee are among the best members of this House.

Mr. PAYSON of Portland: Mr. Speaker, I am frankly skeptical of the aphorism of the gentleman from Ellsworth, Mr. Higgins, when he said that the majority was always wrong. He cited two instances within the past twelve months to support his contention. I will cite back to him two instances within the past twelve months, and inquire if he would say that the majority was wrong in June in the primary election and in September in the State election, in Ellsworth, when they chose a member of this House? (Laughter) And in oratorical fashion I will answer my own question by saying the majority of the people of Ellsworth were most certainly not wrong; they could not have chosen a finer, more capable gentleman to represent them. If I had time, I would go through the voting communities of the State and say the same of each community, excepting, Mr. Speaker, you understand my modesty would prevent me from mentioning the City of Portland.

I am frankly skeptical of the statement of another gentleman who spoke against this bill yesterday, whom I assume inferred that Sunday movies had ruined Rome. I always understood that it was the "head man" playing the fiddle when he should have been playing the hose. (Laughter)

For that matter, I do not feel very badly about the ruin of Rome. If Rome had not fallen, ten days ago you would have been mailing your income tax returns to Rome, and making your check payable to the order of B. Mussolini. (Laughter)

Another thing that the Roman

Empire has done that has always been a great bother and detriment to the students of this State; they have inflicted the Latin language on us. Some honorable members in this House have built themselves a considerable reputation by rolling trippingly off the tongue the six or eight Latin words of the name *Rhododendron Maximum Linnaeus* and *Kalmia Latifolia Linnaeus*, and they have arrived at some reputation by using those Latin phrases. I have wandering around in my consciousness another Latin phrase which I will dust off and bring into this discussion, *de gustibus non disputandum est*, which, somewhat freely translated, means it is not much use arguing about the way people feel about things. (Laughter)

Now that comes to the point of my argument here. Some members in this House feel they want Sunday movies; other people in this State feel they do not want Sunday movies. I do not feel I am the guardian, the guide or the conscience of the people of this State. I am perfectly willing to leave it to the majority of the people in each community to settle the question for themselves, and I do not believe that the majority will always be wrong. (Applause)

Mr. HINCKLEY of South Portland: Mr. Speaker and Members of the House: I did not intend to speak on this matter at all, and I do not intend now to speak on the merits of the bill, because I think that has already been fully covered by the other speakers who have preceded me. I simply want to call the attention of this House to the actions that it has already taken and see if we are going to be consistent in the action that we take here this morning.

On the calendar for Tuesday we have the report from the committee on Legal Affairs, apparently the full, unanimous report, on the act relating to the legalizing of amateur sports and games under certain conditions on Sunday. Now that bill briefly would provide for indoor sports on Sunday, and that committee unanimously reported that that bill ought not to pass, and this House unanimously accepted that report. We have said by our action that we do not want indoor sports on Sunday.

On the same day there was on

the calendar a divided report relating to amateur sports on Sunday. The majority report was that it ought to pass and the minority report was that it ought not to pass, and this House unanimously accepted the ought not to pass report. By their action at that time they said to the State of Maine that we do not want professional sports on Sunday. That is the action that has already been taken.

Now personally—and I am speaking only personally—I would prefer to see sports on Sunday conducted under proper regulations and restrictions and conditions, than to see Sunday movies. If we ban sports, then, to be consistent, this House must necessarily ban Sunday movies. They are all commercial propositions, and I do not believe that we ought to allow commercial movies on Sunday in the State of Maine if we are not going to allow commercial sports. (Applause)

Mr. CHASE of Baring: Mr. Speaker and Members of this House: I honestly and fearlessly signed the majority report of this committee, believing that the people in the respective towns of my district are competent to pass upon this question of Sunday movies. I have heard nothing in this debate that has changed my belief. (Applause)

Mr. WALLACE of Sanford: Mr. Speaker, I think I represent one of the largest and one of the best towns in the State. We have Sunday moving pictures in our town and realize anywhere from \$1200 to \$1400, which we use for children who cannot afford to buy tickets. I do not think moving pictures will hurt anyone.

Mr. SLEEPER of Rockland: Mr. Speaker, I agree most heartily with the remarks of the gentleman from Sanford (Mr. Wallace). We, too, have Sunday pictures in Rockland, and for that reason I cannot vote for this bill. Our pictures in Rockland are run on a charity basis, and I most heartily agree with the gentleman from South Portland in his opposition to commercial Sunday movies. I am not a prude and never have been, but Sunday to me is still the seventh day, and if we must have Sunday movies and they are all right, why not give the proceeds to charity? So it is pretty safe to say that the average Maine citizen still wants to recognize Sunday.

It has been my privilege to visit

these more blest states where they have Sunday movies, and I have also visited two states that started this movement: California and Florida. In both of those states Sunday is just like any other day. They have dances on Sunday and commercial movies, and I can see no difference between Sunday and any other day. Frankly, I do not envy the citizens of those states.

I am proud of Maine, and I am proud of the way she has always been. If we must have Sunday movies, why not have them for charity?

Mr. PIKE of Bridgton: Mr. Speaker, and Members of the House: I think nearly every other member of the Legal Affairs Committee has expressed his views on this matter, and, being one of those signing the minority report, I wish to express my personal views in the matter.

The arguments presented by the gentleman from Ellsworth (Mr. Higgins) express my feelings much better than I can myself, but, briefly, my reason for signing the report was this: First, it expresses my personal conviction. That is of no great interest to anyone but myself. Secondly, through a hasty canvass, I find it is the conviction of the majority of my constituents, I take issue with the gentleman from Sanford (Mr. Wallace) when he says his town is the best and the largest town in the State. It may be the largest, but I will not concede it is the best. And in the third place, it seems to me that we have so many legislative headaches coming to us in the next few weeks that it is a mighty poor time to start in to revise the Ten Commandments. (Applause)

Mr. GYGER of Cumberland: Mr. Speaker, I wish to state that I welcome this opportunity to stand by my principles and go on record as in favor of the minority report.

Mr. MURCHIE of Calais: Mr. Speaker and Members: I am asking the patience of the House for a very short period that I may make an attempt to straighten out what might be a misunderstanding on the part of some of the proponents of this particular matter that is being discussed.

While I did not promise anything, I agree here that perhaps I may have said something intimating to them that I would approve the measure, and I have it in mind to justify myself, due to the clause where

the towns had the privilege to decide for themselves.

Now I am a very ordinary legislator, but at the moment I find myself in the position of a very famous character of past history. His name was John B. Gough, and he was a bad drunkard who had a change of heart. Under the eloquence of the gentlemen here I have become converted, and I am taking my stand with the signers of the minority report. I am in hopes there is going to be a sufficient majority in this House to help us keep what we have left of Sunday. (Applause)

Mr. STILPHEN of Dresden: Mr. Speaker, I am very proud to stand up this morning in defence of what I believe, the Ten Commandments. I believe as the gentleman said yesterday, it matters not what we do here in regard to what Rome did, for we know what happened to them, and my advice is that the same thing may happen to us. Therefore, I hope that the motion of the gentleman from Ellsworth (Mr. Higgins) will prevail.

The SPEAKER: Is the House ready for the question? The question is on the motion of the gentleman from Ellsworth, Mr. Higgins, that the minority report of the committee, ought not to pass, be accepted. The gentleman from Ellsworth (Mr. Higgins) has asked that the vote be taken by the yeas and nays. Under the Constitution, the yeas and nays vote is ordered when one-fifth of the members present have requested it. The Chair will ask the gentleman from Dresden, Mr. Stilphen, to act as monitor in the first division in the absence of the gentleman from Rockland, Mr. Bird. As many as are in favor of taking the vote by the yeas and nays 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-fifth of the members having arisen, the yeas and nays are ordered.

Mr. HIGGINS of Ellsworth: Mr. Speaker, I would request that the Chair explain very carefully that a yes vote is a vote against Sunday movies, and in this way avoid confusion.

The SPEAKER: As the gentleman from Ellsworth (Mr. Higgins) has indicated, a vote of yes is in

favor of the minority report, which is that the bill ought not to pass. A vote of no is favorable to the bill.

Mr. BATES of Patten: Mr. Speaker, I ask the consent of the House to be excused from voting. My neighbor, Mr. Bird, of Rockland, has been called away, and we wish to pair our vote. If present, Mr. Bird would vote yes. If I voted, my vote would be no.

The SPEAKER: The gentleman from Patten, Mr. Bates, asks to be excused from voting for the reason indicated. Is there objection? The Chair hears no objection and the gentleman is excused. As many as are in favor of the motion of the gentleman from Ellsworth, Mr. Higgins, that the minority report of the committee, ought not to pass, be accepted will answer yes to the roll call; those opposed will answer no. The Clerk will call the roll.

YEA—Alden; Allan, Portland; Allen, Bowdoin; Ayer, Batchelder, Bragdon; Brown, Bangor; Brown, Eagle Lake; Bucknam, Burgess, Cambridge, Carleton, Church, Churchill, Colby, Cooledge, Crockett, Cushing, Davis, Day, Dean, Dennison, Douglass, Dorr; Dow, Jay; Dwinal, Eddy, Elliot; Ellis, Castle Hill; Ellis, Fairfield; Emery, Erswell, Everett, Fadden, Fellows, Findlen, Flanders, Ford, Fuller, Goss, Gyger, Haley, Hammond, Harriman, Hascall, Monmouth; Haskell, Windham; Higgins, Dennysville; Higgins, Ellsworth; Hinckley, Hodgkins, Howes, Jewett, Keller, Larrabee, Leonard, Mack; Martin, Milford; Martin, Oakland; Maxell, McGaughy, McGlauffin, Merrill, Meserve, Mosher, Murchie, Newton, Norwood, Noyes, Owen, Packard, Palmer, Parsons; Payson, Brooks; Peakes, Phair; Pike, Bridgton; Plummer; Prince, Detroit; Ramsdell, Ramsey, Robinson, Russ, Ryder, Sawyer, Sleeper, Snow, Stilphen, Stoddard, Stone, Story, Thorne, Viles, Webber, Weed, Whitney.

NAY—Belanger, Boothby, Boucher, Bruce, Buker, Chase, Currier, Demers, Donahue; Dow, Kennebunkport; Dow, Norway; Dutil, Ellis, Rangeley; Fernald, Forgue, Hamel, Harkins, Harris; Haskell, Lee; Labbee, Larsen, Lausier, Lee, Maheu, Melanson, Morgan, Paul; Payson, Portland; Philbrick; Pike, Lubec; Porell, Poulin; Prince, Harpswell; Russell, Seabury; Smith, Westbrook; Smith, Van Buren; Varney, Wallace, Weatherbee, Wilkes, Wyman, Young.

ABSENT—Barter, Bird, Cole, Hinman, Lord, Maxim, Richardson, Tabbutt, Thurston, Woodbury.

Yes, 95.

No, 44.

Absent, 10

Excused, 1.

The SPEAKER: Ninety-five having voted in the affirmative and 44 in the negative, the motion of the gentleman from Ellsworth, Mr. Higgins, that the minority report of the committee, ought not to pass, be accepted, prevails. (Applause)

House at Ease

Mr. ELLIS of Rangeley: Mr. Speaker, I move that the rules be suspended and that the House take from the table, out of order, S. P. 460, an act to validate the incorporation of the Town of Jonesport School District, tabled earlier today by me, pending its passage to be enacted.

The motion prevailed.

Mr. CHASE of Baring: Mr. Speaker and Members of the House: The Legislature of 1935 passed this act for the Jonesport School District. It carried a referendum. It was printed in the town warrant and the town voted 235 to 7, to issue the bonds and proceed with the erection of the schoolhouse. Trustees were appointed and are ready to proceed with the building; but when it came to a certification of the bonds, the bankers discovered that there was something wrong with the wording of the act. They are now ready to proceed, and this measure today simply corrects errors of 1935, and will allow them to proceed. I think that is all that is necessary in explanation of this measure, and I trust that it may go on its way.

The SPEAKER: This bill is an emergency measure and requires the affirmative vote for its passage of two-thirds of the entire elected membership of the House. As many as are in favor of the passage of this bill to be enacted 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 twenty-three voting in the affirmative, and none in the negative, 123 being more than two-thirds of the entire elected membership of the House, the bill was passed to be enacted.

The SPEAKER: Proceeding under Orders of the Day, the Chair lays before the House the first matter of unfinished business of yesterday's session, House report of the committee on Legal Affairs, ought to pass, on bill an act relating to

municipal budgets, H. P. 1541, L. D. 681, tabled on March 19th by Mr. Fadden of Hiram, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. FADDEN: Mr. Speaker, I move that the report of the committee be accepted.

Mr. ELLIS of Fairfield: Mr. Speaker, I move that the bill and report be retabled.

The SPEAKER: The gentleman from Hiram, Mr. Fadden, moves that the report of the committee be accepted, and the gentleman from Fairfield, Mr. Ellis, moves that the bill and report be tabled pending the motion of the gentleman from Hiram, Mr. Fadden. As many as are in favor of the motion of the gentleman from Fairfield, Mr. Ellis, that the bill and report be retabled will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the bill and report were retabled.

The Chair lays before the House the second unfinished matter of business, House Amendment A to bill an act relating to the rules and regulations of State Racing Commission, H. P. 1535, L. D. 712, tabled on March 19th by Mr. Dow of Norway, pending the adoption of the amendment.

Mr. DOW of Norway: Mr. Speaker, I ask leave to withdraw House Amendment A.

House Amendment A withdrawn.

Mr. YOUNG of Old Orchard Beach: Mr. Speaker, I offer House Amendment B to H. P. 1535, L. D. 712, and move its adoption.

The SPEAKER: The gentleman from Old Orchard Beach, Mr. Young, offers House Amendment B. The Clerk will read House Amendment B.

House Amendment B to H. P. 1535, L. D. 712, an act relating to the rules and regulations of State Racing Commission.

Amend said act by adding thereto the words "on mile tracks."

Thereupon, House Amendment B was adopted and tomorrow assigned for the third reading of the bill, as amended by House Amendment B.

The Chair lays before the House the third item of unfinished business, bill an act to provide for co-operation by the State of Maine with other states, and with Secre-

tary of Agriculture of the United States in order to promote the conservation and profitable use of agricultural land resources, H. P. 1471, L. D. 666, tabled on March 19th by Mr. Findlen of Fort Fairfield, pending third reading; and the Chair recognizes that gentleman.

Mr. FINDLEN: Mr. Speaker, since this bill refers to certain Federal acts, I move that it be referred to the Judiciary Committee and sent up for concurrence.

The motion prevailed.

The Chair lays before the House the fourth item of unfinished business, an act imposing a tax of one cent per barrel on potatoes for advertising an stabilizing the potato industry of the State, H. P. 1691, L. D. 825, tabled on March 19th by Mr. Phair of Caswell Plantation, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. PHAIR: Mr. Speaker, I believe I have a constitutional right not to like this bill; but if the potato growers in Aroostook County, in their present financial condition, are willing to gamble \$125,000 a year to better their condition, I am willing to go along with them. Therefore I move that the bill be passed to be enacted.

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

The Chair lays before the House the fifth item of unfinished business, bill an act regarding penalty for depositing poisons with intent to kill animals, H. P. 1548, L. D. 683, tabled on March 19th by Mr. Gyger of Cumberland, pending assignment for third reading; and the Chair recognizes that gentleman.

Mr. GYGER: Mr. Speaker, inasmuch as there is some conflict between this bill and other pending legislation, I move that it be retabled.

Thereupon, the motion prevailed and the bill was retabled pending assignment for third reading.

Miss CHURCH of Stockton Springs: Mr. Speaker, I understand that bill an act correcting a clerical error in the apportionment of Representatives, H. P. 1043, L. D. 406, recalled from the Engrossing Department by joint order, is now in the hands of the Clerk. In order to correct a serious defect in the

form of this measure, I desire that it be recommitted to the committee on Judiciary. I therefore move that the rules be suspended and the action of the House whereby it passed this bill to be engrossed, on March 2, be reconsidered.

The motion prevailed, and on further motion by the same member the bill was recommitted to the committee on Judiciary.

On motion by Mr. Hammond of Strong, it was voted to take from the table the fourth tabled and unassigned matter, House report ought to pass in new draft of the committee on Salaries and Fees on bill an act relating to deputy clerks of courts in Penobscot County, H. P. 1119, L. D. 326, new draft H. P. 1745, tabled by that gentleman on March 23rd, pending acceptance of the report; and on further motion by the same gentleman the report of the committee was accepted and the new draft tabled for printing under the joint rules.

On motion by Mr. Hammond of Strong, it was voted to take from the table the fourth tabled and unassigned matter, House report ought to pass in new draft of the committee on Salaries and Fees on bill an act relating to the salary of the Judges of the Old Town Municipal Court, H. P. 892, L. D. 275, new draft H. P. 1744, tabled by that gentleman on March 23rd, pending acceptance of the report; and on further motion by the same gentleman the report of the committee was accepted and the new draft was tabled for printing under the joint rules.

On motion by Mr. Hammond of Strong, it was voted to take from the table the fifth tabled and unassigned matter, House report ought to pass of the committee on Salaries and Fees on bill an act relating to compensation of the Register of

Probate of Hancock County, H. P. 700, L. D. 240, tabled on March 23rd by that gentleman, pending acceptance of the report; and on further motion by the same gentleman the report of the committee was accepted.

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

On motion by Mr. Prince of Detroit, it was voted to take from the table the ninth unassigned matter, an act regulating the labeling of fresh eggs for sale, H. P. 64, L. D. 28, tabled by that gentleman on March 23rd pending passage to be enacted.

On motion by the same gentleman, the rules were suspended and the House voted to reconsider its former action whereby this bill was passed to be engrossed.

The same gentleman offered House Amendment C and moved its adoption, as follows:

House Amendment C to H. P. No. 64, L. D. No. 28, bill an act regulating the labeling of fresh eggs for sale.

Amend said bill by inserting after the phrase "fresh eggs" in the fourth line of Section 5 thereof, the words 'as hereinbefore defined.'

And further amend said bill by inserting after the word "below" in the fifth line thereof the following: 'said minimum requirements but not below.'

Thereupon, House Amendment C was adopted in non-concurrence, and the bill as amended by House Amendment A, House Amendment B and House Amendment C was passed to be engrossed, and sent up for concurrence.

On motion by Mr. Day of Durham,

Adjourned until ten o'clock tomorrow morning.