

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 31, 1937.

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

Prayer by the Rev. Mr. Stiles of Hallowell.

Journal of the previous session read and approved.

Mr. ELLIS of Rangeley: Mr. Speaker, for the purpose of getting a picture of the House, I move that we recess for a sufficient time—about five minutes.

The motion prevailed, and the House recessed for the purpose of a picture being taken.

Senate Bills in First Reading

S. P. 466, L. D. 883: An act relating to State Dairymen's Conference.

S. P. 467, L. D. 882: An act relating to seizure of game.

S. P. 468, L. D. 884: An act relative to transportation of fish and game by aeroplane.

S. P. 465, L. D. 880: An act to amend and extend the charter of Kennebec Reservoir Company.

S. P. 469, L. D. 885: An Act relating to enforcement of tax liens.

S. P. 470, L. D. 887: An act relating to the Bath Municipal Court.

S. P. 67, L. D. 46: An act relating to municipal ordinances.

S. P. 471, L. D. 886: An act to provide for the appointment of a Board of Commissioners of Police for the city of Augusta.

S. P. 391, L. D. 732: An act relative to bounties.

From the Senate: Report of the committee on Salaries and Fees on bill an act relating to the salary of the Judge and Recorder of the Westbrook Municipal Court, S. P. 425, L. D. 815, reporting same in a new draft, S. P. 464, L. D. 879, under same title and that it ought to pass.

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

In the House, on motion by Mr. Hinckley of South Portland, the bill and report were tabled pending the acceptance of the report in concurrence.

From the Senate: Report of the committee on Judiciary, reporting ought to pass on bill an act to

amend the absent voting law, S. P. 130, L. D. 170.

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

In the House, Senate Amendment A read.

On motion of Mr. Ellis of Rangeley, the bill and report were tabled pending the adoption of Senate Amendment A in concurrence.

From the Senate: Bill an act to validate the acts of the County Commissioners of the county of Oxford, H. P. 76, L. D. 32, on which the House accepted the majority report of the committee on Judiciary, reporting ought to pass and passed the bill to be engrossed on March 29th.

Comes from the Senate with the minority report ought not to pass accepted in non-concurrence.

In the House, on motion by Mr. McGlaulin of Portland, bill and report tabled pending further consideration.

Mr. Flanders of Auburn, presented the following order and moved its passage:

Ordered, the Senate concurring, that the House Committee on County Estimates be authorized to report recommendations for legislation regulating the financial affairs of the several counties based on information secured at the hearings held by that committee, together with bills or resolves to carry into effect such recommendations. Any bill or resolve so reported shall be received and considered, notwithstanding existing orders limiting the introduction of new measures.

The order received passage and, on motion by Mr. Flanders, was ordered sent forthwith to the Senate for concurrence.

Reports of Committees

Majority report of the Committee on Judiciary reporting ought to pass on bill an act relating to insanity as cause of divorce (H. P. No. 669) (L. D. No. 214)

Report was signed by the following members:

Messrs. Thorne of Madison
McGlaulin of Portland
Weatherbee of Lincoln
Varney of Berwick
Hinckley of So. Portland
Bird of Rockland

—of the House.

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

Report was signed by the following members:

Messrs. Fernald of Waldo
 Willey of Cumberland
 Miss Laughlin of Cumberland
 —of the Senate.
 Mr. Philbrick of Cape Elizabeth
 —of the House.

On motion by Mr. Weatherbee of Lincoln, the majority report, ought to pass, was accepted.

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

Mr. Philbrick from the Committee on Judiciary on report of Recess Committee on Compulsory Automobile Insurance (H. P. No. 992) (L. D. No. 297) reported that same be placed on file.

Mrs. Currier from the Committee on Education reported ought not to pass on bill an act providing aid for school consolidation (H. P. No. 347) (L. D. No. 116)

Mr. Bird from the Committee on Judiciary reported same on bill an act relating to licenses to operate motor vehicles (H. P. No. 77) (L. D. No. 33)

Same gentleman from same Committee reported same on bill an act requiring hand or mechanical signals by operators of motor vehicles (H. P. No. 1288) (L. D. No. 467)

(Bill and report tabled by Mr. Newton of Readfield, pending acceptance of the report)

Mr. Bird from the Committee on Judiciary reported ought not to pass on bill an act relating to limitations and restrictions of operators' licenses (H. P. No. 1424) (L. D. No. 576)

Mr. Hinckley from same Committee reported same on bill an act relating to trustees and their confirmation and accounting in Probate Courts (H. P. No. 1416) (L. D. No. 692)

Same gentleman from same Committee reported same on bill an act relating to regulation of speed limits (H. P. No. 1444) (L. D. No. 558)

Same gentleman from same Committee reported same on bill an act providing for rights of riparian owners in their property below high water mark (H. P. No. 1520) (L. D. No. 628)

Mr. McGlauffin from same Com-

mittee reported same on resolve to authorize the State Forest Commissioner to sell certain real estate (H. P. No. 1428) (L. D. No. 579)

Mr. Philbrick from same Committee reported same on bill an act relating to the payment of legacies and distributive shares in estates and trusts (H. P. No. 1434) (L. D. No. 715)

Mr. Thorne from same Committee reported same on bill an act relating to privileges of salesmen (H. P. No. 466) (L. D. No. 158)

Same gentleman from same Committee reported same on bill an act relating to the recording of deeds (H. P. No. 1289) (L. D. No. 468)

Same gentleman from same Committee reported same on bill an act relating to fees under the Workmen's Compensation Act (H. P. No. 1510) (L. D. No. 719)

Mr. Varney from same Committee reported same on bill an act relative to fees for registration of motor trucks (H. P. No. 1521) (L. D. No. 563)

Mr. Chase from the Committee on Legal Affairs reported same on bill an act to establish a Commission of Public Safety for the city of Biddeford (H. P. No. 1110) (L. D. No. 319)

(Bill and report tabled by Mr. Varney of Berwick, pending acceptance of the report)

Mr. Chase from the Committee on Legal Affairs reported ought not to pass on bill an act relating to compensation for certain town officers (H. P. No. 1295) (L. D. No. 471)

Mr. Payson from same Committee reported same on bill an act to regulate the sale, exchange, possession and distribution of merchandise manufactured in whole or in part by convicts or prisoners (H. P. No. 1528) (L. D. No. 678)

(Bill and report tabled by Mr. Emery of Bucksport, pending acceptance of the report)

Mr. Payson from the Committee on Legal Affairs reported ought not to pass on bill an act relating to discontinuance of town ways (H. P. No. 1525) (L. D. No. 564)

Mr. Carleton from the Committee on Pensions reported same on resolve providing for a State pension for Kittie Hall of Farmingdale (H. P. 846)

Mrs. Latno from same Committee reported same on resolve providing for a State pension for Scott Austin of Portland (H. P. No. 39)

Same member from same Committee reported same on resolve

providing for a State pension for Lena F. Ober of Jay (H. P. No. 1372)

Same member from same Committee reported same on resolve providing for a State pension for Allen Fox of Portage Lake (H. P. No. 1373)

Mr. Owen from same Committee reported same on resolve providing for a State pension for Mildred White of Belfast (H. P. No. 589)

Same gentleman from same Committee reported same on resolve providing for an increase in State pension for Perley A. Haskell of Augusta (H. P. No. 690)

Mr. Carleton from same Committee reported same on resolve for a State pension for Charles Knowlton of Liberty (H. P. No. 1304)

Mr. Payson from same Committee reported same on resolve providing for a State pension for Gene Cedric Hare of Monticello (H. P. No. 599)

Mr. Sleeper from the Committee on Temperance reported same on bill an act relating to licenses for wholesalers in malt beverages (H. P. No. 1598) (L. D. No. 660)

Mr. Meserve from same Committee reported same on bill an act relative to penalty for selling or giving liquor to Indians (H. P. No. 852) (L. D. No. 302)

Mr. Pike from the Committee on Legal Affairs on bill an act relating to coordination of State inspection work (H. P. No. 1673) (L. D. No. 805) reported legislation unnecessary as subject matter sufficiently covered by Joint Order already passed.

Reports read and accepted and sent up for concurrence.

Mr. Bird from the Committee on Judiciary on bill an act correcting a clerical error in the apportionment of Representatives (H. P. No. 1043) (L. D. No. 408) reported a resolve under title of resolve correcting a clerical error in the apportionment of Representatives (H. P. No. 1780) and that it ought to pass

Mr. Philbrick from same Committee on bill an act relating to outdoor advertising (H. P. No. 1616) (L. D. No. 743) reported same in a new draft (H. P. No. 1781) under same title and that it ought to pass

Same gentleman from same Committee on bill an act permitting testamentary trustees to hold securities held by testator at time of his death (H. P. No. 1049) (L. D. No. 407) reported same in a new

draft (H. P. No. 1782) under same title and that it ought to pass.

Mr. Thorne from same Committee on bill an act relating to the practice before Probate Courts (H. P. No. 1512) (L. D. No. 537) reported same in a new draft (H. P. No. 1783) under same title and that it ought to pass

Mr. Higgins from the Committee on Legal Affairs on bill an act permitting the County Commissioners of Androscoggin County to issue bonds for South Bridge (H. P. No. 681) (L. D. No. 223) reported same in a new draft (H. P. No. 1784) under same title and that it ought to pass

Mr. Martin from the Committee on Public Health on bill an act relating to over-night parking of trailers, auto-homes, and house-cars (H. P. No. 1441) (L. D. No. 582) reported same in a new draft (H. P. No. 1779) under same title and that it ought to pass

Mr. Stilphen from the Committee on Temperance on bill an act relating to business hours for State stores (H. P. No. 1601) (L. D. No. 663) reported same in a new draft (H. P. No. 1778) under same title and that it ought to pass

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

Mr. Jewett from the Committee on Pensions reported ought to pass on resolve providing for a State pension for John Mains of York (H. P. No. 306)

Mr. Payson from same Committee reported same on resolve relating to a retirement pension for Burleigh E. Bean of Waite (H. P. No. 194)

Same gentleman from same Committee reported same on resolve to repeal a resolve providing for a State pension for Beatrice E. Gilbert of Bar Harbor (H. P. No. 1374)

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

Mr. Bird from the Committee on Judiciary reported ought to pass on bill an act relating to special license for operation of motorcycles (H. P. No. 1419) (L. D. No. 571)

Mr. Pike from the Committee on Legal Affairs reported same on bill an act relating to the charter of Bridgton Center Village Corporation (H. P. No. 475) (L. D. No. 138)

Mr. Sleeper from the Committee on Temperance reported same on bill an act relating to holders of

malt liquor manufacturing licenses (H. P. No. 1626) (L. D. No. 752)

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

First Reading of Printed Resolves

(H. P. No. 1772) (L. D. No. 896)
Resolve relating to smelt fishing in Denny's River, Medomak River, and Georges River

(H. P. No. 1773) (L. D. No. 897)
Resolve relating to smelt fishing in St. Croix River

(H. P. No. 1774) (L. D. No. 898)
Resolve relating to smelt fishing in Hancock County

Passed to be Engrossed

(S. P. No. 231) (L. D. No. 388)
An act relating to the establishing of a Game Preserve and Bird Sanctuary

(S. P. No. 327) (L. D. No. 593)
An act relating to support of wife and minor children

(S. P. No. 328) (L. D. No. 755)
An act authorizing corporations without capital stock to qualify as trustees in certain cases

(S. P. No. 345) (L. D. No. 614)
An act to provide for the perambulation of the Maine and New Hampshire boundary line

(S. P. No. 459) (L. D. No. 856)
An act relating to group insurance
(Tabled by Mr. Carleton of Alna, pending third reading)

(H. P. No. 1541) (L. D. No. 681)
An act relating to municipal budgets

(H. P. No. 1768) (L. D. No. 891)
An act relative to sale of fish as amended

(Tabled by Mr. Noyes of Franklin, pending third reading)

Passed to be Enacted

(S. P. No. 365) (L. D. No. 622)
An act relating to clerk hire in the office of Register of Deeds, in Kennebec County

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

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

(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 cred-

itors 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 Savings Banks

Orders of the Day

The SPEAKER: The Chair wishes at this time, for the benefit of those members to whom it may not be clear, to explain the procedure relative to suspension of the rules.

A motion to suspend any rule of the House requires the vote of two-thirds of the members present. It is the practice, when such a motion is made, for the Chair to take the pleasure of the House. Parliamentary authorities are agreed that if no objection is voiced at that time, more than two-thirds of the House are deemed to have voted for the suspension of the rules. The motion to suspend the rules is not debatable, but when the Chair takes the pleasure of the House, any member may, without debate, voice his objection or ask for a division. Whenever it is apparent on a motion to suspend the rules that there is an objection, a division will be taken to ascertain whether two-thirds of the members of the House desire the suspension.

The Chair wishes further to suggest, in the interest of expediting our business here, that when, on Wednesday morning, matters are laid before the House under the Joint Order, they ought not to be retabled unless for a very good reason; and the Chair ventures to further suggest that when such a matter is retabled, the person who moves to retable it assign it for some specific day.

At the time of adjournment yesterday the House was engaged in the consideration of the Senate report of the committee on Legal Affairs, ought to pass, on bill an act relating to beauty culture, to include registering and licensing of barbers and barber shops and to create a Board of Barber Examiners, S. P. 192, L. D. 451. The pending question at that time was on the motion of the gentleman from Orient, Mr. Maxell, that the bill and report be indefinitely postponed in non-concurrence. Under Rule 28 of the House Rules this item of business takes precedence under Orders of the Day, and the pend-

ing question is now on the motion of the gentleman from Orient, Mr. Maxell, that the bill and report be indefinitely postponed.

Mr. PAUL of Portland: Mr. Speaker, in behalf of the Legal Affairs Committee, I want to make a few brief remarks.

This bill was properly advertised and given a lengthy hearing and a unanimous report that it ought to pass came from our committee. This measure is a sanitary measure pertaining to the barbers. It calls for no extra cost other than that assumed by the barbers themselves. There will be no additional price to the patrons of the barbers. That expense is borne by the barbers, and this bill was drafted to be a part of the Board of Beauty Culture that is already in existence, calling for no additional board to be organized. The bill provides for two barbers to be appointed, and those two barbers will be a part of the Beauty Culture Board.

There will be appointed under this board men to inspect and make certain that the barber shops are operated in a sanitary manner. Now we have a law on our statutes at the present time which provides for sanitation, but, as we know, those of us who are familiar with the law, there is no provision of funds to operate and carry out the plan of sanitation, and this bill here provides those funds, the funds coming from the barbers. I especially want to appeal to the members of this House this morning to support the bill. My experience in discussing this bill with the barbers is that there is a large majority of the barbers in favor of this bill. The bill was drafted with the assistance and help of Dr. Campbell of the State Board of Health. I appeal to you this morning to support the unanimous report of the Legal Affairs Committee.

The SPEAKER: The question is on the motion of the gentleman from Orient, Mr. Maxell, that the bill and report be indefinitely postponed. Is the House ready for the question? As many as are in favor of the motion for indefinite postponement of the bill and report will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Fifty-four voting in the affirmative and sixty-four in the negative,

the motion for indefinite postponement did not prevail.

On motion by Mr. Paul of Portland the report of the committee, ought to pass, was accepted in concurrence, the bill was given its two several readings and tomorrow assigned.

The Chair lays before the House the first tabled and unassigned matter, Joint Order relative to recall from Legal Affairs S. P. 397, L. D. 735 relative to Lewiston Police Department, S. P. 453, tabled on March 23rd by Mr. Higgins of Ellsworth, pending passage in concurrence; and the Chair recognizes that gentleman.

Mr. HIGGINS: Mr. Speaker, I must move for the indefinite postponement of this order, and will say by way of explanation that the bill had been offered and reported upon prior to the time when this order could have been effective. I therefore move that the order be indefinitely postponed.

The SPEAKER: The gentleman from Ellsworth, Mr. Higgins, moves that the order be indefinitely postponed in non-concurrence.

The motion prevailed, and the order was indefinitely postponed in non-concurrence.

The Chair lays before the House the second unassigned matter, resolve closing the fishway at Gardners Lake, H. P. 1740, L. D. 845, tabled on March 23rd by Mr. Dennison of East Machias, pending assignment for second reading; and the Chair recognizes that gentleman.

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

House Amendment A to H. P. No. 1740, L. D. No. 845, entitled, resolve, closing the fishway at Gardners Lake.

Amend said resolve by striking out in the 4th and 5th lines thereof the following words "and Gardners Lake stream (so-called) from Gardners lake to the East Machias river" and inserting in place thereof the words "to alewife fishing".

Thereupon, House Amendment A was adopted and the resolve as amended by House Amendment A was tomorrow assigned.

The Chair lays before the House the third unassigned matter, an act relating to revocation of hunting

and fishing licenses, S. P. 434, L. D. 829, tabled on March 23rd by Mr. Leonard of Hampden, pending passage to be enacted.

Mr. NOYES of Franklin: Mr. Speaker, I move that the rules be suspended and the House reconsider its former action whereby this bill was passed to be engrossed.

The SPEAKER: The gentleman from Franklin, Mr. Noyes, moves that the rules be suspended to permit a motion to reconsider the former action of the House whereby this bill was passed to be engrossed.

The motion prevailed.

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

House Amendment B to S. P. 434, L. D. 829. An Act entitled relating to revocation of fish and game licenses.

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

'Sec. 43. Hunting and fishing licenses; revocation of. Upon the conviction of any person holding a license issued by virtue of this chapter, of a violation of the fish and game laws or rules and regulations of the commissioner, said license shall be revoked by the commissioner and the commissioner shall refuse to issue a license to said person for periods as set forth herein: upon the 1st conviction for a period of 6 months, upon the 2nd conviction for a period of 18 months, upon the 3rd conviction for a period of 3 years, upon the 4th conviction for a period of 5 years and upon the 5th conviction for a period of 5 years. No license shall be issued to any person after the 5th conviction except after a hearing before the commissioner.'

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

Mr. McGLAUFILIN of Portland: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. McGLAUFILIN: Mr. Speaker, out of order and under suspension of the rules, I move to take from the table the bill that I tabled previously in today's session, being

House Paper 76, L. D. 32, bill an act to validate the acts of the County Commissioners of the County of Oxford.

The motion prevailed.

Mr. McGLAUFILIN: Mr. Speaker, I would like to speak briefly on this matter, and I request the Speaker to allow me to face the House while I am addressing the Chair.

The SPEAKER: The gentleman may do so, as long as he speaks from own place.

Mr. McGLAUFILIN: Mr. Speaker, I am interested in this bill solely from the point of fair play. I do not even know where the town of Mason is, and I am not acquainted with any of its officials, so far as I know, but I want the House to know the facts.

Two years ago the town of Mason asked permission to give up its incorporation and was allowed to do so. The last Legislature passed an act providing that the County Commissioners should repair the roads and bridges in the town of Mason and that they should tax this expense to the township. There was no township in existence, so, naturally, the taxation had to be against the individuals of the town; but in order to have a legal assessment anywhere at any time, it is necessary to have a valuation, and, when the County Commissioners looked for a source of valuation, they found none. They could not take the valuation that the town of Mason had given the year before because there was no longer any town of Mason. They appealed to the Tax Commissioner, Mr. Holley, and he could not help them for this reason: He makes his returns for plantations once in two years, and his returns had already gone in; so the only thing that he could do, after talking with the best legal authorities in the State, was to recommend that they assess an illegal tax; that is, it was illegal from the fact that they had no valuation to go on. They did that, and quite a number of the people in the town paid their taxes; but there were a few wealthy men somewhat disgruntled because they had not been employed on the job. Apparently they had the advice of one of the best attorneys in Oxford County, a good friend of mine, of whose ability I am aware, and he immediately said that the tax is illegal. Therefore, they refused to pay it and up

to this time they have not paid one cent.

Now this bill was brought before this Legislature for us to ratify the act of those County Commissioners. I want to say that when these men came before the Judiciary Committee, they expressed a willingness to pay one-half of the tax or thereabouts. They brought up the statement that the law provided that there could be a two per cent tax on plantations and they tried to make us think that that applied to this case. I want to point out to you members of the Legislature, as a lawyer who knows what he is talking about, that that two per cent tax has nothing whatever to do with this town of Mason. This Legislature told those County Commissioners to do that very thing. They were acting under orders of this very Legislature when they repaired the roads and the bridges, and nobody questioned but what those roads and bridges needed to be repaired.

Now under the regular rules of assessment, the inhabitants of the town of Mason were the people to pay that tax, and I am asking you not to turn this bill down as the Senate has undertaken to do, saying it ought not to pass. If you do that, you are throwing it back either on the County Commissioners themselves, individually, for having done their duty the best they knew how, or else you are throwing it back on to the county which may take it, rather than make their Commissioners pay it when they are doing just what this Legislature ordered them to do.

I have fought for this bill in committee and I am still fighting for it simply on the ground of fair play. That tax should be paid by the inhabitants of that town. Part of them have already paid. Are we going to allow the rich men in the town, or the wealthy men in the town, to escape all taxation and let the poor fellows pay their part and the others pay nothing, or are we going to stand on the principle of fair play and make them pay what they should?

Some of the members of our committee brought up this point but they said, "You are establishing a dangerous precedent." I want to point out to every member of this House that you are never establishing a dangerous precedent for any-

thing when you do a thing that is right, and this is right. I move, Mr. Speaker, that we insist and ask for a committee of Conference.

The SPEAKER: The gentleman from Portland (Mr. McGlaufflin) moves that the House insist and asks for a committee of Conference. The Chair recognizes the gentleman from Bridgton, Mr. Pike.

Mr. PIKE: Mr. Speaker, I am one of those unfortunate ones who are taxed in the town of Mason, and also one of the foolish ones who paid the tax immediately on receipt of the bill.

The gentleman has referred to the wealthy residents of that town. I suppose he did that purely as a matter of comparison. I do not know any such residents of the town. I am simply a camp owner there and my taxes are comparatively small; but I do want to say, for some of those whom I represent, that the tax money has not been properly expended in the town. We feel that our taxes are excessive and that we receive nothing for them in return. I hope that the motion does not prevail.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. McGlaufflin, that the House insist and ask for a committee of Conference. As many as are in favor of the motion will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair will appoint the members on the committee of Conference on the part of the House at a later time.

The Chair lays before the House the fourth unassigned matter, an act relating to pauper settlement, H. P. 1542. L. D. 569, tabled on March 23rd by Mr. Higgins of Ellsworth, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. HIGGINS: Mr. Speaker, I move that the rules be suspended, in order that I may make a motion that the House reconsider its former action whereby this bill was passed to be engrossed.

The motion prevailed, and on further motion by the same gentleman the House voted to reconsider its former action whereby this bill was passed to be engrossed.

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

House Amendment A to H. P. No. 1542, L. D. No. 569, bill, an act relating to pauper settlement.

Amend said bill by adding at the end thereof the following paragraph:

'Provided, however, that no notice as hereinbefore required shall be sent if the municipality furnishing such aid shall be the apparent settlement of the applicant for relief.'

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

The Chair lays before the House the fifth unassigned matter, House report, ought not to pass of the committee on Legal Affairs on bill an act relating to divulging sources of information obtained by newspapers, H. P. 1526, L. D. 677, tabled on March 24th by Mr. Dow of Kennebunkport, pending acceptance of report; and the Chair recognizes that gentleman.

Mr. DOW: Mr. Speaker and Members of the House: Because I am a first-year member here, and because of the fact first-year members oftentimes are not supposed to speak, I hesitate to speak at this time. I beg your indulgence. I would not speak if I did not believe the bill was a good one, a fair one and one which is expedient to the few people in Maine whom it concerns. I move at this time, Mr. Speaker, that the bill be substituted for the report, for the following reasons:

The bill simply provides that newspaper reporters and editors such as myself shall be granted the privilege of immunity which doctors, lawyers and priests now enjoy. It is my belief that it would not be fair to ask a doctor, lawyer or priest to be called in before any jury to testify or to give any information which has been given to him in his professional capacity and in confidence. Any lawyer who betrayed that confidence, or revealed information given to him by his client, could not remain in the business of law. And, by the same token, I maintain that a newspaper editor, such as myself, should have this same privilege, so no one would have the right to ask a newspaper reporter or editor to appear before a jury and reveal information which is given to him in privacy and confidence, mainly because it is his

livelihood, just as it is the livelihood of the doctor and lawyer and also because it protects the private citizen who feels it is his duty to reveal any situation.

Just as an example of this I can give you one you heard of in New York only last fall, when a private citizen went to a newspaper reporter and revealed the milk racket in New York City, a very crooked racket. The reporter in turn exposed the racket in his newspaper. The reporter was called into court to testify. He refused to reveal the information which this private citizen gave him, and he was put in jail. I maintain he did a service to the city of New York by exposing the racket, and I also maintain the citizen who revealed the situation to him did a service to the city of New York, and I feel those people should have protection, which they did not have.

When I brought this bill before the Legal Affairs Committee I think I am right in saying there were two objections to the bill as voiced by them. The first was that it was inexpedient — and I was surprised they made this comment in view of the fact all of the members of the Legal Affairs Committee are lawyers, and they all enjoy the same privilege of immunity which the bill asks to be granted to newspaper reporters and editors. I will admit here in Maine that so far no newspaper reporter has been jailed or asked to testify, but it has been a mere coincidence that he has not; and I might say dozens have been almost forced to testify — and I speak from experience.

The second objection voiced before the committee was that it would permit reporters to publish information which would be detrimental to other citizens. I would like to go on record now as being opposed to any bill allowing the newspapers to publish anything they may care to publish. I think I am right in saying our libel law here in Maine provides that no such material shall be printed in any paper that is libelous to any private citizen. This bill in particular has nothing to do with granting newspaper reporters or editors the privilege of slandering people in the press; it merely gives them the right to reserve their source of information.

In closing, I feel, because some of you are not perhaps all familiar

with the bill, that I would like to point out that the people of Arkansas passed this bill last fall by a two to one referendum, and four other states in the United States have also approved and passed the bill in recognition of its fairness. And, in closing, I would also like to say to the members of this House that I have the highest regard and respect for the members of the Legal Affairs Committee as individuals, but as a committee I feel they were careless, perhaps, and casual, in reporting out this bill. My reason for this conviction is that on the same day my bill came out of committee thirty other bills came out; and I do not believe any committee can report out thirty-one bills in one afternoon and do justice to all of them. I hope my fellow-members here in the House will support me in my motion to substitute the bill for the report.

The SPEAKER: The gentleman from Kennebunkport, Mr. Dow, moves that the bill be substituted for the ought not to pass report of the committee. The Chair recognizes the gentleman from Ellsworth, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, I am in a position where I do not know just which end to start at. The gentleman who has just spoken has mentioned some of the reasons why we sent the bill out ought not to pass. The very first reason, which he did not mention, or mentioned only in part, was that there was no real demand for it.

A gentleman serving his first term in the Legislature brought this pet from home with him and presented it along with several other pet bills. He was the only person speaking for it, and it seemed to us there was no necessity of such legislation. Perhaps we erred in not reporting it out "legislation inexpedient." Had we softened the blow, possibly the comments that were recently made would not have been heard this morning. No cases have arisen in the State of Maine involving this problem at all. For that reason, we were reluctant to pass such a measure. Beyond that, we felt there was a certain danger in that it would grant this immunity to all newspaper men of the State of Maine. The last speaker has said that he was asking for this immunity for newspaper editors such as himself. Now were all the newspaper men in the State of Maine in the same cate-

gory with the gentleman from Kennebunkport, we might have given him more favorable consideration. But that is not true. We have got scores and scores of newspaper men in the State of Maine who are very reliable, but here and there we may have some who are not, and we felt that there was a danger in granting immunity to everybody in the State of Maine, and no particular need of doing so. That, in brief, is our position.

Now I suppose I should say a word in regard to the thirty-one bills that were reported out. I do not know whether they were considered that afternoon or not. They may have been considered over two or three days and then reported out. But if thirty-one bills cannot be considered in one afternoon, from what I have heard about the number of bills that are in some of the committees, we will be here until the early part of May. And so, for the reasons suggested, I trust that the motion of the gentleman from Kennebunkport will not prevail. Much as I would like to see the gentleman, for his own personal satisfaction, take this pet child of his right into the statute books, I believe that good judgment on our part should cause us to support the committee's position.

The SPEAKER: The question is on the motion of the gentleman from Kennebunkport, Mr. Dow, that the bill be substituted for the ought not to pass 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 and sent up for concurrence.

The Chair lays before the House the sixth unassigned matter, House report ought not to pass of the committee on Legal Affairs on bill an act relating to horse racing for trotters and pacers and creating a State Racing Commission, H. P. 1524, L. D. 693, tabled on March 24th by Mr. Flanders of Auburn, pending acceptance of report; and the Chair recognizes that gentleman.

On motion by Mr. Flanders of Auburn, the bill and report were

retabled and specially assigned for Tuesday, April 6th.

The Chair lays before the House the seventh unassigned matter, House report ought not to pass of the committee on Legal Affairs on bill an act to regulate the practice of architecture and to provide for the examination and registration of architects, H. P. 1534, L. D. 680, tabled on March 24th by Mr. Wilkes of Portland, pending acceptance of report; and the Chair recognizes that gentleman.

On motion by Mr. Wilkes of Portland, the ought not to pass report of the committee was accepted and sent up for concurrence.

The Chair lays before the House the eighth unassigned matter, House report ought not to pass of the committee on Legal Affairs on bill an act relating to the Gray Water District, H. P. 885, L. D. 270, tabled on March 24th by Mr. Russell of Gray, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Russell, the ought not to pass report of the committee was accepted and sent up for concurrence.

The Chair lays before the House the ninth unassigned matter, House report ought not to pass of the committee on Legal Affairs on bill an act relating to dog racing and old age pensions, H. P. 1622, L. D. 749, tabled on March 24th by Mr. Donahue of Biddeford, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Donahue, the ought not to pass report of the committee was accepted and sent up for concurrence.

The Chair lays before the House the tenth unassigned matter, House report of the committee on Military Affairs on bill an act relating to State Armories, H. P. 627, L. D. 203, tabled on March 24th by Mr. Hinman of Skowhegan, pending acceptance of the report; and the Chair recognizes that gentleman.

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

The SPEAKER: The gentleman will kindly defer his amendment at this time, the report of the committee not having yet been accepted.

On motion by Mr. Hinman, the ought to pass report of the committee was accepted.

Thereupon, the bill had its two several readings.

Mr. Hinman presented House Amendment A and moved its adoption, as follows:

House Amendment A to H. P. No. 627, L. D. No. 203, bill an act relating to State Armories.

Amend said bill by striking out from the 16th line thereof “\$50,000, annually,” and inserting in lieu thereof “\$25,000.00 for each of the fiscal years ending June 30, 1938 and June 30, 1939.”

Thereupon, House Amendment A was adopted.

On motion by Mr. Packard of Houlton, the bill as amended by House Amendment A was assigned for its third reading tomorrow.

The Chair lays before the House the eleventh unassigned matter, House Amendment A to bill an act relating to the support of paupers, S. P. 342, L. D. 613, tabled on March 24th by Mr. Payson of Portland, pending adoption; and the Chair recognizes that gentleman.

Mr. PAYSON: Mr. Speaker, the amendment meets any objection to the bill, and I would make the motion for the adoption of House Amendment A.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Payson, that House Amendment A be adopted. As many as are in favor of the motion will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, House Amendment A was adopted, and tomorrow assigned for third reading of the bill as amended.

The Chair lays before the House the twelfth unassigned matter, House report ought not to pass of the committee on Legal Affairs on bill an act relating to pawnbrokers and dealers in junk and second hand goods, H. P. 1540, L. D. 708, tabled on March 24th by Mr. Harris of Minot, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Harris, the bill and report were retabled and specially assigned for Tuesday, April 6th.

The Chair lays before the House

the thirteenth unassigned matter, bill an act relating to a State Geologist, H. P. 1696, L. D. 823, tabled on March 24th by Mr. Hinman of Skowhegan, pending first reading; and the Chair recognizes that gentleman.

On motion by Mr. Hinman, the bill had its two several readings.

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

House Amendment A to H. P. No. 1696, L. D. No. 823, bill, an act relating to a State Geologist."

Amend said bill by striking out from the eighth line thereof the amount \$1290" and inserting in lieu thereof the following: "1000 for each of the fiscal years ending June 30, 1938 and June 30, 1939"

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

On motion by Mr. Ellis of Rangeley.

Recessed until 4 P. M.

After Recess—4.10 P. M.

The Chair lays before the House the fourteenth 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 the Knox Arboretum, H. P. 1123, L. D. 420, tabled on March 24th by Mr. Flanders of Auburn, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. FLANDERS: Mr. Speaker, I feel like apologizing for asking that this matter be tabled again, but I took it up with the Governor and Council and they have asked to have it tabled until tomorrow morning, therefore I move the bill and report be retabled pending acceptance of the report and specially assigned for tomorrow morning.

The motion prevailed, and the bill and report were so retabled.

The Chair lays before the House the fifteenth unassigned matter, House report ought not to pass of the committee on Mercantile Affairs and Insurance on bill an act relating to the standard form insurance policy, H. P. 684, L. D. 225, tabled on March 24th by Mrs. Latno of Old Town, pending acceptance of the report; and the Chair recognizes

the lady from Old Town, Mrs. Latno.

Mrs. LATNO: Mr. Speaker, believing that Mrs. Thurston, who put the bill in, will be here next week, I move that this be retabled and specially assigned for Tuesday, April 6th.

The motion prevailed, and the bill and report were retabled pending acceptance of the report and specially assigned for Tuesday, April 6th.

The Chair lays before the House the sixteenth unassigned matter, House Amendment A to bill an act relating to beauty culture, H. P. 1558, L. D. 687, tabled on March 24th by Mr. Martin of Oakland, pending adoption; and the Chair recognizes that gentleman.

Mr. MARTIN of Oakland: Mr. Speaker, did not Mr. Weatherbee offer that amendment?

The SPEAKER: The Chair understands that the matter was tabled pending the adoption of House Amendment A.

On motion by Mr. Martin, a viva voce vote being taken, House Amendment A was adopted and tomorrow assigned for the third reading of the bill as so amended.

The Chair lays before the House the seventeenth unassigned matter, bill an act relating to plumbing, H. P. 1730, L. D. 842, tabled on March 24th by Mr. Alden of Auburn, pending the motion of Mr. Martin of Oakland, to indefinitely postpone; and the Chair recognizes Mr. Alden of Auburn.

Mr. ALDEN: Mr. Speaker and Members of the House: As one of the committee having this matter before it, I feel that perhaps a word of explanation in regard to the main points of the measure may be in order now. The bill provides for the licensing of properly qualified master and journeymen plumbers. This Board consists of an executive officer, the Director of Public Health, and two appointees by the Governor and Council.

In the consideration of this bill before the committee, there were objections by the public utilities and some of the interested parties. There were two re-drafts made, and in the final re-draft all of the objections of the utilities and others interested were met. Since that time, and in contact with the Director of the Bureau of Health and

assistants this afternoon, I have the unqualified endorsement of our State Health Department.

As a health measure, as the chief of the Health Department sees it, it is an almost essential qualification that only properly qualified people shall engage in the work that they have to inspect. In the past year, according to the report of the Bureau of Inspection, there were 3,709 inspections by the Sanitary Division. I have taken the trouble to consult some of these men who work under the direction of the Health Bureau, and there are continual recurring instances where the employment of unskilled labor causes no end of trouble and expense; and, so far as the committee is concerned, after consideration of these different things presented to it, we were thoroughly convinced that this measure is justified. There are nine members of the committee who feel that way about it, and the only objection to it was by one member of the committee, and the only objection by the public to that measure has been voiced by that member of the committee. Therefore I hope that the House will not support the motion of the gentleman who has suggested indefinite postponement.

Mr. ELLIS of Rangeley: Mr. Speaker: I wish to present House Amendment A and move its adoption House Amendment A simply defines in the law what is already defined in the Plumbing Code of the Health Department, and that should be incorporated into the law.

The SPEAKER: Mr. Ellis of Rangeley, presents House Amendment A and moves its adoption. Under the rules the motion of the gentleman from Rangeley has precedence over the motion to indefinitely postpone. The Clerk will read House Amendment A.

House Amendment A to H. P. No. 1730, L. D. No. 842, bill an act in relation to plumbing.

Amend said bill by inserting after paragraph 4 in section 2 thereof, a new paragraph numbered "5" as follows:

"5. 'Plumbing' is the art of installing in buildings the pipes, fixtures, and other apparatus for bringing in the water supply and removing liquid and water-carried wastes; and by striking out the comma and the words 'but not,'

preceding the word 'alterations' in the next to the last sentence of said section 2 of the bill and inserting in place thereof the word 'or' and striking out the comma after the word 'alterations.'"

The SPEAKER: The question is on the motion of the gentleman from Rangeley, Mr. Ellis, that House Amendment A be adopted. The matter is in order for debate, but debate should be confined to the question of the adoption of the amendment. Is the House ready for the question? As many as are in favor of the adoption of House Amendment A will say aye; those opposed no.

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

The SPEAKER: The question recurs to the motion of the gentleman from Oakland, Mr. Martin, that the bill be indefinitely postponed, and the Chair recognizes that gentleman.

Mr. MARTIN: Mr. Speaker, ladies and gentlemen of the House: I wish to ask your indulgence for a few moments in order that I may explain my position here in opposing a measure which has been reported ought to pass by the committee. I was not present at the time this report was made and had no chance to object to it, consequently I take the privilege to appear against this measure, although the measure was reported by the committee ought to pass.

The second thing that I wish to have understood at the beginning is that I have no fight at all with plumbers, and whatever remarks I make are upon the measure and not upon the profession of plumbing. I wish to have this absolutely understood at the beginning.

I would like to review the measure because I think that the members of the House do not understand the measure fully. I wish to call your attention to the matter very briefly and review the bill, and I hope that your prejudices have not been so fully formed, either for or against the measure, that what I say will not be received openly without any previous effect that anyone, either in or out of the House, may have had upon you.

The measure first sets up a Board of Plumbers. These articles referring to the establishment of the Board are similar in their make-

up to other Boards which are established in other similar lines. That we will pass over without further reference to it unless you wish to have it further explained.

The different parts of the bill may be passed over to investigation of complaints. If complaints are made in regard to plumbing, they come before the proper prosecuting officers; but you will understand that that is very indefinite. What are the proper prosecuting officers to whom these difficulties and objections and work of the plumbers may be referred to? After these things are referred to the proper prosecuting officers, and the person might be punished, there is no appeal in the article,—no appeal from the decision of the officer established in the make-up of the bill.

The penalty for violation of anything done by the plumbers refers not only to the plumbers who may violate the code that is set up but also refers to the person employing one who has no license. It does not seem to me that is very fair. How does anyone know whether the plumber whom he employs has a license, a permit to do this plumbing, or not? There is nothing in the bill that so states.

This article under "Employees" gives the Board power to appoint all the plumbing inspectors throughout the State in each local community, town and city in the State of Maine. The compensation is fixed also for the Board, and the compensation for the employees of the Board may be fixed by the Board. It is given that power to fix the rate of compensation for the inspectors in each town and city.

The fees and fines collected are given over to the Treasury of the State and the expense of the Board is drawn upon the Treasury. Consequently, the argument of the proponents of this measure that this law will be self-sustaining is not argued either pro or con. We do not know. It may be self-sustaining and it may not be. There is no segregation of the funds and there is no limitation to the amount withdrawn. Consequently there is no argument there that the bill will be or will not be self-sustaining. The chances are that it may not be.

Under the article entitled "Exceptions" I would like to draw your attention to that. This amendment,

just now adopted, is based upon this article of "Exceptions." In order to gain votes for the measure the proponents of the measure were perfectly willing to except anything and anybody so long as the men on the committee and in the House will vote for the measure. That is a pretty broad statement, is it not? So long as a Board can be established, they are willing to except from the provisions of this measure anything or anybody in order that they may have their Board set up. I will read to you, so you may see for yourselves. The ones excluded are the "employees of public utilities" and anyone working for people who own real property. I imagine by that they mean real estate. Also anyone who is engaged in miscellaneous manual labor, employed only occasionally; and I would like to have you read this in the light of the amendment which has just been adopted—this is part of it: "Persons whose occupation is the doing of miscellaneous jobs of manual labor in the course of which some incidental plumbing repairs, but not alterations, are made by them." Now under this part of the bill anything excepting new installation may be done by anyone. The only redeeming feature in that exception is this—at the end of that section: "All plumbing installed by any person whatsoever shall comply with the requirements of the rules and regulations of the state bureau of health relating to plumbing and to all local plumbing ordinances." Any plumbing which is done now must be done in conformity with the rules and regulations of the plumbing law which is already in effect.

In order to define what plumbing is, the proponents of the measure brought before you this afternoon a definition of what plumbing means. In other words, they were setting up a law until this amendment relating to plumbing when there was no definition in the law as to what plumbing consisted of, which is a very grave error. They had chosen this definition that "plumbing is the art of installing in buildings the pipes, fixtures, and other apparatus for bringing in the water supply and removing liquid and water-carried wastes." Now I will submit to you, is that all that plumbing consists of? I have referred to Webster's definition of the word "plumber," and, if you define

the word "plumber," then the word "plumbing" must be the art that the plumber himself employs in doing plumbing. Is that right? Webster defines a plumber as "a tradesman who furnishes, fits and repairs gas, water and soil pipes, cisterns, tanks, bath, waterclosets, and their fittings, and other sanitary and fire-protection apparatus for a house or other building, including the junctions to the mains and sewers."

Evidently, then, today, plumbing must consist of all of these things. You cannot separate just a very small part of the work of a plumber and say that this bill only applies to that particular feature of plumbing when a plumber does all of these things and it is so recognized in law and in practice.

Now if this bill should be adopted and become a law, you have done two things. You have set up another Board, a Board of Plumbers. This morning we refused to endorse the creation of a Board of Architects. I do not see any argument in setting up a Board of Plumbers. There is nothing in this bill created, expressed or implied any different from what we have at the present time, with one exception, and that is that we have created a new Board of Plumbers. And I submit to you that, if you look this bill over carefully, is all that you have now. Why is it that they wish to come here before us to create a new Board? The thing that I object to is this: The people who are calling for this and supporting the measure are not doing it for any altruistic reason; they are not doing it for the benefit of public health; they are not doing it for the benefit of you and I, but they are doing it for others; and I submit to you again that the pressure which has been brought to bear upon each one of you, so far as they could reach you, is not in accordance with good judgment and good law, and I will further say that in the creation of this Board, if you create it, you are creating something which may be a further expense to the State, a further expense to the individual and a further expense to the community and to all of you. Therefore I hope that my motion to indefinitely postpone this measure will prevail.

Mr. BROWN of Bangor: Mr. Speaker, as a member of the committee who signed this report, I hope the motion to indefinitely

postpone will not prevail. I believe in the passage of this bill. It is in the interest of public health and sanitation.

Mr. DEMERS of Sanford: Mr. Speaker and members of the Legislature, I cannot just agree with the gentleman from Oakland (Mr. Martin) that this would just set up another board. I know that it would set up a Board of Plumbers, but I believe it would be for the advantage of the State.

This bill was given a very careful hearing, and the members of the committee gave it due consideration. It was brought out at the hearing that many of the so-called plumbing jobs done by these amateur plumbers had to be torn out because they did not come up to the requirements of the State Bureau of Health.

Now the gentleman from Oakland (Mr. Martin) will tell you that the plumbing has to be done according to those standards, which is true; but the Bureau of Health cannot inspect a plumbing job until it has been done, and it has been found out that many of those jobs that were completed often had to be torn out and done over again at the expense of the owner of the building. Dr. Campbell gave one example where in a new building the plumbing had to be torn out completely because it did not come up to the specifications of the State Board of Health. The hardwood floors had been put in and the house was practically ready to be occupied. All this extra expense had to be borne by the man who owned the building. Now I believe that if this law should go through that it would prevent a lot of this extra expense that has to be borne by people who expect to save a few dollars by employing handymen, men who are not plumbers but who set themselves up as plumbers.

Mr. FELLOWS of Augusta: Mr. Speaker, I am sorry to have to differ with the viewpoint of the gentleman from Oakland, Mr. Martin. Personally, I see several very attractive features in the bill. It is a health measure which will prevent any unskillful work being done by unskilled workers.

As far as the expense of the board is concerned, my interpretation of the bill itself is different from that of the gentleman from Oakland, Mr. Martin, because under Section 183-J, relative to em-

ployees, it says that "The board shall be empowered to appoint and remove such employees as it shall deem necessary and to fix their compensation within the limitations of the funds provided by the provisions of sections 180 to 183-M, inclusive."

I have not heard, until on the floor this afternoon, but one objection to this bill. That was a gentleman from the northern part of the State who said that he sometimes engaged a person to do some work for him, repair work, and if the provisions of the bill prohibited people from doing their own work he was against it. I talked with the gentleman about the bill, went over it with him in some detail, and he has since agreed that undesirable feature which he thought existed did not exist.

As I understand it from the bill employees of the public utilities will be exempted, real estate owners,—that is, landlords and lessees of real estate—will be exempted, so that those people who employ men, as in many instances they do, to do their repair work for them, can continue to have those men do it. In other words, it does not apply to the odd job workers, but only to those who are engaged in the general practice of plumbing or auxiliary work.

On the inspection end of it, we have a law now which provides that after the building has been erected, the plumbing shall be inspected. As the gentleman from Sanford (Mr. Demers) said, it is then too late.

If this bill shall be passed, you would have competent men conducting the work, who will know, or should know, and I think they do know, what the ordinances of their cities and towns provide, so that the work will be progressing on a businesslike basis, and when the work is done it will be done properly.

Mr. EMERY of Bucksport: Mr. Speaker, as a member of the committee who signed the majority report on this bill, I should simply like to say that I have given the measure careful consideration. I will not go into any further detail because it has been so thoroughly discussed by the gentlemen who have preceded me.

Mr. PAUL, of Portland: Mr. Speaker, and Members of the House:

I have examined this bill with some care, and I personally am satisfied that it is a health and sanitary measure from the start. I can see no expense to be borne by the State, and, as a matter of fact, it does seem to me that the State will more than make up on it. There are costs established which are borne by the plumbers. The plumbers have set themselves up as master plumbers and journeymen plumbers and there is a fee provided which both of them will pay.

The feature that appeals to me is the fact that you can prevent errors in the installation of plumbing before those errors take place. In other words, the work is not done and the damage caused, and then you find that it is going to cost the owner a sum of money to make changes in his plumbing.

Another feature, which I believe is material, it does not apply to the home owner. Those incidental jobs that we all may be called upon to do in our own home of course do not come with the category of this bill. I believe that the majority of the committee should be sustained.

Mr. ELLIS of Rangeley: Mr. Speaker, as the introducer of this bill, I believe that it is purely a health measure and one that will protect the people against unscrupulous, would-be plumbers from going into their homes and doing work that will eventually have to be torn out. The bill has been thoroughly discussed and so I will not take your time to go over it again, but I assure you that my thought was for the people and for health rather than for the plumbers when I introduced this bill.

Mr. NOYES of Franklin: Mr. Speaker, I will speak very briefly on this bill as a home owner, and the manner in which I feel it would affect me. I would like to say that I have the highest regard for the gentleman from Oakland (Mr. Martin). I have a great deal of confidence in his ability, and I respect his judgment, and I know that he is sincere in what he has said to the House. I also have come to know the other members of the committee, and I respect their judgment. This report is a vote of nine to one, and I feel that I should go with the nine.

The gentleman from Oakland (Mr. Martin) has dwelt at some length on the creation of a Board.

I too have a certain feeling of horror come over me when regulations of boards are mentioned, but I would leave this thought in your mind: We are living in a new age, a fast moving age; society is becoming more and more complexed. I do not see how any government can get away from the fact that we are constantly assuming new functions and necessarily must assume those functions to protect the people. In other words, that old maxim "Let the buyer beware" is out of the window.

There are several objections offered to the bill, most of which have been covered. That objection whereby a man could not put a new pipe in his house, that is covered in this bill where it says that no plumbing shall be done for compensation. If a man works in his own home there is no compensation involved. The amendment which has been offered provides for alterations and repairs. The argument that inspection will cost money that will have to be paid by the taxpayers is rather unsound. It seems to me that we have to have inspections today which cost money under the present set-up. If our plumbing is done better, there is every reason to believe that the cost of inspection would be less.

In closing I would say that I hope that the motion of the gentleman from Oakland, Mr. Martin, does not prevail.

Mr. MAXIM of Portland: Mr. Speaker, if this were a bill presented by carpenters or painters or most house workmen I would not be in favor of it, but it seems to be perfectly evident that plumbing in the very nature of it is charged with the element of public interest. The very fact that the State and most of the cities and towns set up certain rules and regulations which must be observed in installing plumbing, shows that the State is interested from a health angle.

We now have the situation that although we have these rules and regulations in some cities and towns, and we do have plumbing inspectors and effective ways of checking on the work of men who are engaged in this line of work, by and large the State over, there is no adequate check made on the work done.

Now for about fifteen or twenty

years all I did was build houses. I have built hundreds of them, and I have had a lot of experience with incompetent plumbers. I have seen plumbing roughed in, and in some instances finished up only to have it taken down by the inspector and have to be ripped out and reinstalled in a different place or a different manner. I have seen plumbing installed under bathroom floors and a hardwood floor laid on top and in the course of anywhere from a few days to three weeks leaks developed resulting from careless or incompetent work, and the floor had to be ripped up. I recall the case where a ceiling had to be taken down in order to get at the plumbing which had been improperly installed.

Now as I see this bill, it is simply an attempt on the part of the plumbers themselves to establish a certain grade or certain standards. They want to establish a system by which a plumber in order to qualify as a workman who sets himself up as a plumber shall have to have a certain amount of knowledge and experience. Now that seems to me, in a case which involves the health of the public, to be a perfectly reasonable proposal. It seems to me that the objections which have been raised here today are more or less captious objections. I can see no reason why this Legislature should not assist the plumbers by setting up a Board which shall be the body to pass on the qualifications of the men who are to engage in the business of plumbing and of whom certain standards should be required. I, therefore, hope that the motion of the gentleman from Oakland (Mr. Martin) to indefinitely postpone will not prevail.

Mr. WILKES of Portland: Mr. Speaker, I would like to move the previous question.

The SPEAKER: The gentleman from Portland, Mr. Wilkes, now moves the previous question. To entertain this motion requires the consent of one-third of the members present. All those in favor of the Chair entertaining the previous question will rise and stand until counted and the monitors will make and return the count.

A division was had.

The SPEAKER: More than one-third of the members obviously having arisen, the question is shall the main question be put now? The

Chair recognizes the gentleman from Oakland, Mr. Martin.

Mr. MARTIN: Mr. Speaker, when the vote is taken on the measure, may I ask for a division of the House?

The SPEAKER: Does the gentleman desire a division—

Mr. MARTIN: On the main motion.

The SPEAKER: The question is shall the main question be put now. All those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The question is on the motion of the gentleman from Oakland, Mr. Martin, that the bill be indefinitely postponed. The gentleman from Oakland asks for a division. As many as are in favor of the motion of the gentleman from Oakland, Mr. Martin, that the bill be indefinitely postponed will rise and remain standing until counted and the monitors make and return the count.

A division was had.

Twenty-five having voted in the affirmative and 71 in the negative the motion failed of passage.

Thereupon the rules were suspended and the bill given its two several readings and tomorrow as-jigned.

The Chair lays before the House the eighteenth unassigned matter House reports, majority report ought to pass, minority report ought not to pass of the committee on Judiciary on bill an act to provide maternal and child health services, H. I. 1514. L. D. 711, tabled on March 25th by Mr. Philbrick of Cape Elizabeth, pending the motion of that gentleman that the majority report be accepted and the Chair recognizes that gentleman.

Mr. PHILBRICK: Mr. Speaker, the State of Maine through its Bureau of Health for many years has been carrying on a program of aid to mothers and children. In the last fiscal year the appropriation of the State amounted to thirty-three thousand dollars. In August, 1935, the Social Security Act was passed by Congress, and as a part of that Act grants were set up to aid the State in services of this sort. In December, 1935, the Governor and Council passed an order to permit this State to receive the benefit of these grants.

That order was generally accepted, I believe, with the understanding that it was an emergency temporary measure pending the time when the Legislature would be in session and have an opportunity to enact regular legislation. That time has now come and we are expected to pass some legislation if we wish to continue this form of aid.

Under this particular title the Federal government matches the sum which we as a State have been appropriating, and also some additional sums because of the unusual needs in Maine as a rural State, so that we are now receiving aid on the basis of fifty-four thousand dollars a year.

The bill as drafted did not suit the entire membership of the Judiciary committee, and in executive session this afternoon, after a thorough discussion of this bill, certain amendments have been prepared which I believe will be in mimeographed form by tomorrow morning, and which I believe satisfy the signers of the minority report. I hope, therefore, that the bill can be given its first and second readings at this time and be ready for the presentation of the amendments in the morning. I renew my motion for the acceptance of the majority report.

Mr. VARNEY of Berwick: Mr. Speaker, I want to make a statement concerning my reasons for signing the minority report, and I will say that this statement applies as well to Legislative Documents 709 and 710, which are now on the table and which I understand will be taken off directly.

I want to say first that I did not sign the minority report on these bills because I was in any way out of sympathy with the good work which has been done and is now being carried on by our State of Maine Welfare Department for the benefit of the Child Welfare Service, or the benefit of the crippled children, or the benefit of the maternal and child health services. I did, and still do, stand opposed to permitting the State of Maine to concede any more of her rights to the Federal government than the necessity of the circumstances demands.

These bills in their present draft, in my opinion, grant blanket authority and direct, in substance, our Department of Health and Welfare not only to apply for Federal

aid but to comply with such conditions as might be required by the Federal government from the State of Maine. It was that provision to which I objected, and from a study of the Federal Act I did not believe that it was necessary for the State of Maine to go that far in conceding our rights to the Federal government in order to obtain from them this aid. After further consideration by the Judiciary committee, I now understand that amendments will be presented in the morning striking from these bills the parts that were objectionable to me. I further understand that the Federal government has said that the bills will be acceptable to them in their amended form. For that reason, I trust that the bills will be given their two readings at this time and that the amendments will be added tomorrow.

Mr. BIRD of Rockland: Mr. Speaker, I concur with the statements of my friend, Mr. Varney. I happen to be one of those gentlemen who signed the minority report. I favor the assistance to children, crippled or otherwise, and I concede that we should help humanity.

In this bill as drafted, together with two or three other bills in this Legislature, there was no redress for the State of Maine if those bills went through as drafted. As they were drafted, the State of Maine was authorized and directed without any discretion whatsoever to accept the will of the Federal government. I want to go on record that we should not give away our birthright, and we should still maintain our State rights. That is the reason why I signed the minority report, and as long as any bills are so presented to this Legislature on those same conditions I still will be in the minority. For those reasons, if the Legislature is satisfied that we are not giving away our birthright or not depriving ourselves of our State rights, I am perfectly willing to let the bill go along as amended.

The SPEAKER: The pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Philbrick, that the majority report of the committee ought to pass be accepted. As many as are in favor of the motion will say aye, those opposed no.

A viva voce vote being taken, the motion prevailed, and under sus-

pension of the rules the bill was given its two several readings and tomorrow assigned.

The Chair lays before the House the nineteenth unassigned matter, House reports, majority report ought to pass, minority report ought not to pass, of the committee on Judiciary on bill an act to provide for child welfare services, H. P. 1511, L. D. 709, tabled on March 25th by Mr. Philbrick of Cape Elizabeth, pending the motion of that gentleman that the majority report be accepted, and the Chair recognizes that gentleman.

Mr. PHILBRICK: Mr. Speaker, in view of my remarks on Legislative Document 711, I believe there is need of saying very little now except to point out on this particular bill, Legislative Document 709, there is no matching of funds by the State; it is entirely a matter of grant by the Federal government, and is spent by one of the bureaus of our State government largely for the employment of local Maine girls in work in the smaller communities of the State, where children might become dependent, in an effort to prevent dependency, and therefore reduce the amount which the State would eventually have to assume under our existing laws covering aid to dependent children. On this particular measure an amendment is also prepared which I believe is satisfactory to all the members of the committee and I shall present it at the proper time. At this time I renew my motion for the acceptance of the majority report.

The SPEAKER: As many as are in favor of the motion of the gentleman from Cape Elizabeth that the majority report, ought to pass, be accepted will say aye, those opposed no.

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

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

House Amendment A to H. P. No. 1511, L. D. No. 709, bill, an act to provide for child welfare services."

Amend section 1 by striking out the words "and directed" in the 2nd line thereof and the words "its agencies or instrumentalities" in the 3rd line thereof and by inserting after the word "Government"

in the 3rd line the words 'through the Children's Bureau of the Department of Labor' and inserting after the word "strengthening" in the 4th line the words 'especially in predominantly rural areas, child welfare.'

Further amend section 1 by adding 'provided, however, that nothing in this act shall be construed as authorizing any public official, agent or representative, in carrying out provisions of this chapter, to take charge of any child over the objection of either the father or the mother of such child, or of the person standing in loco parentis to such child, except pursuant to a proper court order.'

Amend section 2 by striking out the words "and directed" in the 2nd line thereof.

Further amend section 2 by striking out all of sub section (a) and inserting in place thereof the following: '(a) Apply for federal aid under the provisions of Title V, part 3, of the Social Security Act (Public No. 271, 75th Congress).'

Further amend section 2 by striking out all of sub section (b) and inserting in place thereof the following: '(b) Cooperate with the federal government in the establishment and administration of such child welfare services on the basis of plans developed jointly by the State agency and the Children's Bureau, and acceptable to both.'

Amend sub section (c) of said section 2 by striking out the words "federal government" in the 2nd line and in the 3rd line thereof and inserting in place thereof the words 'Secretary of Labor.'

Amend section 3 by inserting after the words "Title V" in the 4th line thereof the words 'Part 3.'

The SPEAKER: The question is on the motion of the gentleman from Cape Elizabeth, Mr. Philbrick, that House Amendment be adopted.

A viva voce vote being taken, House Amendment A was adopted, and tomorrow was assigned for the third reading of the bill as amended by House Amendment A.

The Chair lays before the House the twentieth unassigned matter, House reports, the majority report ought to pass and the minority report ought not to pass, of the committee on Judiciary on bill an act

to provide for services for crippled children, H. P. 1513, L. D. 710, tabled on March 25th by Mr. Philbrick of Cape Elizabeth, pending his motion that the majority report be accepted; and the Chair recognizes that gentleman.

Mr. PHILBRICK: Mr. Speaker, for many years the State of Maine has been contributing to the aid of crippled children through appropriations that have been devoted to the children's hospitals and the clinics connected with hospitals in this State. The remarks which I have made on the two previous bills apply also to this one. One of the grants made by the Federal government was for the purpose of enlarging the scope of work which can be carried on under this program, principally through sending trained workers into the more distant parts of the State away from hospitals and clinics and locating cases that need this sort of work. I may say that those cases are largely infantile paralysis, club foot and things of that sort that can be treated and cured by proper and prompt attention. The amount of money now being appropriated for this purpose is thirty-six thousand dollars. That amount, under the order of the Governor and Council, is being matched by the Federal government. With reference to this bill, we will have an amendment prepared by tomorrow morning, which I understand will satisfy the objections of all members of the committee as to the language of the bill. I renew my motion for the acceptance of the majority report.

The SPEAKER: As many as are in favor of the acceptance of the majority report—

Mr. BIRD of Rockland: Mr. Speaker, I do not know as I made it clear when I talked about House report on L. D. 711, and in order to have the record clear I will reiterate the same statement with reference to L. D. 709 and the present bill, L. D. 710.

The SPEAKER: As many as are in favor of the motion of the gentleman from Cape Elizabeth, Mr. Philbrick, to accept the majority report of the committee, ought to pass, will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed.

Thereupon, the rules were suspended and the bill given its two

several readings and tomorrow assigned.

The Chair lays before the House the twenty-first unassigned matter, House report ought not to pass of the committee on Sea and Shore Fisheries on bill an act relating to lobster fishermen's licenses, H. P. 1572, L. D. 624, tabled on March 25th by Mr. Paul of Portland, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. PAUL: Mr. Speaker, I move that this be retabled and specially assigned for next Tuesday, the reason being that an amendment will be offered at that time.

Thereupon, the bill and report were retabled pending acceptance of the report, and specially assigned for Tuesday, April 6th.

The Chair lays before the House the twenty-second unassigned matter, bill an act relating to vital statistics, S. P. 189, L. D. 288, tabled on March 25th by Mr. Owen of Bath, pending passage to be engrossed, and the Chair recognizes that gentleman.

Mr. OWEN: Mr. Speaker and Members of the House: This bill, I find, repeals sections nine and ten of Chapter 4 of the Revised Statutes of 1930, and I would like to request your indulgence while I read parts of these repealed sections: "Section 9: Whenever the record of the births, marriages and deaths of any town in the State, previous to the year eighteen hundred and ninety-two, beginning at the very earliest date, shall be collected from church records, church registers, records of clergymen, family Bibles, public records and other available sources, and shall be printed and verified in the manner required by the standing committee of the Maine historical society, under the editorship of some person selected by said committee, whose services shall be rendered free and without any compensation, and the work shall appear to them to have been prepared with accuracy, the librarian of the State library shall purchase five hundred copies of such record at a price not exceeding two cents per page, provided that the written copies of the town records shall become the property of the State, and shall be deposited in the office of the registrar of vital statistics; and provided, further, that not more than three thousand dollars shall

be expended by authority of this section in any one year."

Section 10 provides the manner in which the copies purchased by the State are to be distributed. These vital statistics of births, marriages and deaths, as you know, have been kept with varying degrees of irregularity by town clerks ever since the organization of the colony of Massachusetts. Many of our towns have very excellent records in the offices of the clerk. In some others the public records have been destroyed by fire. In others, prior to 1892 scarcely any vital records were kept.

Now under the provisions of the law which we are asked to repeal, a suitable person selected by the Maine Historical Society may compile and have printed the vital records prior to 1892 of any town, including those records which are on file in the town offices, and similar records from other public sources, records from church registers and church records, records from tombstones and monuments in cemeteries, and I believe also such other sources as newspaper files are included.

Now the plan was adopted originally in 1903, and the work has been going on very slowly since that time. I have a list here of the towns whose vital records have been amplified, assembled and printed in this manner: 1909, Farmingdale; 1910, Randolph; 1911, Pittston; 1913, West Gardiner; 1914-15, Gardiner. Those were all done by Mr. Henry Sewall Webster. 1917-19, Belfast, by Alfred Johnson; 1922-23, Lebanon by Mr. George W. Chamberlain; 1924-29, Hallowell by Mabel Goodwin Hall; 1929-30, Topsham by Mary Pelham Hill; 1933-34, Augusta by Ethel Colby Conant; 1935, Phippsburg by Mary Pelham Hill.

Now those town records have already been submitted, amounting to twenty-two volumes, which are now deposited in the various places required by the act. There are also at the present time in preparation the compilations of vital records of certain court houses, Georgetown, Bowdoin, Nobleboro, Damariscotta, Winslow, Waterville and Albion.

Now the objects of this compilation are two-fold: One is to insure the perpetual preservation of these records; the other is to make them easily accessible to the public—and there are an increasing number of people who are engaged in research

into family histories and town histories and that sort of thing, and their work of course is greatly facilitated by not having to go in every case to the town clerk's office, the offices of the many town clerks. Also, there is another present demand for these records which originates in our old age assistance and old age pension laws and unemployment laws which require persons to produce proof of dates of birth. Most towns and cities, I think are having a very large amount of correspondence answering inquiries which originate in this manner, and in many cases where the records are poor the town clerks and the city officials are unable to furnish any information. Therefore, aside from perpetuating and preserving these records and making them regularly available to the public, this matter becomes rather important from that more recent cause.

I want to say that these compilations involve a large amount of very tedious work, and they are never undertaken except by a person whose competence has been passed upon by the committee of the Maine Historical Society. After they have been so passed upon and have completed the work, the State merely contributes at the rate of two cents a page of whatever the appropriation bill at the time may authorize. There is no commercial market for this sort of thing and it can only be done at public expense. These people are required and do put in years of time compiling these records and then the State furnishes the money to enable them to be printed, and after they are printed they are distributed to libraries in the State and to town clerks and so on, and the danger of the whole record being wiped out in case of fire or any other catastrophe is terminated.

Now one of the reasons why so few have been done is that there are not very many people who are willing to undertake this work and it is always with them a labor of love—usually some person with more or less leisure who is interested in preserving these old records in their own town, and it will not ever be done in any other way. It seems to me it is a very valuable work and that it never can cost the State any relatively large sum of money at one time. It is limited by law to three thousand

dollars, and the current appropriation is one thousand dollars per year, and the amount of money expended for the purpose is always under the control of the Legislature, and it does not seem to me in the public interest that this bill should have a passage and, without taking any more time, I move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Bath, Mr. Owen, moves that the bill be indefinitely postponed. The Chair recognizes the gentleman from Auburn, Mr. Webber.

Mr. WEBBER: Mr. Speaker, I would say that this bill came before the Library Committee and was the only one out of ten or twelve that we voted ought to pass. There was just one person who appeared for the bill and none against it. The only idea of doing away with it was the matter of economy and the proponent of the bill stated to us that he did not think there was any need of continuing that along.

Mr. OWEN: Mr. Speaker, if I may say just a word more. I have contacted the Maine Historical Society and I have a letter from the vice president, in the absence of the president, and also a letter from the chairman of the committee concerned with this matter, as well as a letter from the librarian, all of which emphasize the great importance of this work, the invaluable character of these records, especially the compilation of the printed records, and they all hope that this Legislature will not pass the bill which terminates their collection.

The SPEAKER: The pending question is on the motion of the gentleman from Bath, Mr. Owen, 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 prevailed and the bill was indefinitely postponed in non-concurrence.

The Chair lays before the House the twenty-third unassigned matter, bill an act to incorporate the Lincoln Water District, H. P. 1064, L. D. 356, tabled on March 25th by Mr. Weatherbee of Lincoln, pending third reading; and the Chair recognizes that gentleman.

Mr. WEATHERBEE: Mr. Speak-

er, I offer House Amendment A and move its adoption, and I would like to say very briefly in explanation that the Legal Affairs Committee voted this bill out unanimously ought to pass, but before doing so they designated two defects in the bill which they recommended should be remedied. So on their advice, and on the advice of the Attorney General, in order to save the expense of printing a new draft of the bill, I offer the changes which the committee have recommended in the form of an amendment.

The SPEAKER: The gentleman from Lincoln, Mr. Weatherbee, offers House Amendment A and moves its adoption. The Clerk will read the amendment.

House Amendment A to H. P. No. 1064, L. D. No. 356, entitled an act to incorporate the Lincoln Water District.

Amend said bill by inserting in the 1st line of said bill before the word "the" the following words "That part of"

Further amend said bill by in-

serting after the word "some" in the 3rd line of said bill the words 'known as Township 2 and Township 3'

Further amend said bill by adding after the word "voters" in the 1st line of section 13 of said bill the following words 'in said district.'

Further amend said bill by striking out in the 3rd line of section 17 the word "district" and substituting in place thereof the words 'town of Lincoln.'

Further amend said bill by adding after the word "provided" in section 18 the following words 'within 6 years from the effective date of this act.'

Thereupon House Amendment A was adopted, and the bill as amended by House Amendment A had its third reading.

The pending action at the time of adjournment was passage to be engrossed.

On motion by Mr. Ellis of Rangeley.

Adjourned until tomorrow morning at ten o'clock.