

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

1937

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, April 7, 1937.

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

Prayer by the Rev. Mr. Dunn of Gardiner.

Journal of the previous session read and approved.

Senate Bills and Resolves in First Reading

S. P. 486, L. D. 937: An act to incorporate the Calais Safety Deposit Company.

S. P. 488, L. D. 938: Resolve in favor of Augustus D. Phillips of Northeast Harbor.

S. P. 489, L. D. 939: Resolve in favor of E. O. Brown of Vassalboro.

S. P. 490, L. D. 941: An act relating to enforcement of divorce decrees.

S. P. 487, L. D. 940: An act relative to operation of motor vehicles for transporting property for hire.

S. P. 227, L. D. 942: Resolve relative to fur-bearing animals on Plymouth Road.

S. P. 120, L. D. 129: An act relating to highways.

From the Senate: Bill an act relating to support of dependents of soldiers, sailors and marines of the World War, H. P. 1286, L. D. 466, on which the report of the committee on Judiciary reporting ought not to pass was accepted in the House on March 30th.

Comes from the Senate with the bill substituted for the report and recommitted to the committee on Judiciary in non-concurrence.

In the House, that body voted to recede and concur with the Senate in the substitution of the bill for the report and the recommitment of the bill to the committee on Judiciary.

From the Senate: Bill an act relating to overnight parking of trailers, auto-homes and house-cars, H. P. 1779, L. D. 911, which was passed to be engrossed in the House on April 5th.

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

In the House, that body voted to reconsider its former action whereby this bill was passed to be engrossed.

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

Communication From the State Controller

State of Maine, Department of Finance, Bureau of Accounts and Control, Augusta, April 6, 1937.

To the Honorable Members of the House of Representatives:

In compliance with House Order dated March 29, 1937, I hereby submit list of officers and employees of the State who have reached the age of 65 years and have been employed by the State for a term of 20 years or more giving names, age, maximum pension if the age limit in Legislative Document No. 169 became effective.

Respectively submitted,

(Signed)

William A. Runnells,
State Controller.

On motion by Mr. Douglass of Gorham, it was voted that the communication be placed on file.

Reports of Committees

Majority Report of the Committee on Public Utilities reporting ought not to pass on bill an act relating to the city of Hallowell. (H. P. No. 1721)

Report was signed by the following members:

Messrs. Willey of Cumberland
Goudy of Cumberland
Graves of Hancock

—of the Senate.

Parsons of Hartford
Tabbut of Columbia Falls
Webber of Auburn
Batchelder of Parsonsfield

—of the House.

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

Report was signed by the following members:

Messrs. Packard of Houlton
Noyes of Franklin
Martin of Oakland

—of the House.

On motion by Mr. Keller of Hallowell, the bill and accompanying reports were tabled pending the acceptance of either report, and 500 copies of the bill ordered printed.

Majority Report of the Committee on Judiciary reporting ought not to pass on bill an act to incor-

porate the Insurance Finance Corporation (H. P. No. 1094) (L. D. No. 347)

Report was signed by the following members:

Messrs. Fernald of Waldo
 Willey of Cumberland
 Miss Laughlin of Cumberland
 —of the Senate.

Messrs. Varney of Berwick
 Bird of Rockland
 McGlauffin of Portland
 Thorne of Madison
 —of the House.

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

Report was signed by the following members:

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

Mr. BIRD of Rockland: Mr. Speaker, I move that the majority report, ought not to pass, be accepted.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Hinckley.

Mr. HINCKLEY: Mr. Speaker and Members of the House: I just want to state the position of the signers of the minority report on this bill. At the present time our general corporation law does not permit the organization of corporations of this nature, and the only way that these people can get a corporation organized is to come to the Legislature and have a special act passed. They desire to do financing of insurance premiums and things of that nature. Now that is a well recognized business. Corporations organized outside of the State, foreign corporations, come in here and do that business regularly and we think nothing of it. Here are some men who want to organize a corporation of this kind and I think, as a matter of fair play, we ought to allow them to do it. Therefore I hope that the majority report will not be accepted.

Mr. BIRD: Mr. Speaker and Members of the House: We have no general statutes for such corporations as this. The majority report of the Judiciary Committee was ought not to pass. My own personal view is that this is one of those corporations that, while, they do financing, nevertheless they charge large rates of interest, and

it seems to me that if the State of Maine wants to permit such corporations as this to do business, it should enact a general law and not permit them to come in under a special statute. I think that is the idea of the members who signed the majority report.

Mr. MCGLAUFLIN of Portland: Mr. Speaker, there was another objection to the passing of this bill. Not only does it enable this insurance finance company to charge interest rates up to three per cent a month, or thirty-six per cent a year, but it will give this particular corporation a monopoly in that sort of business. That is another reason why we opposed it.

Mr. HINCKLEY: Mr. Speaker, in answer to that objection, I would say that we permit corporations to do that business at the very same time that we object to allowing this corporation to do it. We have small loan agencies all over the State of Maine and they are charging that rate of interest.

Now I am not particularly interested in these people, but I think in the interest of fair play that we ought to allow these people to do it just as much as these small loan agencies which are existing all over the State of Maine at the present time.

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Bird, that the majority report, ought not to pass, be accepted. As many as are in favor of the motion to accept the ought not to pass report will say aye; those opposed no.

A viva voce vote being taken, the majority report, ought not to pass, was accepted.

Reports of Committees (Continued)

Mr. Dutil from the Committee on Federal Relations on resolution of State of Kansas opposing ratification of the Argentine Sanitary Agreement (H. P. No. 1682) and Memorial from State of Idaho protesting against same (H. P. No. 1655) reporting that same be placed on file.

Mr. Philbrick from the Committee on Judiciary on bill an act to provide for cooperation by the State of Maine with other States and with the Secretary of Agriculture of the United States in order to promote the conservation and profitable use of agricultural land resources (H. P. No. 1471) (L. D. No. 666) reported legislation unnecessary in

view of recent change in Federal legislation.

Mr. FINDLEN of Fort Fairfield: Mr. Speaker, while the committee on Agriculture recently reported this enabling act as ought to pass, a recent act of Congress now makes this act unnecessary, and I move the acceptance of the ought not to pass report.

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

Mr. Bird from the Committee on Judiciary reported ought not to pass on bill an act relating to enforcement of tax liens (H. P. No. 1435) (L. D. No. 670)

Mr. McGlauffin from same Committee reported same on bill an act relating to bastard children (H. P. No. 1415) (L. D. No. 603)

Mr. Varney from same Committee reported same on bill an act relating to absent voting (H. P. No. 1163) (L. D. No. 429) which was recommended.

Reports read and accepted and sent up for concurrence.

Mr. Philbrick from the Committee on Judiciary on bill an act relating to consolidation of corporations (H. P. No. 1669) (L. D. No. 801) reported same in a new draft (H. P. No. 1832) under same title and that it ought to pass

Mr. Varney from same Committee on bill an act relating to the registration of stone crushers, well drillers, steam shovels, graders, rollers and wood sawing outfits (H. P. No. 1467) (L. D. No. 713) reported same in a new draft (H. P. No. 1833) under same title and that it ought to pass

Mr. Chase from the Committee on Legal Affairs on bill an act relating to pawnbrokers and dealers in junk and second hand goods (H. P. No. 1540) (L. D. No. 708) which was recommended to them, reported same in a new draft (H. P. No. 1834) under title of an act relating to dealers in junk and that it ought to pass

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

First Reading of a Printed Bill

(H. P. No. 1831) (L. D. No. 891)
An act to provide a Town Council and Manager form of government for the town of Norway in the county of Oxford

Passed to be Engrossed

(S. P. No. 478) (L. D. No. 912)
An act relating to the charter of the City of Waterville

(S. P. No. 479) (L. D. No. 900)
An act relating to malt liquors

(S. P. No. 480) (L. D. No. 901)
An act relating to reports to towns of excise tax payments

(H. P. No. 659) (L. D. No. 228)
An act relating to conventions of municipal assessors

(H. P. No. 1134) (L. D. No. 331)
An act relating to the Maine Kennebec Bridge

(H. P. No. 1523) (L. D. No. 676)
An act requiring the installation of pick clocks, so-called, on looms in textile factories

(H. P. No. 1554) (L. D. No. 722)
An act relating to the Maine State Planning Board

(H. P. No. 1563) (L. D. No. 641)
An act relating to motor vehicles carrying passengers for hire

(H. P. No. 1823) (L. D. No. 977)
An act relating to weekly payment of wages

(Tabled by Mr. Brown of Eagle Lake, pending third reading)

(H. P. No. 1824) (L. D. No. 975)
An act to provide a Town Council and Manager form of government for the town of Bridgton

(H. P. No. 1825) (L. D. No. 974)
An act relating to members of the Maine Development Commission

(H. P. No. 1826) (L. D. No. 972)
An act relative to Presque Isle Sewer District

(H. P. No. 1827) (L. D. No. 971)
An act relating to the gasoline tax

(H. P. No. 182) (L. D. No. 973)

An act relating to the gasoline tax (H. P. No. 1020) (L. D. No. 976)

Resolve providing for a State pension for Lucie F. Parlin of Dover-Foxcroft

(H. P. No. 1477) (L. D. No. 560)
Resolve appropriating money to restore the early records in the office of Register of Probate for York County

(S. P. No. 308) (L. D. No. 513)
An act relating to individual liability of stockholders as amended

(S. P. No. 130) (L. D. No. 170)
An act to amend the absent voting law as amended by Senate Amendment A

(H. P. No. 1572) (L. D. No. 624)
An act relating to lobster fishermen's licenses as amended by House Amendment A

Passed to be Enacted

(S. P. No. 240) (L. D. No. 387) An act relating to the practice of law.

(S. P. No. 464) (L. D. No. 879) An act relating to the salaries of the Judge and Recorder of Westbrook Municipal Court.

H. P. No. 623) (L. D. No. 178) An act to provide for the surrender by Mayfield Plantation of its organization.

Finally Passed

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

Orders of the Day

The Chair lays before the House the first tabled and today assigned matter, majority report, legislation unnecessary, and minority report ought to pass of the Committee on Public Utilities on bill an act to promote the safety of railway travel, H. P. 1564, L. D. 688, tabled on April 6th by Mr. Noyes of Franklin, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. NOYES: Mr. Speaker, I move that the majority report, legislation unnecessary, be accepted.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Wilkes.

Mr. WILKES: Mr. Speaker, the indications are that there may be a rather extended debate in connection with this measure, also some additional statistics and information are now in process of being gathered in order to further the consideration of the merits of this measure. Therefore I move you, Mr. Speaker, that this bill and the reports be retabled until later in today's session, at which time the matter will be taken from the table.

The motion prevailed and the bill and accompanying reports were retabled until later in today's session pending the motion of the gentleman from Franklin, Mr. Noyes, that the majority report of the committee be accepted.

The Chair lays before the House the second tabled and today assigned matter, House report ought not to pass of the committee on Claims on resolve in favor of J. Edwin Bradbury of Rockland, H. P. 976, tabled on April 6th by Mr. Maheu of Waterville, pending acceptance of the report.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Sleeper.

On motion by Mr. Sleeper, the resolve and report were recommitted to the committee on Claims and sent up for concurrence.

The Chair lays before the House the third tabled and today assigned matter, an act relating to beauty culture to include registering and licensing of barber shops and to create a Board of Barber Examiners, S. P. 192, L. D. 451, tabled on April 6th by Mr. Carleton of Alna, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. CARLETON: Mr. Speaker and Members of the House: This bill is to create a Board of Barber Examiners at a salary of ten dollars a day and reasonable travelling expenses. That will make a nice job for someone.

I have heard a lot since I tabled this matter about dirty barbers and dirty barber shops. It never yet has been my lot to patronize a dirty barber shop, and I have been in quite a good many. I feel that if this measure is passed, it will deprive a lot of good, honest citizens of the privilege of earning an honest living.

I have in my hand here rules and regulations of the State Bureau of Health relating to the sanitation of barber shops, which was part of Chapter 1 of the Public Laws of 1933, having nineteen sections, which I believe covers every phase of the matter, and if these rules and regulations passed in 1933 by the Department of Health are enforced by the Department of Health, there is no need of this act whatever, therefore I move its indefinite postponement.

The SPEAKER: The gentleman from Alna, Mr. Carleton, moves that the bill be indefinitely postponed. The Chair recognizes the gentleman from Portland, Mr. Paul.

Mr. PAUL: Mr. Speaker and Members of the House: This matter came before us a few days ago and was thoroughly discussed. We, some years ago, passed laws which provided for sanitation. Those laws never were enforced and never will be enforced for the reason that there is no appropriation of moneys to enforce them. Now this is a sound, sensible requirement. The majority of the barbers want it and

the barbers are paying their own expenses. I for one believe that we, as members of this body, should stand back of sanitation in this particular measure. There are dirty barber shops. There always have been and there always will be unless we take corrective measures. I believe this law is well founded. The barbers are paying all the expenses. Our committee went into this matter very seriously, considered it for several moments—probably one hour—and we were unanimous in our opinion, and in my opinion the bill should pass.

Mr. WEBBER of Auburn: Mr. Speaker, I will have to take a little exception to the last speaker's remarks that all the barbers are in favor of this bill. Our barbers in Auburn say that the Board of Health looks after them there, sending their man around to examine the shops, and they have to live up to the rules. I am in favor of the indefinite postponement of the bill.

Mr. MAXELL of Orient: Mr. Speaker, I cannot help but feel that this bill would work a serious hardship to many of the small barbers throughout the country. I believe there is a great difference between operating a barber shop in the city and operating one in the country. Rules and regulations which might apply to a city shop could not be applied to a country barber. As a matter of fact, your city shops are all equipped with electricity and they can have all the electrical appliances, which seem to play an important part in the carrying on of this trade. In the country there are hundreds of shops which do not even have electricity, do not have the hot water, and have to use a tank on top of a heater, or something of that sort. So I believe that the standards which would be set up by this Board would be rules and regulations in keeping with the city shop, and therefore these inspectors,—their field of activity would not be in the city shop, but back in the small country shops where they are working hard enough now to keep their heads above water. I am in favor of the indefinite postponement of this bill.

Mr. PAUL: Mr. Speaker, in reply to my friend from Orient, Mr. Maxwell, I just want to say that I do not know on what basis he can reason it out that the country shop will be required to put in electricity and the various equipment that is re-

quired in the city shop. I believe that it is just as necessary for the small town to sterilize combs and brushes and use reasonable and decent sanitation as it is in the larger cities.

Mr. SLEEPER of Rockland: Mr. Speaker and Members of the House: As in all bills, there is more or less to this than meets the eye, and there are two good logical arguments on each side. It would indeed work a hardship on the small barber and it would indeed be a wonderful thing to have this bill in the larger cities. All the barbers that I have contacted are in favor of the bill. Why? Because they want to do away with the small hair-cutter so I would say that the proponents of this bill should offer an amendment that this law should not apply to towns of less than twenty-five hundred population, so I move that if they will prepare that amendment, that the bill lie on the table until the amendment is prepared.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that the bill be tabled pending the motion of the gentleman from Alna, Mr. Carleton, that the bill be indefinitely postponed. Does the gentleman wish to assign the bill for further consideration?

Mr. SLEEPER: Tomorrow morning, Mr. Speaker.

The SPEAKER: The gentleman further moves that the bill be specially assigned for tomorrow morning.

Thereupon, the bill was tabled and specially assigned for tomorrow morning.

The SPEAKER: Acting under the provisions of the House Standing Order, the Chair lays before the House the first unassigned matter, House report A, ought to pass, House report B, ought not to pass, of the committee on Judiciary on bill an act to enable Party Conventions to propose candidates for Governor, United States Senator and Members of Congress to be placed upon the ballots at direct primary elections, H. P. 11, L. D. 8, tabled on March 29th by Mr. Varney of Berwick, pending acceptance of either report; and the Chair recognizes the gentleman from Cape Elizabeth, Mr. Philbrick:

Mr. PHILBRICK of Cape Elizabeth: Mr. Speaker, I move the acceptance of Report A, ought to pass. Agitation for and attempts to

make some change in our direct primary system for nominating candidates in Maine are not new. The same attempt, I believe, has been made in most every legislative session since this law was first enacted. Some of those attempts have taken the form of substituting the old convention for the primary in case of nomination for State offices, sometimes with a repeal of the primary and sometimes without. Other attempts have applied only to county offices; and still others have called for outright repeal of the primary.

About ten years ago an initiative bill was prepared which would have repealed the primary and left no substitute to take its place. That bill was defeated by the people, and has been used as an argument ever since by opponents of any change to the effect that the people do not want any change.

Two years ago four bills were introduced. I believe, into the House, calling for various types of change in the primary law. An attempt was made to preserve the best features of both the primary and the convention system, and the legislative committee of which our present Speaker was a member, as well as myself, prepared a compromise, modified form which failed on enactment in the House by only five votes. That bill I reintroduced this year, and it is the one now before us.

At the committee hearing the bill was sponsored by a large group of young men and women who are very enthusiastic over committee organization and work and come from all parts of the State. The support was non-partisan, as some of the leading members of both parties gave it their support. I also believe that most of the daily newspapers in the State supported it, some of them publishing very strong editorials in favor of it.

The opposition at the hearing came mostly from one strongly organized minority group, the spokesman for which frankly admitted that he would not agree to any proposal which would let the majority of the people rule if he were not in that majority.

I am not going into detail on the possible defects of the primary system. They have been argued to you and discussed for so many

years that most all of us are familiar with those arguments; neither am I going to try to defend the old-time convention against some of the charges that have been brought against it. I recognize those faults freely, and I agree with you that the old convention had faults and I would not want to go back to them.

This bill does not repeal or destroy the primary, and does not go back to the old-time convention. Here is what it does: First, it sets a uniform, state-wide date for the caucus of each party. The purpose of that is to prevent snap caucuses, and is a reform which I believe nearly everyone will agree on. Next, it limits the vote in the convention to delegates and alternates, and the purpose of that is to prevent proxies, which I have been told was the favorite method of bossing a convention in the old days.

Now with those safeguards over the caucus and members of the convention, the bill would then permit the convention to propose candidates for Governor, United States Senator and Congress, whose names would go on the regular party primary ballot, designated as such on the ballot, without circulating papers.

Now here is the important part of it from the standpoint of the friends of the primary: Anyone who is displeased with the result of the convention has exactly the same right to run in the primary under this bill as he has under the present law; no additional names are required and there are no restrictions whatever upon his right to run. The bill does provide that the choice of the convention shall go at the head of the ballot. That provision has met with considerable criticism, and I will gladly strike it out by amendment if the favorable report is accepted.

If the convention is a fair one and is true and representative of the party, its endorsement should be a help to the candidate. On the other hand, if the convention is boss-ridden and its choice unpopular, I believe that endorsement might very well be a serious handicap, and any other aspirant for office would be entirely free to run against the choice of the convention, and I believe he would receive substantial aid from the general public by reason of the fact that his

opponent had been endorsed by an unfair convention.

The opponents of any change in the primary law say that the people do not want it. That may be so, and if it is so of course no change will be made. But why should anyone who sincerely and honestly believes that the people should control in such matters as this hesitate or refuse to let the people say what they want. This bill contains a referendum. All I am asking of the members here today is to let the people say whether they do want it or not. If they say they do not, of course we will all willingly abide by the result of that vote.

Would it not perhaps be better for the real friends of the primary—and I sincerely believe and hope that I am one—to admit that there may be some defects in the primary system or some advantages in having the party convention be more regulated and have more power, rather than oppose any and every attempt to let the people say whether they want some such modification as this.

I hope you will vote to let this go to the people, and when the vote is taken I ask that it be taken by the yeas and nays.

Mr. ELLIS of Castle Hill: Mr. Speaker and Members of the Legislature: The Direct Primary Law in Maine is the result of a progressive movement that began back in 1908. The Democratic party in convention assembled of that year argued that it was high time to abolish the corrupt practices involved in nominating and electing men to represent the people in State and National affairs. And the results were that there appeared a plan in the Democratic platform of that year demanding "honest caucuses" and a "full publicity of all expenditures" for nominations as well as elections.

The Maine Republican party platform of 1910 contained a plank which read as follows: "We urge upon our Legislature the enactment of such direct primary and other laws as may properly regulate the conduct of all caucuses to secure the honest and free expression of the proper voters therein."

The Maine Democratic party platform of the same year also had a plank demanding a direct primary law. After the Legislature convened in 1911 the Republican party introduced a direct primary bill drawn

up by Howard Davies of Yarmouth and this was called the Davies bill. The Democratic party, which by the way was the majority party in both branches of that year, soon after introduced a direct primary bill drawn up by Nathan Clifford and William Pennell of Portland. This bill was known as the Pennell bill. Both bills were referred to the Judiciary Committee. The Pennell bill applied the direct primary to the nomination of Governor, Representatives to Congress, and United States Senators. The Davies bill went further and applied it to the State Auditor, members of the State Legislature, and County officers.

The Committee reported in favor of the Pennell bill and it was adopted by the House by a vote of seventy-five to twenty and by the Senate by a vote of nineteen to five. Since the Legislature refused to enact the initiated Davies Direct Primary bill it automatically went before the voters of the State. The decision was made by the people of the State at the special election held on September 11, 1911. The result was that the people, expressed their approval of the Davies bill by a vote of 65,810 to 21,774.

On April 6, 1922, at Bangor in the Republican Convention this plank was adopted: "Whereas the Direct Primary Law was enacted by the people thinking it an improvement over our former system, and whereas it has been fairly tried and found unsatisfactory, therefore we advocate the submission to the people of a proposition for its repeal."

At the Democratic held in August, on April 7, 1922, this plank was adopted: "We recommend the passage by the next Legislature of a bill repealing the Direct Primary Law and further recommend that this bill be submitted to popular vote in order that the people may express their views concerning the primary law in the light of their experience during the past eleven years."

The Legislature of 1923 argued at length on this proposition and when the vote was taken in the House on April 3 of that year, eighteen members expressed themselves in favor of repeal and 102 voted against any change in the primary system.

The initiated bill of 1927 went to the people and the vote was "In favor," 20,027; "Opposed," 37,114.

The proposition for the modified change of primary system was considered and voted down by the Eighty-seventh Legislature as many of us know.

Last year I attended the Convention at Bangor, the Republican Convention, and not once did I hear of any desire to bring this before the Legislature. Last year I served as President of the Young Republican Club of my town and I served on the Republican Committee in Aroostook county and I have not had one request for any change in the primary system. I have had only one suggestion from one man who asked that this primary system be retained.

I attended the hearing before the committee on Judiciary a few weeks ago and it appeared there that the proponents of this measure were defeated candidates. Perhaps this has been the trouble back along defeated candidates. Perhaps this a change from time to time. Therefore, I hope that the motion of the gentleman from Cape Elizabeth, Mr. Philbrick, does not prevail.

Mr. McGLAUFLIN of Portland: Mr. Speaker, again I would ask permission to face the House while I address the Chair.

The SPEAKER: The gentleman may do so.

Mr. McGLAUFLIN: Mr. Speaker, the question before us at the present moment is not a question of policy or expediency—and, mark you, the difference. A question of principle is a question of right or wrong. It is the same yesterday, today and forever. But a question of policy or expediency is a question of judgment, something that can be changed over night.

At the hearing before the Judiciary Committee the opposition inquired of man after man who spoke to find out whether they had had any experience with the old convention system, so as to determine whether they knew what they were talking about—and most of them had not. Therefore, before, I begin my argument on this bill, I wish to state some of the experiences that I have had, and let you determine for yourself whether I am qualified to speak upon this subject.

While the old convention system was in force, I served in the City Council of Portland, on the Board of Aldermen, and was Chairman of the Board of Aldermen. I was presi-

dent of the Deering Republican Club for two years. I served under the Convention system on the county committee. I was secretary of the Tax League of Maine in 1908. I was Secretary of the Roosevelt Club of Portland in 1912. I took part in many conventions; I campaigned from York Village to Bluehill, from Ellsworth to Presque Isle, speaking in York, Cumberland, Kennebec, Hancock, Penobscot and Aroostook counties, covering a period of years and making many addresses, and I have worked with and against some of the many politicians of this State. Furthermore, I knew the evils of the convention system and when the Direct Primary proposition was proposed, I was for it; I spoke for it, I worked for it, and I am still for it to a very large degree.

It is generally recognized that both the convention system and the primary system have their advantages and have their faults. There is nothing fundamentally wrong in the convention system; there is nothing fundamentally right in the primary system. Abuses have crept in and there are disadvantages to both policies. The advantage of the convention system I will mention to you: The people choosing the man rather than the man choosing the people was one of the great advantages of the convention system. Another was that in these larger offices, like Governor and Senator, it avoided the tremendous expense to the candidate that is now necessary.

Under our present system, no poor man can be Governor of this State unless he has some financial backing from somebody. I want to call your attention also to this fact: That under the convention system, bad as it was, we got the greatest statesmen that this State has ever produced. It was under the convention system that Hannibal Hamlin, William Pitt Fessenden, James G. Blaine, Thomas B. Reed, Eugene Hale, William P. Frye, Nelson Dingley and Asher Hinds were elected. Those were men who were not only a credit to this State, but they were honored nationally and recognized as men who were leaders in our government. One of our Congressmen informed me that while he was in Congress that the men from Maine yielded an influence even surpassing the State of New York,

with perhaps ten times as many Representatives.

The convention system also had its faults, chief of which was boss control and trading. Now the primary system was inaugurated; its theory was sublime; the people chose their candidates after the candidates had announced themselves. Usually in local affairs that is a splendid idea, because you can know all the candidates. But there has grown up in the State a great deal of criticism and fault-finding in different sections with the workings of the primary system. Chief among the objections that have come to our attention was the situation in the last election in the First District, where we had nine candidates for Congress. The outcome of that was a bloc of vastly less than one-half of the people of the District succeeded in carrying the nomination which resulted in the election of their candidates; and it became evident that it was quite possible under that system for a bloc to control the party; and there is just as much objection to a bloc controlling the party as there is to a boss controlling the party.

I, myself, independent of any influence whatever, knowing nothing of the Philbrick bill, spent considerable time to see if I could work out a measure that I might present to this Legislature this winter; and the plan that I worked out was that the Senators, Governor and Congressmen should be nominated by the convention system and that the candidates for all the other offices should be nominated as they are now. The only reason that I did not introduce that bill was because when I came here I found that the gentleman from Cape Elizabeth, Mr. Philbrick, had a similar bill that did not go quite as far.

Now I want to present to you the reasons why I think it is good judgment to consider this bill. As I have pointed out, the faults of the convention system was boss control and trading. But under this bill there can be no trading, because there is nothing to trade, and under this bill there can be no boss control, because there never was and never will be a boss in politics unless he has a local following and he cannot have a local following so long as we keep the direct primary in all of our local affairs. Therefore, I would say let us keep our

primary system for the selection of all local party officers and all county party officers and just nominate the Governor, the Senators and the Representatives by this method. That would do away with the tremendous expense that these men had to go to.

Another point for your consideration is this: That in all of our local and county affairs we either know the candidates personally or we can at least find out who they are. But when a man from Aroostook runs for Governor, most of the men in Cumberland know nothing about him, and when a man from Cumberland runs for Governor, the men from Washington or Penobscot may know as little about him.

Now I say that the convention system had some good points, and the primary system, we have found, has some poor points. What is undertaken to be done in this case is to take the best out of each and give it a try.

Now I know that I am speaking before an audience that is largely hostile to the idea that I am presenting; I think that is largely a matter of prejudice. I recall that at one time I said to Chief Justice Leslie E. Cornish that I considered him a great man. He asked me why. I said "Because you can change your mind." A little man never changes his mind even when he finds he is wrong.

I want to call your attention also to this fact: That there has grown up in this State a strong opposition to the primary law. Many men over this State would like to see it done away with. Notwithstanding the fact that I know that I will be condemned this day because of making this speech in behalf of this measure, and I know that I am going to meet the opposition of many of my constituents who are so fully sold on the primary idea that they cannot listen to reason—I say, notwithstanding that fact, I claim to be right now one of the champions of the primary system of the State of Maine—

Mr. THORNE of Madison: Mr. Speaker,—

The SPEAKER: The gentleman from Portland has the floor.

Mr. McGLAUFLLIN (Continuing): Mr. Speaker, I realize that I am speaking at length, and I will cut my remarks as short as possible.

The SPEAKER: The gentleman

may proceed. He is entitled to speak as long as he wishes.

Mr. McGLAUF LIN (Continuing): I will say right now, Mr. Speaker, that I know that the opposition to this bill want to shut me off, because it has already been suggested to me; but I am going to finish this speech if you will listen for a few minutes more.

What I want to say is that there is a strong sentiment in favor of doing away with the primary system, and already there are plans being made to start another initiative, trying to wipe out the primary system entirely. What I want to call to your attention and to the attention to the men who believe in the primary, as I believe in the primary, is that this is a question of judgment, and I believe that it is good judgment for us to give this measure a try, because if we do not, within a short time we may lose all the primary laws that we have. I think that we should give this matter careful consideration.

Mr. THORNE of Madison: Mr. Speaker, at the outset, I want to apologize to the gentleman from Portland, my colleague, for my seeming interruption, because I thought he was about to take his seat when I arose.

During my service in this honorable body on several occasions I have heard speakers of rare ability say at the outset of their remarks that they wished to make a few remarks, and I say that now, with some misgivings. I promise you, Mr. Speaker, and I will try to keep that promise, that I will not inflict myself on you from now until the sun is sunk low in the horizon.

This matter had a full hearing before the Judiciary committee and the proponents of the bill now under consideration were my good friend and colleague, Mr. McGlaulin, and many people from Portland and that vicinity, and, particularly and especially several defeated candidates for Congress in the First Congressional District. They all aired their views. We spent the whole afternoon until dark, listening to their views both pro and con, and after consideration in executive session even the committee itself was unable to agree. They had an honest disagreement.

The opponents of the bill before the committee seemed to be citizens from different parts of the State of Maine who happened to be in the

Judiciary room or the State House on that or other business, members of this House, delegates from organized labor in this State, in short, what I would consider the common people of the State of Maine.

I want to call your attention, members of the House, to this bill now under consideration, which is Legislative Document No. 8, and if you have it before you, I would like to call your attention particularly to the referendum feature of it.

The referendum feature of this bill makes it attractive to those of you who are undecided as to which way you will vote on the measure. In page five of Legislative Document No. 8, they wish to submit this bill to the people to vote on at an election to be held on the second Monday of September, 1937, and the question to be submitted is this, according to the bill: "And the question shall be, shall the act to amend the primary election law as submitted by the Eighty-eighth Legislature to the people be accepted?"—that and nothing more.

I say to you, Mr. Speaker, that is hardly a fair notification to the people, the electorate of the State of Maine of the provisions of this bill on which to vote intelligently at such an election. That is one reason why this bill should not pass. It seems to me that the question to be submitted should be not that but this: "Shall the act to amend the primary law providing for the nomination of candidates for public offices by convention as submitted by the Eighty-eighth Legislature to the people be accepted, in order that the people may be properly advised and appraised of the exact question before them." It is not to be doubted that there is a large number of people in the State of Maine who are not thoroughly satisfied with the direct primary law as it now is, and they would all desire some change—and I think that is perhaps universal—but we have not yet reached the state of perfection in legislation. But even so, I feel the primary law as it is, and with all of its faults, is better than the convention system, either the old convention system or the so-called new convention system—and I fail to find that there is any distinction between the old convention system and the new convention system.

Thirty-two states of this Union have a direct primary law where it is mandatory. Two states, Massa-

chusetts and Colorado, have the State convention and the primary. I, for one, do not want to go back to the convention system, whether it is the new convention system or the old one. I do not want to go so far back after the people have taken a step forward as to go into the open market where offices were traded and, no doubt, will be traded back and forth.

As a boy in school, I heard the arguments for and against the direct primary law, and I remember some of them, not exactly, but in the main: That the so-called bosses, who would never admit they were bosses, objected to the coming primary law, and the people whom I then regarded as progressive and forward-looking, with a desire that there should be full representation, were for the coming primary law.

Now it is said—and it is true—that nominations at a convention for the offices in this bill are made by delegates, but you who have attended the old-time convention know that nominations by delegates were made in theory only, that the nominations were presented to the delegate, and he was asked whether John Jones would be all right with him for Governor or not, and if he knew what was best for him, his answer was yes or no as the case might be. One man who appeared before the committee stated that nowadays when delegates go to a convention they receive scant attention from anybody. I say to you, Mr. Speaker, that in those days when delegates were selected for the purpose of nominating candidates for Governor, Representative to Congress, and their names became known, from that time until after the nomination was made they received plenty of attention, and even now at conventions, where the candidate receives scant attention or entertainment, I say enough is done by the so-called bosses unofficially toward the nomination of their candidates—and that is one reason why I wish to retain the present primary law.

All the voter needs to have to express his choice is a pencil and a ballot and a booth. He knows every candidate; every intelligent elector in this State knows all the good things and bad things for and against every candidate for every office in this State, and he has a right to go into that booth with his

pencil alone and express his preference.

It might be said by the proponents that the convention system gives better candidates, and that after the convention has nominated its candidates even then a person who desires to be a candidate for a public office may enter the primary against the chosen candidate. I say to you, Mr. Speaker, that he has great courage, because that candidate comes into that primary with two strikes already against him. It may be that the hand-picked and hand-chosen candidate may be a better candidate, but I say to you, Mr. Speaker, the people of this State have a right to select a poor candidate if they wish; but whether they do or not, I am still for the right of the people to select their candidates. (Applause)

Mr. HINCKLEY of South Portland: Mr. Speaker, I do not want to weary this House with long remarks, because I know you have listened very attentively to the speakers who have preceded me, but I do want to bring out just a few suggestions that have been made to me during the course of this debate here on the floor this morning and before the Judiciary committee.

Now I may be one of those men whom the member from Portland, Mr. McGlauffin, speaks of who are so small that they possibly cannot change their minds, because I have been in favor of the direct primary ever since it has been on our Statute books, and I have not yet changed my mind.

I became a voter in the dying days of the old convention system, and I still have some of the odor, and I think that the people of the State of Maine have some of the odor of the old convention system still lingering with them, and I want to see that dissipated just as fast as possible.

Now the old convention system did have some good things about it, but it had so many bad things about it that I do not think we want to have anything more to do with it so far as the nomination of candidates is concerned.

They tell us that this does not interfere with the direct primary system as we have it, because the convention simply picks its candidates and suggests them as their candidates, and the people have a chance to select any other candi-

dates they want. That is simply an entering wedge, in my opinion, and, before long, if we adopt this law we will have another law similar to the one that is already before this Legislature, to pass on candidates right down through to the smallest offices where we elect candidates. I do not believe that we want to go back to that system.

If you will remember, in the old days we had three bosses in the State of Maine, and no one could get elected to office unless he had the favor of those three men. If you went to those men and asked them who was going to be the candidate for Governor ten years hence they would tell you,—and the same thing about Congressmen and United States Senators. We did not have to guess who the candidates were to be ten or twelve years hence, because all the bosses had to do was reach their hands into the pigeon-hole and pull out a list of the candidates selected. If you wanted to run for the State Legislature or any State office, you had to go to your ward bosses, and if they found favor with you or you found favor with them, your name was put on the list and you were a candidate. The direct primary does not allow anything of that kind. It is said that they would only suggest, but you know that when a convention suggests candidates that is almost as good as election, because all of the organization of the party is immediately behind the candidate selected by the convention, and the poor man does not have much of a chance.

Now they put forward the argument that we may have minority candidates. We have always had minority candidates when there were more than two men for any particular office, but the people at present have the right to select their candidates, and the man who gets the larger number of votes is entitled to the preference, because the most of the people who are voting at that time are voting for that particular man. Do you think we would do any better if we have the convention system?

I live in a city of about 15,000 population, and in selecting the delegates to the State convention, the city committee had to draft candidates; there were not enough people interested in going to that State convention who desired to be

selected. If you wanted to go, all you had to do was to tell the city chairman that you wanted to go and you had a chance. There is a city committee of seven men, and that committee selected the candidates that went to the Bangor convention last year. I say that is a minority rule, and under the present system and under the convention system I cannot possibly see how you can change it. You cannot get people out to a caucus; they are not interested; but they are interested when it comes to primary nominations.

They say we will not get as good candidates under the present primary system. Now we are inclined to put a halo around the people who lived twenty or forty or fifty years ago, and think they were giants; but I think we put that halo around them particularly because they are not here now, and we do not see all the faults they had. You can see the faults of the present candidates, but perhaps thirty, forty or fifty years hence our followers will put a halo around some of the men of the present time.

They say it costs candidates a lot of money to run for office under the primary system. That is true, and either the candidate or those behind him must have money to put him across if it is a large office. Candidates for Congressman, Senator, Governor, and sometimes, they tell me for State Senator, have to have money. But do you believe that the candidates in the old days did not put up any money? Perhaps they did not put up any money previous to their nomination, but they certainly put up money to run the campaign after they were nominated. I do not remember that the old candidates that we had, the men who held high office, were noteworthy because of their poverty. I remember Governor Powers—and Governor Powers was not a poor man. Do you think that Governor Powers did not contribute anything to the campaign chest of the Republican party? I could name Governor Cobb; I could name Governor Hill whose mansion is down here on State Street; I could name Governor Burleigh. Those men were not poverty stricken by any means, still we hold them up with a halo around their heads and say they were candidates picked by the old convention system and we certainly

ought to have men like that at the present time.

Now I listened very attentively to the remarks that were made before the committee, and, as has been said here at this morning's session, the principal proponents of this bill were three defeated candidates in the first Congressional District, and another proponent was a member of the County Committee. Now I can see very readily why those folks are interested in having a change in the direct primary such as has been suggested; but I want to tell the members of this House that I have had only three people speak to me asking for a change in our present primary law and asking me to vote for this bill. One of them was a member of the County Committee and one of them was a member of the City Committee. Now that is a fact. Only three people have asked me to vote for this primary bill, and, under those circumstances, I believe there is no demand by the people at large in the State of Maine for this change.

Mr. WEATHERBEE of Lincoln: Mr. Speaker and Members of the House: Any study of this bill and any acquaintance with the sponsors would certainly convince one that the bill is a sincere attempt to remedy some of the defects of the primary system and at the same time avoid the evils of the old convention system. I cannot feel that this is a particularly bad bill or that it is in its purpose particularly dangerous, but I am opposed to taking any step, however slight, toward doing away with the primary system. I am opposed to setting any precedent from which our successors may justify a further chipping away of this institution which, though admittedly imperfect is actually a safeguard for the political rights of the average man.

We must realize at this time that democracy itself is an imperfect institution, but when we consider the results of the other attempts of the nations of the world to get something better than democracy, we can hardly help being convinced that democracy, imperfect though it is, is certainly worth fighting for.

The direct primary is a very important part of the institution of democracy. It is not perfect but that is because human nature is not perfect—and I say that because hu-

man nature is not perfect that is all the more reason why we should defeat any attempt to put any further political power in the hands of a comparative small number. We should fight any attempt to give that comparative small group a chance to gain further control over the selection of our public offices. (Applause)

Mr. MARTIN of Milford: Mr. Speaker and Members of the House: It does not seem necessary for me to apologize because I happen to be a new member. I have, on several occasions, gone to those who have had greater legislative experience for counsel and advice, and I have always found them not only willing but anxious to give help—and I have no doubt but what that is the experience of all the members. With that consideration, Mr. Speaker, I would like to make a few brief comments upon this bill which is before us.

The text books tell us that "by 1830 and for upwards of eighty years thereafter the convention system was practically universally employed for the selection of party candidates for all offices above those of the township or other subordinate political subdivision of the state"; That "however admirable in theory, the convention system in practice was soon found to afford little or no protection against boss or machine control of nominations. In many states, men who represented the best type of citizenship were seldom chosen as delegates; and when chosen, they often turned their credentials over to 'proxies' named by party or factional leaders. Conventions became the 'market places of politics' where political 'trades' were consummated by the purchase, sale, or transfer of delegates from one candidate to another;" Discord, questionable practices, and even fraud were the order of the day. Thus at about the beginning of the present century we find that the convention system had utterly failed and was in thoroughly bad repute in all decent political thought.

In consequence we find that by 1903 the great majority of states had abolished the convention system and in its place by 1910 had adopted the open or closed direct primary system.

Candidates elected under the convention system were often times

selected for their ability to get votes and because they were the choice of a few of the delegates to the convention and those delegates, through their powers of persuasion and in other ways controlled the convention, they were often not the choice of the people. That evil the present system of choosing candidates for office attempted to correct. To now change the law and allow the old convention system to be inordinated again in any form would again invite the disagreeable practices just referred to. Under the present system of nomination, by a direct vote of the people, while it may work as a hardship on the candidate himself, it is doubtful if it is any more costly in dollars and cents and in promises to be fulfilled than the convention system was or is apt to become, and it has a bigger advantage in that the candidate under the present system meets the people whom he is to represent, personally, they have an opportunity to meet him, he becomes better acquainted with their wants and needs and they must feel that he is their popular choice for a candidate. It is the most direct way to get the candidate for offices acquainted with the people and they with him.

A member of a political party cannot help but feel that whether the result of the primary election or nominations meet with their individual approval or not that at least they have had a direct voice in the matter and in all fairness should be willing to abide by the opinion as to the fitness of the candidate for the office he seeks. That feeling was not common and would not be common if candidates were nominated in any other manner. The present system leaves the power of choosing candidates for offices directly in the hands of the people and it must create a feeling in the candidate, if elected to office, that he is directly answerable to the people, while under the proposed bill, the convention system, a candidate might feel that he was only answerable for his acts in office to a few who would be the nominating representatives at the next convention.

A form of government, which by its operation and effect tends or allows such impressions and feelings to become incident to holding office, is not the true representative

type of government and leads to many practices and results that are evil in effect, often times detrimental to people and are above all un-American in principle. A bill opening the door to such things is not one that recommends itself as an improvement to a law already in existence which has a tendency to curb such evils and reduce the possibility of them to a minimum.

It is charged that the present law breaks up party control and responsibility to an unreasonable degree.

This bill authorizes the pre-primary convention under which a candidate may be named by the old convention system and be placed on the ticket, and if opposition develops, independent candidates may require a place on the ballot by petition.

The plan would certainly shorten the ballot, save expense, and insure party regularity if it will work as those putting it forward secretly hope. The old discarded convention system will do the job in all three particulars and do it better; there is not as a substitute for the Direct no guess work about this.

But this bill is before us, I take it, not as a substitute for the Direct Primary but as an amendment, and aid to and a revision of the primary. A cure for its many ills they would have us believe.

If I am to support this bill I must be convinced that the pre-primary convention plan is an improvement of the primary we have. Will it cut the cost of elections in the primary? Only if few or none enter the race by petition; and do you want that, if you do let's return to the old convention system and have an end of it. Moreover the expense to the independent candidate not endorsed by convention would be so raised that only the very wealthy would dare to venture to run as a petition candidate. Thus you see this bill would ensure us the conditions of the old convention plan unless those of great wealth would risk not only their money in a campaign but their reputation and self-respect, for they would be branded by the convention - endorsed candidates as rebels and outlaws.

Shorten the ballot. We are not troubled in Maine with such an evil, and if we were why not be honest with ourselves and return to the old convention?

We have been told many times, also it has been headlined in the

press, that this is one of the most able and most intelligent legislative bodies ever assembled and we like to think so. If so, isn't that a good recommendation to continue the present system? We have many able members in this House who might be classed as exhibit A of the present primary law. Even our most popular and able Chief Executive might not be the Governor of Maine if it were not for the present law, giving only to the people the right to choose. The present law at its worst is far better, I sincerely believe, than the old system at its best which this bill leads us to.

In closing, I am constrained to conclude that if I truly felt I would better represent my class had I been endorsed by a convention I should support this bill. But if sent here by the vote of my constituents whom I try to represent, I hope I have the courage and fairness to carry on in my humble way, then I will vote against this bill.

Mr. CARLETON of Alna: Mr. Speaker, I have never had a request from anyone in my county, either oral or written, for me to support this change in the primary law. I met a former municipal court judge in my county last Monday morning, and I spoke to him about it. He said, you can remember back when there was a certain man whose name is famous still, and that man was known as the political boss of my county, and no county candidate could be chosen or nominated without the approval of this man—and it went even further to our Chief Executive.

I attended this hearing before the Judiciary committee. As has been stated here, the proponents of this change came from the First Congressional District, where there were nine candidates, and eight of them were defeated. I say to you that the call for this change comes from the dissatisfied, defeated, discouraged candidates. I claim that a man who is sportsman enough to run for any public office should realize that he may be defeated, and if he cannot take it that way he ought not to start. I think that the primary law as it is today allows every man to go before the people on his own merits. I cannot conceive of a man being candidate for Governor, for United States Senator or for Congressman who has not the courage to go before the people, the legal voters of the State of Maine, on

his own merits and take his medicine. This business of trying to change the primary law is simply to revive the old method that was discarded way back in the horse and buggy days that we have heard so much about lately. I do not believe we want to go back to the horse and buggy days. I hope the motion will not prevail. I thank you.

Mr. FLANDERS of Auburn: Mr. Speaker, I do not think there is anything I can say that would change the minds of any of the members here, but I do want to go on record as approving this bill. My experience has been different from that of the gentleman who has just spoken. I have had a great many people in my community ask me to favor the change of the primary law, and I think in saying that I voice the sentiment of the other two members from Auburn. I certainly want to go on record as in favor of the motion of the gentleman from Cape Elizabeth, Mr. Philbrick, in the change of this law.

Mr. BIRD of Rockland: Mr. Speaker and Members of the House: This primary controversy has arisen in many of the legislatures. I happen to be a member of the Judiciary Committee, and I signed a report favoring the bill, but I am not going to debate the merits or demerits of the convention system, nor the merits or demerits of the primary bill.

It is said that these men did come before the committee. They were defeated candidates; but the persons who appeared before the committee were the youth of this State. Those men are the men we are depending upon to carry along the affairs of the State, and they were tremendously interested in the politics of the State. It is true that they were defeated.

Now the people can still decide this matter. This bill provides that it shall be submitted to the people, and they shall determine whether or not the bill shall be accepted or rejected. That is one of the reasons why I signed the favorable report on this bill. I do not think it is fair not to submit this proposition to the people. Let them determine whether or not they want to go along with the primary law or the convention system. Whatever they say, we will go along with them. I believe that we had better settle the question, and I will play along just

the way it is, and I think they will be satisfied, and the whole State of Maine will be satisfied if it is submitted to them and they have a chance to vote on it. Therefore, I approve the motion of the gentleman from Cape Elizabeth, Mr. Philbrick.

Mr. THORNE of Madison: Mr. Speaker, I would just like to answer my colleague on this question of a referendum on the bill. The people sent us here to do something; they did not send us here to refer everything back to them, to pass the buck to them. They voted on practically the same thing once, and I feel it is our duty to take a stand on this measure right here and now. (Applause)

Mr. MAXIM of Portland: Mr. Speaker and Members of the House: If this were a debate between the primary system and the convention system, I should certainly find myself on the side of the primary system, for I am thoroughly convinced that the primary system in its helpful and constructive aspects is a proper system for this State.

There has been an attempt to drag into this debate the old convention system. I do not think it is a proper attempt to confuse the issue. I do not charge those who have referred to it with any deliberate attempt to confuse the issue, but I am afraid the confusion may have arisen nevertheless.

I know intimately most of the members who have opposed this bill, and the spokesmen for it. I know positively there is not in the mind of any one of them, any desire to go back to the old convention system. Certainly there is not in my mind. But this matter of the direct primary has received such a thorough testing in the last two years that we have been able now to discover some defects, and I cannot understand why we should regard the primary system so sacrosanct that every feature of it must be continued indefinitely, even though some of those features have proved themselves so undesirable that they richly deserve amending.

Now if the results of our primary election of a year ago were not an object lesson to this State as to the defects of the present primary system, I cannot imagine what could be. I am going to refer to only one class of candidates, and not to them in any respect disrespectfully,

but only to say this: That in order for those candidates to ride into the nomination for the Congress of the United States and eventually to be elected as such, it would seem necessary for them to mount a hobby-horse, which at that time was a very powerful one in this State, namely, the Townsend idea.

Now I am not speaking of those candidates in order to attack the Townsend idea; that is quite foreign to this discussion. I will say, however, that I think that at least ninety-five per cent of the members of this House will agree with me if I say that it is an economic fallacy and fancy which nevertheless had a very substantial and very controlling majority in certain districts—or perhaps I should say rather, a controlling minority. Now I only mention this as an example of what becomes necessary under the present primary set-up and what will inevitably happen. You will always get candidates looking for live issues which may be entirely foreign to their own idea, but which they are practically obliged to follow so that they can align themselves with these ideas and ride along on top of the wave and secure a certain political following.

When I came up to this Legislature, there were two or three things I promised myself I would do all I could to change. I do not need to tell you what one of them was. It was the matter of the present very inequitable and inadequate taxation set-up of the State. Perhaps the very next one in order was this matter of the primary system. If we should leave this session of the Legislature with no action taken looking towards the correction of some of the obvious faults of this system, I, for one, would feel that a good deal of my time and effort down here this winter had been wasted.

Now there is no proposal to put back in the hands of party bosses nominations for any office. The only proposal is this: That in order to secure a better class of candidates, abler men, men who are not politically-minded, and who ordinarily will not spend their time and effort and money to obtain nominations, to put them in a position where they can, without too much sacrifice of time and money and effort, become a nominee for the office for which they seek.

The author of this bill, I would

say, has perhaps gone less far than I would have been willing to go in securing the action of this principle with respect to the primary bill. I think the same principle which applies to the Governor and Senators and Representatives might well apply somewhat further down the line. Nevertheless, I realize fully that in view of the sentiment that apparently is fairly strong, that we ought to be very careful how far we go in this matter of change, and I am perfectly satisfied to go along only so far as these three classes of candidates are concerned.

Now I realize there is nothing sacred about the present primary set-up, and that we can use our judgment in respect to correcting its defects as we would use our judgment in correcting any other phase of State affairs. I want to say that in my mind the State has everything to gain and nothing to lose by the proposed change.

At the present time, in order to secure the State-wide acquaintance and publicity which seems to be necessary to obtain a nomination for any of these major offices it is necessary for a candidate to take months of his time, perhaps a year or two. Certain candidates in the last election started two years before their candidacy was announced, going back and forth in the various districts of the State at large, addressing audiences large and small, spending a large part of their time and a great deal of money in order that the people might come to know them, so in this awkward method we have prescribed for nominating candidates for Congress and Senator and the Governorship that they might attain the necessary backing. Now I submit to you in all reason, and without any attempt at oratory or sentiment one way or the other—I submit to you that it is not common sense that conventions of the two major parties should meet and have the right to pass on matters of party policy and set up policies which are going to control the activities of the men who are going to run for office and at the same time have no control over the men who are going to run for those offices.

We speak of this being a State and country of laws and not of men. That is true, and to a limited extent it is a country of laws and not of men. After all any government is

just as good as the men who administer its laws. If you get a weak class of men or any men in public office, the mere fact you have an underlying body of law does not secure good administration. You must have men who are able and competent to properly administer those laws in order to secure good government.

Now I contend that the same convention which indisputably has the right to fix the party policies for the coming campaign and the party platform—it is only common sense that they should have the right to have as leaders or first lieutenants in the coming campaign men who will carry out the will of the party if elected.

Under the old convention system there was this difficulty: If we did have boss control, the persons who were nominated were, nevertheless, the creatures of the convention, and there was no opportunity to put up anybody else to oppose them. The candidate might be weak and might have such a string around his neck that everyone would know if he was elected to office he would simply be the servant of the men who put him there and could not be depended upon for any independent action, but under the old system it was necessary, nevertheless, if we voted regularly, to vote for this man. Under this system the electorate has the right to nominate to compete with him men who shall have the same right to the attention of the electorate as the nominee of the party convention has. Under this condition there is no opportunity whatever for boss control. Let us assume a boss controlled convention. The boss nominates a man who can monopolize the attention of the party men and party vote. This set-up under the Philbrick bill gives the electorate an ample safety valve to counteract any improper influence of the convention by giving the electorate the right to nominate other candidates for whom they can vote. Under this bill I believe we have everything to gain and nothing to lose by it. Let us look at it in the larger aspects. If the difficulty is not eliminated it seems to me we can look forward to only one thing, and that is the nomination and eventual election of men who have no ability and real independence of thought. It would be absurd to say that under the primary system we do not have many

incompetent men, but I think it is equally true that under the old convention system there was a better chance to have hand-picked men which I do not believe we have ever had under the primary system. It is because of the abuses of the convention system under boss control that the primary system finally arose.

It seems to me that the Philbrick bill is a fair, common-sense compromise between the old and the new. In my own county of Cumberland, and particularly in the city of Portland, which I represent, there are numerous public spirited men—many of them are very young men and able young men whom we all desire very much to see in party politics and in the State convention. Under the present set-up, many of them feel they cannot take the time to secure the large acquaintance over the State or over the district that would be necessary if they were to look ahead with any assurance of election and even the nomination itself. These men are all very desirous of seeing this change made, which, is, after all, only a short step away from the present set-up, and a step only long enough to correct abuses and defects which are obviously inherent in this system.

Now I want to appeal particularly to all of you who feel that you are very sincere adherents of the primary system. Let us not run the risk of having the primary system entirely discarded by failing in time to take into account and correct its defects. When we came up to Augusta we came up here with the idea of correcting any defects in any branch of State affairs which we might see. Is it not just common-sense that we should turn our attention now to the correction of these obvious defects in the primary system, in the hope that by so doing we might place our party, no matter Republican or Democratic or what not in the position of nominating men who on the average will be much abler and will express much more adequately and sincerely the policies of the electorate which sends them to Augusta as Governor or to Washington as Senators or Representatives. I sincerely hope that the best friends of the primary bill which I know many of you to be, will seriously consider the correction of these defects and vote in favor of

the motion to adopt the majority report of this Philbrick bill.

On motion by Mr. Ellis of Rangeley.

Recessed until two o'clock.

After Recess

The Speaker in the Chair.

The SPEAKER: The House at the time of recess was engaged in the consideration of the first unassigned matter, bill an act to enable party conventions to propose candidates for Governor, United States Senator and Members of Congress to be placed upon the ballots at direct primary elections, H. P. 11, L. D. 8, the pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Philbrick, to accept Report A of the committee on Judiciary, ought to pass.

Mr. DWINAL of Camden: Mr. Speaker, in the interest of party nominees, I feel that the bill would relieve somewhat the tremendous burden now placed upon our senatorial and gubernatorial candidates. I wish to go on record as favoring this bill. I think all the arguments have been presented, and I think that all of us know how we are going to vote, so I will stop with these few remarks.

Mr. WILKES of Portland: Mr. Speaker, I hesitate to speak at this time because I know that the merits of this measure have been gone into in full detail, but as a matter of record I would simply like to make this statement and call the attention of the House to this fact: That there is not any real demand for this change. If there was a real demand, since we are nominally a Republican majority, unquestionably the last State convention would have adopted it in its platform. It has not. Therefore, there is no real demand except perhaps the will and desires of a few people; and I wish to go on record as opposing the measure.

Mr. AYER of Union: Mr. Speaker, it has been said by several speakers that the old convention system was what you might call painted, that it smelled. I think when any man makes that statement, Mr. Speaker, that they insult the memory of some of the greatest statesmen this State ever had.

It was also asserted by one of the speakers, or was insinuated rather, that these great men were not so great, because we had thrown a cer-

tain amount of halo around those men. Now it seems rather odd to me that if these men were not great men that one of them came within just a few hundred votes of being elected President of these United States. Another of them at one time, when I was young, was Speaker pro tem of the United States Senate; another was Speaker of the House of Representatives of the United States; another was Chairman of the Ways and Means Committee; and a Senator and two other Representatives occupied great positions of trust as Chairmen of most important committees in Congress.

Now it was said that during these times Maine wielded more influence in national affairs than any other state in the nation regardless of wealth, population or size. I do take offense that the memory of those great men was painted by the convention.

Now it has been asserted by the gentleman who has just spoken that there was no great demand for this measure which we have before us. It has also been asserted that the proponents of this measure were disgruntled politicians, and were defeated candidates in the primaries. Now there has been no more fallacious statement ever made than that one because I know, in my section, among the people there, there is a genuine demand for revision of this primary law.

I have been a worker in committee work in our town ever since I became of age, and I have always taken an interest in politics and I know it is a fact that every one of the workers of that town if it was voted for today, would vote for this revision here. And I would change the statement that the proponents of this law were those who were defeated; I would reverse it and say that the true opponents of this bill are the beneficiaries of the primary law. I certainly hope that the motion of the gentleman from Cape Elizabeth (Mr. Philbrick) will prevail.

Mr. PHILBRICK of Cape Elizabeth: Mr. Speaker, I want to thank the gentleman from Lincoln (Mr. Weatherbee) and the gentleman from Milford (Mr. Martin) for expressing their faith in the sincerity of the sponsors of this bill. I appreciate that and also the fact of their keeping their arguments toward the merits of this bill ra-

ther than the merits and demerits of the old convention and the primary system. But the gentleman from Lincoln (Mr. Weatherbee) as I recall it, stated as one serious objection to the bill the belief that it was an entering wedge. On that point, I think that it is of some interest that in the forty-five or more states that have adopted a direct primary law of one nature or another, twenty-four of them have, since the original adoption of that law, adopted some modification, and in not one of those twenty-four has there ever been any further modification proposed and adopted. I believe the same thing would be true in Maine if this modification could be tried out; that it would prove so satisfactory that no one would propose going further in either direction.

The gentleman from South Portland (Mr. Hinckley) used as one of his arguments the small attendance at the caucuses at the present time. I would like to point out to him and to the members of this House that that is exactly one of the main reasons why I think this bill would work a desirable reform. I believe that the small attendance at the caucuses is due partly to the fact there is no state-wide date for caucuses, and some times the date is not well known. This would be cured by the first feature of this bill which I spoke of this morning. Further than that, the small attendance is also due largely to the fact that at the present time there is no real important business, as it seems to voters, for the convention to do. That has resulted in less interest in conventions, which is a very serious thing to anyone who believes in the two-party or any number of party form of government. Of course if you do not believe in parties in American government, I cannot argue that to you, but if you do believe in parties, it seems to me the strengthening of the caucus and the convention is a very necessary thing to do.

Just one more point. The gentleman from Madison (Mr. Thorne) I believed made some reference to the nomination of candidates under this bill by the conventions, doing away with the present situation where all the voter needs is a pencil, a ballot and a booth. I want to remind you once again that all this bill does, if approved by the people, is to furnish one more way

for a candidate to get his name on the ballot, one additional way to that provided by obtaining the necessary number of signatures, and that the voter in choosing his candidate for office still needs only his pencil, his ballot and the voting booth.

Mr. McGLAUFILIN of Portland: Mr. Speaker, I wish to say just a word more. It has been argued here today that we were attempting to return to the convention system. There is no member in this House more opposed to going back to the old system than I am; but by this proposed measure you are cutting out the evils of that old system by taking away boss control and trading.

Now it has been said that this is an entering wedge. That is pure bunk. We talk about entering wedges when you try to break down a principle; but this is not a principle, as I said this morning, it is a question of judgment; we change our judgment from day to day. Nobody is going back to that old convention system if we keep that line drawn as provided by this bill, that all the local and county officers are chosen by the primary system. You have got all the good of the primary system, and by this system you are taking the good features and leaving out the bad features of the convention system.

Mr. NOYES of Franklin: Mr. Speaker, much has been said, and some things, perhaps, that should not have been said, but in every argument there is a weakness. It seems to me that the proponents of this bill, when they argue that it contains a referendum, are grossly inconsistent. In one breath they tell us that the people are not qualified to select the candidates for Governor, United States Senator, and Congress, and in the next breath they tell us to vote for a referendum to the people. I will say to you members that when you vote on this question that the fact that the bill does contain a referendum should not affect your vote.

Mr. SLEEPER of Rockland: Mr. Speaker and Members of the House: Since this seems to be a free-for-all, we might just as well hear from every section. Some of the opponents of this bill have said there is no demand for the bill. I personally do not care; but there is a demand for the bill and I am going to vote for the bill.

So far, I have heard no one mention the worst part of the primary system—and it is a very bad feature—that is money. You know that no one in this House, with very few exceptions, would be able to run for Governor or Senator or for Congressman. It costs about forty-five to fifty-five thousand dollars to conduct a primary campaign for Governor, and the same for Senator, and in the same proportion for Congress. The primary law, as it stands today, is a penalty on the poor man. As the member from Union, Mr. Ayer, brought out, under the old convention system, rotten as it might have been, we certainly put men in Washington who made a name for themselves and our State. I think the gentleman from Cape Elizabeth (Mr. Philbrick) has been very sincere in the bill; he has taken the best features of the old system and retained the best features of the primary system. I certainly hope this bill has a passage.

Mr. HINMAN of Skowhegan: Mr. Speaker, I find myself in a very strange position on this question. Here is the gentleman from Cape Elizabeth (Mr. Philbrick) whom I admire as much as I do any man in this House, and here is the Republican floor leader who has been my guiding star on the horizon all through this session, and I now find that I feel differently than they do, and my thought is this: The bill may have merits, and I presume that it has. On the other hand we have many things of importance before us at this particular time. I believe we have more important things that may be submitted to the people. Everybody is changing things; we want things different. Frankly, I am not able to argue the merits or demerits of the change, but I do feel that it is a very safe stand, under existing conditions and for the present time, to, as somebody has suggested previously, kind of follow the old horse and buggy days and get along with the primary.

Mr. SEABURY of Yarmouth: Mr. Speaker, two years ago I had considerable feeling in regard to this primary contest, as some of you may remember. I have not this year, because I think it is a foregone conclusion we are not going to change it, but, in order to keep my record straight, I would just like to state my position.

Two years ago, I think I spoke the shortest time that anyone took

to speak, and I am going to better that record this year—I am going to speak only about forty-five seconds more. I hope that same influence will permeate this body.

A distinguished member from the other body of this Legislature came to me afterward: "Seabury you have done more damage in a minute and a half than the others have done here all day." I do not want to damage this thing, but I stand exactly where I did two years ago, but for an entirely different reason. I agree with the gentleman from Portland that this is a matter of judgment. In my judgment the Republican party is digging some pretty deep holes to fall into, and this is one they may well avoid. That is my present viewpoint, and I think it is good judgment to leave the matter alone.

Mr. BOUCHER of Lewiston: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Lewiston, Mr. Boucher, moves the previous question. To entertain this motion there is required the consent of one-third of the members present. All those in favor of the Chair entertaining the previous question will rise and stand in their places until counted and the monitors will make and return the count.

A division of the House was had.

The SPEAKER: More than one-third of the members obviously having arisen, the motion is entertained. The question now is, shall the main question be put now? As many as are in favor will say aye; those opposed no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Philbrick, that Report A of the committee, ought to pass, be accepted. A vote yes is in favor of the ought to pass report; a vote no is opposed. The gentleman from Cape Elizabeth has asked that when the vote is taken, it be by the yeas and nays. Under the Constitution the yea and nay vote is ordered on the request of one-fifth of the members present. 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 present having arisen, the yeas and nays are ordered. The Chair will remind the House that under the rules no member may leave his seat during the calling of the roll or until the result has been determined and declared. The pending question is on the motion of the gentleman from Cape Elizabeth, Mr. Philbrick, that the ought to pass report of the committee be accepted. As many as are in favor of the motion will answer yes to the roll call; those opposed will answer no. The Clerk will call the roll.

YEAS—Alden, Allan, Portland; Ayer, Barter, Bird, Bragdon, Bucknam, Chase, Cole, Coolidge, Davis, Dow, Jay, Dwinall, Elliot, Ellis, Fairfield; Ellis, Rangeley, Fellows, Findlen, Flanders, Haskell, Lee; Haskell, Windham; Higgins, Ellsworth; Mack, Maxim, McGlaulin, Mosher, Murchie, Owen, Parsons, Paul, Payson, Brooks; Payson, Portland; Philbrick, Pike, Bridgton; Pike, Lubec; Plummer, Ramsdell, Sawyer, Sleeper, Varney, Viles, Webber.

NAYS—Allen, Bowdoin; Batchelder, Bates, Belanger, Boothby, Boucher, Brown, Bangor; Brown, Eagle Lake; Bruce, Buker, Burgess, Cambridge, Carleton, Church, Churchill, Colby, Crockett, Currier, Cushing, Day, Dean, Demers, Dennison, Donahue, Dow, Kennebunkport; Dow, Norway; Dutil, Eddy, Ellis, Castle Hill; Emery, Erswell, Fadden, Fernald, Ford, Goss, Gyger, Haley, Hamel, Hammond, Harkins, Harriman, Harris, Hascall, Monmouth; Higgins, Dennyville, Hinckley, Hinman, Hodgkins, Howes, Jewett, Labbee, Larrabee, Larsen, Latno, Lausier, Lee, Leonard, Lord, Maheu, Martin, Milford; Martin, Oakland; Maxell, McLaughy, Merrill, Messerve, Morgan, Newton, Norwood, Noyes, Packard, Peakes, Phair, Porell, Poulin, Prince, Detroit; Robinson, Russ, Russell, Ryder, Seabury, Smith, Westbrook; Smith, Van Buren; Snow, Stilphen, Stoddard, Stone, Story, Tabbut, Thorne, Thurston, Wallace, Weatherbee, Weed, Wilkes, Woodbury, Wyman, Young.

ABSENT—Douglass, Dorr, Everett, Forgue, Fuller, Keller, Melanson, Palmer, Prince, Harpswell; Ramsey, Richardson, Whitney.

42 yes, 96 no, 12 absent.

Forty-two having voted in the affirmative and 96 in the negative, the motion did not prevail.

On motion by Mr. Hinckley of South Portland, Report B, ought not to pass, was accepted and sent up for concurrence.

The Chair lays before the House the second unassigned matter, re-

solve authorizing D. M. Susi to bring suit at law against the State of Maine, H. P. 1516, L. D. 605, tabled on March 29th by Mr. Ellis of Rangeley, pending second reading; and the Chair recognizes that gentleman.

Mr. ELLIS: Mr. Speaker, the parties interested in this resolve believe that they can get together in another way within a day or so and I therefore move that the resolve be retabled and specially assigned for Friday, April 9.

The motion prevailed.

The Chair lays before the House the third unassigned matter, Senate report ought not to pass of the committee on Judiciary on bill an act to abolish the Jury Commissioners, S. P. 392, L. D. 734, tabled on March 30th by Mr. Packard of Houlton, pending acceptance in concurrence.

On motion by Mr. Packard, the ought not to pass report was accepted in concurrence.

The Chair lays before the House the fourth unassigned matter, bill an act relative to the peddling of malt liquors, H. P. 1596, L. D. 658. This matter was tabled in the House on March 30th under the Standing Order requiring the reproduction and distribution of amendments for the reproduction and distribution of Senate Amendment A. The Clerk will read Senate Amendment A.

Senate Amendment A was read by the Clerk and adopted in concurrence, and the bill as amended by Senate Amendment A was passed to be engrossed in concurrence.

The Chair lays before the House the fifth unassigned matter, bill an act relating to terms and salaries of city of Lewiston officials, S. P. 457, L. D. 850, tabled on March 30th by Mr. Boucher of Lewiston, pending third reading; and the Chair recognizes that gentleman.

Mr. BOUCHER: Mr. Speaker, I tabled this bill at the request of my colleague, Mr. Dutil, and I think he has an amendment to offer.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Dutil.

Mr. DUTIL: Mr. Speaker, I now withdraw my amendment and move to retable the bill and specially assign it for tomorrow morning.

The motion prevailed.

The Chair lays before the House the sixth unassigned matter, House report ought not to pass of the committee on Judiciary on bill an act requiring hand or mechanical signals by operators of motor vehicles, H. P. 1288, L. D. 467, tabled on March 31st by Mr. Newton of Readfield, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. NEWTON: Mr. Speaker, I move to substitute the bill for the report.

Mr. Speaker and Members of the House: I confess to a good deal of feeling of embarrassment and trepidation even in making the motion which I have just made. I yield to nobody in my admiration for the members of the Judiciary Committee. I find, however, that in spite of all their ability and prestige I feel obliged to take the opposite position.

I think that the question of so much discussion as to whether nine old men are always right is a notable precedent, and I am not asking that this board of judges be increased to fifteen. I might fare even worse if we had that number.

I would like to say a word in explanation. Circumstances made it impossible for me to appear at the time of hearing; I will not go into that. The committee were very courteous in suggesting that they would be glad to have me come in before them in executive session, and I thank them for the courtesy extended. I understood, however, they had already condemned the child and it seemed to me that it was hardly my province to go to them in that same court and ask for a pardon. I believe it is customary to go to a higher court under such circumstances.

Now this bill is a safety measure and I am not going to take the time—it is not necessary—to speak of the number of lives we are losing every year. There were 38,000 last year, and the number of those who passed through some sort of an accident were a million and a quarter. It is not necessary for me to say that in the last fifteen years we have killed by automobile about twice as many men as were killed in the six major wars that this country has gone through. It seems to me that even if we can pass any measure that will reduce the number of people killed by the automom-

bile, that measure at least has merit and ought to be considered.

It was my privilege to live for a year in California and that is where I first met this law, which seems to me a good one. So I wrote this bill, and, after I had written it, I took it to our civil engineer to see what he thought of it. He approved of the bill and we introduced it. The fact that it comes before you in that way I hope will not prejudice the House against the bill nor prejudice the House against any other bill which may come from that office.

Now this bill has the approval of a number of bodies. I have a letter from Colonel Towle, Chief of the Maine State Police: "I have interviewed practically all of the members of this department and all unanimously state that there is a great need of a hand signal law to be used by the operators of motor vehicles. Anything you can do to have this made a law will be greatly appreciated by this department."

I have a telegram from Albert St. Clair, Director of the Accident Prevention Conference, in which he says: "Thirty-three states and District of Columbia have standard hand signal laws on signals and seven states, including Maine, give local authorities power to regulate. Details given in state law analysis sent you previously. Mailing additional copy today."

I think it is true, although I have nothing official, that the Legion will support this bill. The National Safety Council supports the bill. The bill is not a very large one and nobody is getting any great publicity from either favoring it or turning it down. When you consider the number of states that do have this law and the effort which the National Safety Council is making to get a uniform system of this kind, it seems to me that we at least ought to give it some consideration.

As these tourists from other states come into our State, one of the criticisms which I have heard from them is that we in Maine do not have any hand signals. They look for them and they are accustomed to them; they use them automatically. It is along the line of uniformity which we are asking in this bill.

Some of my good friends have had more or less fun at my expense in regard to this bill, saying that it will look as though we had a wind-

mill in the car working, and I have a good friend who lives down in the town of Wells who has made more or less remarks with regard to the one-arm driver. Now once again we are getting away from the horse and buggy days. As I remember it, when we used to go out with the old horse and the sleigh, we could even hang the reins over the dasher and just let things go along. It went fine in those days, (Laughter) but we cannot do that with the automobile. We are moving too fast.

I have another friend who says that it will surely take two to drive. As I know that friend, I am very sure he always has somebody along with him anyway, so that is taken care of. One of my good friends who has picked me up a good deal during this session says that from the standpoint of the lawyer, they are just afraid of it. That is too bad, and I could not help thinking how hard it is for the doctor to keep the smile off his face when he hears that there is a good deal of illness in the community. One man says, "You can't do that, because the arm has got to be out all the time and you are going to chop it off at the elbow." Well, he has not read the bill. The bill provides that you do not have to give these hand signals except when it affects some other car.

One gentleman has said there is no penalty in the bill, that it is no good because there is no penalty. Well, if you read the bill, you will find that it is made up of several sections of the automobile code and the penalty for a number of those sections is put in a separate section at the end. I suppose the general feeling of the committee is that the hand won't work.

We have had frequent illusion to classical illustrations in the days gone by, and I will add another one. It is said that about nine or ten old men sat around the table one time discussing the weighty question as to whether, if you dropped two balls from a high tower, both of them made from the same material, which one would get to the ground first, the little one or the big one, and they decided that it was the big one that got down first. There was a fellow by the name of Galileo who said that the only way to find that out was to try it out. He went to the top of the tower and dropped them down and they both got down at the same time, of course, and

then they wanted to put him in jail because he showed them they were wrong.

I hope that this court will reverse the decision of the lower court. (Applause)

Mr. BIRD of Rockland: Mr. Speaker and Members of the House: The gentleman made a mistake. Ten old men passed upon this bill and it seems that only one old man was in favor of it—the gentleman who presented the bill, Mr. Newton. The Judiciary Committee were unanimous that this bill ought not to pass. Mr. Newton did not see fit to present himself before the committee,—not only that, but afterwards he was given the opportunity to come before the committee and he did not see fit to do so. As a matter of fact, the Maine Automobile Association was represented at the meeting and there was more opposition against the bill than there was support of it. The Judiciary Committee believed that while this bill had some merit, there was hooked to the bill an opportunity for somebody to sell some mechanical instrument.

It is true that some of the states have a hand signal bill, but history and experience tell us that that legislation was enacted some years ago; that the new modern cars give the approaching person an opportunity to see which way the car is going.

Now in the first place, so far as the Judiciary Committee was concerned, there was no demand for this legislation. We are trying to eliminate all the laws we can from our statute books. As we understood this bill, in case the man from Aroostook County, or the farmer, or anybody in the suburbs,—if he did not take advantage or comply with the law in the event this bill was enacted, he would be liable to arrest and a hearing and he was liable to be prima facie negligent in case of an accident.

Another point that occurred to us was that the climatic conditions in Maine are essentially different than in the other states. We do not have many open cars, we have closed cars, and there are only about three or four months in the year that we can drive with the window down. The committee really felt, and they were unanimous in it, that if we had this hand signal law, there would be quite a confusion as to how to administer it, and the courts would be somewhat in doubt

as to the kind of signal given at that time when it came to a hearing.

If the Legislature wants to enact this law, that is all right,—go ahead and do it; but we believe, under the laws that we have now, that it is a useless law, and that was the report of the committee.

Mr. McGLAUFILIN of Portland: Mr. Speaker, there is no member in this House for whom I have a greater liking and respect than the gentleman from Readfield (Mr. Newton). I opposed his bill and I hated to oppose it because I like him so well, but I opposed it for more than one reason. One, as he has pointed out, was that it provided no penalty and it is useless to put on the statute books laws that provide no penalty. If it did provide a penalty, it would be worse than it is now. (Laughter)

I agree with Mr. Newton that we should have hand signals; I thoroughly believe in them. I have been taught to give them, but I think it is perfectly useless to put on the statute books a law to that effect. That is a matter of education and rules from the Department of Highways. I say that we carefully considered the measure and we were unanimous in the vote that it ought not to pass. The fact that it has been tried out in some other states does not greatly affect the members of the Judiciary Committee because during this session some seem to think that we should adopt every law that is adopted in every state in this Union, and they have put in bills to that effect which we have consistently killed.

The SPEAKER: The pending question is on the motion of the gentleman from Readfield, Mr. Newton, that the bill be substituted for the ought not to pass report of the committee. Is the House ready for the question? As many as are in favor of the motion to substitute the bill for the report 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. Bird of Rockland, the majority report, ought not to pass, was accepted and sent up for concurrence.

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 establish a Commission of Public Safety for the city of Biddeford, H. P. 1110, L. D. 319, tabled on March 31st by Mr. Varney of Berwick, pending acceptance of the report.

The SPEAKER: The Chair recognizes Mr. Donahue of Biddeford.

Mr. DONAHUE: Mr. Speaker, Mr. Varney, who introduced this measure, and I had a conversation this morning at which time he informed me that he did not desire to fight the bill. I make this statement because Mr. Varney is not present in the room, and by agreement with Mr. Varney I now desire to move the acceptance of the report.

The motion prevailed, and 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 to regulate the sale, exchange, possession and distribution of merchandise manufactured in whole or in part by convicts or prisoners, H. P. 1528, L. D. 678, tabled on March 31st by Mr. Emery of Bucksport, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Emery the ought not to pass report was accepted and sent up for concurrence.

Mr. WILKES of Portland Mr. Speaker, I would like to take from the table, out of order and under suspension of the rules, the first today specially assigned matter, majority report of the committee on Public Utilities, legislation unnecessary, and the minority report ought to pass on bill an act to promote the safety of railway travel, H. P. 1564, L. D. 688.

The SPEAKER: The unanimous consent of the House is necessary to take this matter up out of order. Is there objection? The Chair hears no objection.

Mr. WILKES: Mr. Speaker and Members of the Legislature: I do not want to take up very much time today and I intend to be as brief as possible. As you well know, this bill is a measure to promote the safety of railway travel. It is generally known as the "Full Crew Bill." The purpose and definitions of the bill are so clearly written that it would be impossible for me to make

their meaning more clear. It is well, however, to show you some of the reasons for the passage of this meritorious measure.

I would like you to understand at the outset that in seeking the passage of this bill we are not attempting to seek it because it may be a popular issue, or because it may make some phases of the railroad work seem perhaps lighter. What we request here is a real necessity, to throw an additional safeguard around the employees of the railroads as well as the travelling public. This type of legislation is not new, and I am not attempting to ask this Legislature to follow the rest of the Union, but in an endeavor to enact our own laws, it would be helpful to call your attention to the number of states which have already enacted or which now have under consideration similar enactments, such as Idaho, Indiana, California, Oregon, Nebraska, Minnesota, Washington, Nevada, Arizona, South Dakota and New York, and last week Texas passed the train limit bill.

We are not asking to limit the number of trains for the men who are required to operate these trains under this proposal. All this measure attempts to do is to ask for one additional brakeman on trains of fifty cars or more. The advisability of that can be easily seen for an ounce of prevention is worth more than a pound of cure with respect to the accidents that have occurred throughout the country.

In a twelve-year period, from 1923 to 1934, in accordance with the tabulation of the Interstate Commerce Commission, in Table 54, and Bulletin 21, we find that there were 177,164 train accidents, 371,060 train service accidents, 3,726 persons killed in train accidents, 32,553 injured. 65,241 were killed in train service accidents and 381,307 were injured.

The figures for Maine are not available because the Interstate Commerce authorities refuse to allow the information on the ground that it might be used for some ulterior purpose.

Now the important sections of this measure are Sections 2, 3 and 4. At the present time the Revised Statutes, Chapter 64, Section 60, provide as follows: "No train of passenger-cars, moved by steam, shall be run without one trusty and skilful brakeman to every two cars."

That is the statute, but, sorry to say, it never has been enforced by virtue of the fact that there is no penalty provision provided, and the railroad interests, apparently for the purpose of saving money, are not enforcing this section; so that this proposal now before you, L. D. 688, is to either see that that present act on our statutes is enforced or to clarify it and include freight trains. There is no existing law with reference to freight trains and Sections 3 and 4 of this act apply to freight trains.

Now as I have stated to you, with these figures compiled by the Interstate Commerce Commission from reports from the many different railroads, which are published for comparative purposes and matters of record, we believe that it clearly indicates the extent that accidents occur on railroads, fatally and otherwise, which should have some considerable bearing on any question of securing additional protective measures in the interest of safety. This measure is of that type.

Years ago the railroad companies were opposed to the adoption of air-brake requirements. They were opposed to safety appliances, hours of service regulations, ash-pan regulations, and so forth, but since they have adopted these regulations the number of accidents are decreasing. So it is with this type of measure that we propose to try to lessen the hazard of future accidents.

Some thirty years ago they did not require the facilities that they do today. The tonnage was less, the congested traffic was less; the lengths of the cars were less, and with the increase in commerce, and with the progress made in business, railroads have attempted to increase the length of their trains as well, so while thirty years ago, when they used fifty cars, they had two brakemen; today they use somewhere about a hundred and twenty-five freight cars with no chance for signals to interchange between the engineer and the head brakeman to know whether it is safe or not to proceed. What they would like to have is this additional brakeman so as to increase safety conditions in the operation of these lengthy freight trains to the protection—to both the railway employee and the public.

You will no doubt hear from the opponents of this measure that the local train service is of necessity the

short trains, and that there is plenty of additional help at the various stations at which stops are made to be secured in loading or unloading freight. You will also hear that the management, the railroad companies, protect the rear end of the train in order to allow the flagman to go up ahead and do the work, by giving him a train order that he cannot violate so as to be of some assistance to the general travelling public. To cite you an instance: The other day when the train came into Augusta from Bangor en route to Portland, there was a little old lady who preceded me and stepped from the vestibule door of the train and I saw that there was no one there, and I helped her. I asked the conductor why there was not a man stationed there and he said, "Well, we are short of help." I found that there were eight cars with one conductor and only two brakemen. The last brakeman was taking the position of a flagman away out at the other end of the track trying to determine whether or not another train was coming, so as to avoid any accidents. At the same time there was no one there to take care of passengers, either alighting from or going aboard the train. This additional brakeman will clarify that situation should this measure have a passage.

You will be told by our opponents that it will be necessary to discontinue service on many parts of the line if the full-crew requirements are placed in effect. You will be told that the increase in the number of men employed will be prohibitive in view of the earning capacity of the railroad, and in view of the so-called excessive costs, but this is not a fact for, if the present laws on the statutes were properly observed over a period of many years, there would be no reason to change as proposed by this enactment.

They have stated that the cost of putting these additional men to work would run into staggering figures of some three or four hundred thousand dollars. All that would be required to safeguard the lives of the employees as well as those of the public would be approximately sixty additional men. Now the average rate of wage per day for each man would be approximately five dollars. The average workable week would be six days—about thirty dollars a week. The average yearly rate for

sixty men would be about \$93,600. But we must remember that sometimes many of these trains do not have runs, therefore the capacity would not be filled and necessarily there would be a reduction in some of the employment; so that a safe guess or conjecture would be that it would take about \$75,000 to put these additional men at work to create safety for the people of Maine.

Now to show you that the railroad companies themselves have recognized that there is a lack of safety in view of the fact that they have not sufficient brakemen to handle these long trains, at their station in Rigby, except in case of short trains where it is possible for conductor and brakeman to be in close touch with each other, all freight crews with long trains will be governed by the following: As soon as conditions permit after the engine is attached and the train is ready to go, the head brakeman and flagman will go to the nearest telephone and communicate with each other, and in no case shall the train start until the head brakeman has been advised that the conductor is on hand and ready for the train to proceed. However, not every train has 'phone service, so that you can easily see that since they recognize this feature at Rigby, it certainly would apply throughout all other parts of the State of Maine.

Now in the adoption of this full-crew bill the railroads have appeared to have a very short memory for, in the Interstate Commerce Commission report and order, filed and entered July 29, 1914, in the five per cent case, No. 5860, the following appears: "A relatively small portion of the increase was made necessary by the so-called full-crew and hours-of-service laws and similar Federal or State statutes." It will be noted from the above statement that the railroads were granted at that time a five per cent increase in rates, and in handing down that decision it was said that these rates were increased to compensate for full-crew and hours-of-service and similar Federal laws and State statutes. The railroad companies have not lived up to that although they have received the benefit of the reduction of these rates, taking advantage of the fact that no check-up is made by law to see if there are sufficient men on these cars with

respect to safety appliances for the benefit of the general public.

As I stated, I intended to be brief. I do not intend to filibuster about this proposed legislation. I want to come right to the point, and in conclusion I might ask you these simple questions: Is it necessary for us to die in order to understand that life insurance is proper? Is it necessary for our house to burn in order to understand that we should protect ourselves? Does the present statute with its provision for safety mean what it says, or does it mean something else? Is it necessary for one of these trains to buckle while passing over one of our highways, and kill occupants of cars that may be waiting at crossings, before we realize necessary precaution? Is it necessary for any employee to work under conditions which he knows from years of experience to be unsafe and unreasonable because the public refuses to recognize safety precaution? Do the railroads exercise that same care when they take off flagmen from crossings, and place automatic signals that give false indication, in which there has been so many accidents, the record of which has already been quoted to you? Is it necessary to parade before you the men who, in the prime of health, have lost arms, legs and been incapacitated for the rest of their lives, simply because under the rules the railroads consider they have no responsibility, and such men are left to the interests that others may take in them?

These are questions which you can answer and decide for yourselves. You are the best judges of them.

I might state in closing that I do not believe that this Legislature wants its policy dictated to it by powerful railroad lobbyists. I believe that this Legislature can think and reason for itself. The number of accidents can certainly be reduced and the hazards can be lessened. The cost will not amount to much. The propaganda which they will issue and tell you that the various freight rates will go up is not so because that comes under the Federal regulation. A number of states have adopted this measure, not only because it was a progressive one but because it is answering a definite and certain purpose.

There is a measure pending now before the National House of Con-

gress, but until such elementary principles of safety can be written into the Federal statutes we, as a legislative body, acting for the sovereign State of Maine, should take the initiative upon ourselves to sanction safety legislation of this kind.

Therefore, for the reasons that I have indicated, I trust that the motion of the gentleman from Franklin, Mr. Noyes, will not prevail and that the minority report will be accepted.

The SPEAKER: The pending question is on the motion of the gentleman from Franklin, Mr. Noyes, that the majority report be accepted. The Chair recognizes the gentleman from Portland, Mr. McGlaulin.

Mr. MCGLAULIN: Mr. Speaker, I hope this is the last time I will have to speak today and you, doubtless do, too.

I was requested by the gentleman from Brownville, Mr. Davis, to look into this measure to see whether or not it possessed any merit and, as I have travelled back and forth to Portland during week-ends the last two or three weeks, I have made it a point to talk with conductors and trainmen on the trains on which I traveled. I do not pretend to know enough about this bill to discuss it intelligently or to advise you how to vote except to tell you that it is my opinion that this bill has some merit, and I wish to report briefly what I found from my investigation from the trainmen themselves.

It had been reported to me that the object of this bill was to get more men to work on the railroads. I talked with several different conductors and trainmen and each and every one of them stated that they had no such thought in mind. Each and every one stated that they believed that this bill provided safety for themselves and safety for the public, and that was the sole reason for the bill. In trying to talk with the conductors on two different trains, I found it very difficult to get more than two minutes' time to talk with either of those two conductors in the whole distance from Augusta to Portland or from Portland to Augusta, they were so driven with work. They reported to me that under the present rules of the railroad the trainman who looks after the rear end of the train is not permitted to advance beyond

the second car; but one conductor told me that when he came back to those two rear cars to get his tickets, he had to violate a rule of the road and send the trainman ahead to look after the forward part of the train and that if anything happened to the train for which he was responsible, it was just too bad for him because he was violating the rules of the road, whatever he did. They told me that when the train got to Portland, an additional man was put on that train to run to Boston in order to meet the requirements of the Massachusetts law.

On one train that I came to Augusta on I asked the conductor how many passengers he had on that train. He said that out of Portland, 167. I asked him how many passengers on the average he carried a year. He said 40. When that train got to Augusta, not less than fifty additional passengers got on. I asked that conductor how the crew compared with a year ago and he said identically the same; that is, he had the same crew for carrying 40 passengers that he did for carrying 167. I asked him how the average of travel this year compared with that of a year ago, and I found from his statement that it was from two to four times greater than it was a year ago on account of the reduced rates, and that the force employed was just the same.

One conductor told me that he is expected to be at the door when the passengers are alighting but that he could not be at more than one door and several cars had to be left without anybody to look after them. I noted on one train—that very train, in fact, that the conductor looked after one door and that two other doors had nobody looking after the passengers there. On one train that I rode to Portland on there was nobody to open the door at one end of the train although there was a door there to open, which was apparently on account of shortage of men.

I simply present these facts to you for your consideration. I am not undertaking to tell you how to vote. The reason I was willing to present these facts to you was due largely to the fact that I know what a powerful lobby the railroads have in this Legislature. The men who represent the railroads, I will say, are men of the highest character, they are exceedingly fine men; but they are able men and many of you know

that you have been consulted by the attorneys of the railroad lobbying against this bill and you know that they are able and cultured men, and I felt that under those circumstances the trainmen should at least have their case presented to you in this House, and that is why I speak. (Applause)

Mr. TABBUT of Columbia Falls: Mr. Speaker and Members of the House: As a member of the committee before whom this bill was heard, and one who signed the minority report ought to pass, I felt at the hearing that this bill had merit. Since the hearing, last Monday in fact, I overtook a gentleman on the road and took him in. He did not know me nor where I was from. I got him talking about this bill. He happened to have been an inspector in the yards in Bangor. He told me that while he was there the company had two men to inspect the trains where four men used to do it. He also told me that it was impossible for two men to properly inspect those trains, and for that reason, if for nothing more, it seems to me that it is necessary to have one additional brakeman, as this bill is asking for, on those trains. At the hearing it was brought out that these trains are supposed to be inspected by some of the trains' brakemen while the trains are stopped. I will not take up more of your time because I am not adequately informed about the bill to discuss the whole bill; but from the evidence brought out before the committee and what I have learned since, I think that the minority report, ought to pass, should be accepted.

Mr. DAVIS of Brownville: Mr. Speaker, I think, in fairness to my constituents at home, the railroads and the travelling public, that this bill should have passage and I ask for a division vote.

Mr. MARTIN of Oakland: Mr. Speaker, I, too, am a member of the Public Utilities Committee before whom this measure was heard. We gave the measure a full hearing. The railroads were fully represented and the men were likewise fully represented. You will notice that the title of the bill is: "An act to promote the safety of railway travel." The title of the bill has no reference whatever to any additional men for the crew of the train. In order to establish the fact that more men are required upon the train to

promote safety, you must establish first that the lack of those men has caused damage either to life or property. The men failed to establish that position, and consequently the report of the majority of the committee was ought not to pass.

Mr. NOYES of Franklin: Mr. Speaker, as has been said, this bill was heard before the committee on Public Utilities, and we had a long and extended hearing. Both sides were given ample opportunity to express their views, and I feel, as a member who signed the majority report, that it is my duty to explain very briefly to the members of the House why we so voted.

This bill is an act relative to the safety of railway travel, and at the hearing the point which we wished to hear argued was relative to the safety of railway travel, and I think I am safe in saying that the proponents of the bill could give us no specific cases where accidents had occurred which might have been prevented had they had the third brakeman.

My friend, the gentleman from Portland (Mr. Wilkes) has spoken at some length about the conditions twenty or thirty years ago. He has quoted figures from the Interstate Commerce Commission, and, if you will grant me a few moments, I will also quote a few figures. The argument that the increase in the length of trains and speeding up of trains, has had a tendency to increase the danger, I believe is unsound for the following reasons:

According to the Interstate Commerce Accident Bulletin we find a 78 per cent reduction in accidents to railroad employees from the year 1923 to the year 1935 which includes all trainmen, yardmen and all employees of the railroad. That same bulletin shows a 66 per cent reduction in accidents to trainmen. That same bulletin shows an 81 per cent reduction in the number of collisions and a 64 per cent reduction in the number of reportable accidents. I understand that a reportable accident is one in which there is damage in excess of one hundred and fifty dollars. There was also a 66 per cent decrease in the accidents due to defective equipment.

None of these facts were denied by the proponents of the bill. With those facts in mind, and the fact that no illustration was given whereby accidents had occurred, the

committee felt justified in reporting that the bill should not pass or it was covered by other adequate legislation, the idea of the committee being that the contents of the bill were not covered by other adequate legislation, but the matter of railway safety was covered by other legislation.

Perhaps there is some difference of opinion of how much additional money the railroads will need to spend if this bill should become a law. The railroad officials claim that it would be some \$400,000; the trainmen claim that it would be some \$75,000. One is probably giving the maximum, and the other the minimum costs, and if we should take a figure somewhere between, we probably will hit the correct value.

However that may be, it seems to me that if we, as members of the Legislature, pass a law which tells railroad executives what they shall do and what they shall not do, we are going a long way out of our usual customary channel; in other words, it seems to me wholly out of our jurisdiction.

These trainmen pointed out that they had a difficult job, that there are cases where they need additional brakemen. That seems to me a matter for the railroad to decide. If passengers are being inconvenienced by the absence of a brakeman, that seems to be a matter for the railroad to decide. In view of the fact that the railroads have reduced their passenger rates, and in view of the fact that they are competing with bus lines and truck lines, I believe that it is the railroads' own lookout to see that they give efficient service, and we as members of the Legislature should see to it that the railroads provide a safe service. That I believe the railroads have done. I believe the railroads' regard for safety is unsurpassed and unequalled by any other institution or industry that we have in the country, and I sincerely hope that the majority report will prevail.

Mr. HINMAN of Skowhegan: Mr. Speaker, although this bill is designated as a safety measure, I believe most of those persons sponsoring it are largely interested in the bill from the standpoint that it will put additional men to work. I think that the average sponsor of the bill will admit that, and after all we must remember that the railroads'

efforts are not in behalf of the management any more than they are in behalf of the stockholders, those who have invested their money in the railroads. I, for one, want to see labor,—in fact I want to see any man get a square deal, and I therefore am compelled to oppose the passage of this bill.

The gentleman from Portland, Mr. Wilkes, has talked about increasing the length of the trains, but we must admit that, regardless of the increase in the length of the trains, whatever men ride they must either ride in the engine or the caboose and must be company for one another. They cannot ride in the middle of the train, no matter how long it is.

The same gentleman stated in effect that we now have a statute which, if enforced, would make enactment of this law unnecessary. I submit to you that the law that we have can be enforced as well as a new law, and I also think that we should bear in mind the fact that perhaps the set-up of our Public Utilities Commission, along with many other forms of government, has changed. We may expect more of it and it is my honest belief that our Public Utilities Commission will in the future perhaps go a little further toward enforcing this or any other law that we should enforce.

It has been suggested by the gentleman from Portland (Mr. Wilkes) that it will cost about \$75,000 additional money and he says it is a guess. Accurate figures show that the cost will be from \$350,000 to \$500,000, depending on decreased or increased use of the railroads.

It has been suggested that the lobby of the railroads is especially powerful. I do not know how the rest of you members have found it, but I have found every lobbyist in this Legislature helpful to the Legislature, and I have yet to meet a single man who has attempted in any way to intimidate me, and I do not believe that they have the rest of you. Further than that I do not believe that we are of the type that could be intimidated.

This bill, if enacted, as previously stated, is going to cost the railroads from \$350,000 to \$500,000 of additional money, and certainly we as residents of the State of Maine would be obligated to see to it that the additional amount spent was taken care of by enabling rulings by the Public Utilities Commission

in allowing an increase in traffic rates sufficient to take care of the increased expense because, after all, there is as yet no evidence that those owning railroad securities are getting a return that would allow the railroads to stand this loss.

In my own county of Somerset, about fifty miles of railway have been abandoned recently, and that is about one-half of the total that has been discontinued in the State. I, for one, do not want, as much as I am interested in labor, whether it be railroad men or what have you, to see a policy followed to any extent at the present time that will aggravate a somewhat improved condition of the railroads that might even encourage abandonment.

The city of Belfast is the principal owner of the Belfast and Moosehead Lake Railroad. At present they are just struggling along, making about \$1,400 a year. The enactment of this legislation would compel that road, serving the city of Belfast and the county of Waldo, to discontinue or find seven to eight thousand dollars a year additional money. This they could not do.

Your calendar makes plain to you the opinion of a large majority of the committee and you may believe that this large majority are right. Therefore I hope that their judgment may be sustained and the majority report accepted.

Mr. WILKES: Mr. Speaker, I would like the privilege of asking through the Chair a question of the gentleman from Skowhegan, Mr. Hinman. Upon what basis does the gentleman base his figure of \$350,000 to \$500,000 as being the cost to the railroads in the event this enactment is passed?

The SPEAKER: The gentleman from Portland, Mr. Wilkes, asks a question of the gentleman from Skowhegan, Mr. Hinman, and the gentleman from Skowhegan may answer if he wishes.

Mr. HINMAN: Mr. Speaker, on the basis of a request on my part for figures from the railroads as to what their cost would be, not an estimate, but after sufficient time had been given them to go over the figures and obtain them.

Mr. NOYES: Mr. Speaker, answering the gentleman from Portland, Mr. Wilkes, a little further, the wages of a brakeman are five dollars a day. Multiplying that by the number of trains which would need an extra brakeman, and that figure

multiplied by the number of trains throughout the year requiring additional brakemen. I want to say further that possibly the two members who have spoken in that regard felt that the majority report may have been due to undue influence on the part of the lobbyists, and I resent that remark. I have stood here in this Legislature for what I believe to be right, and I shall continue to do so, whether I am in the majority or in the minority; and if you will examine the divided reports coming from the Public Utilities Committee, you will find me on a majority report only in one instance.

Mr. WILKES: Mr. Speaker, I want to assure the gentleman from Franklin, Mr. Noyes, that I have the deepest and highest regard and sincerest admiration for every member of the Public Utilities Committee. There was no intention of reflecting on any member of the committee in my remarks, and I trust that the gentleman will recognize that.

Mr. PACKARD of Houlton: Mr. Speaker and Members of this Legislature: I realize that in a controversial matter of this nature it is somewhat difficult to maintain a mental state of fairness to both labor and the railroads. I understand that somebody has credited me with having traveled the farthest to attend the sessions of the Legislature that I have attended,—the farthest of any member of the House. I will say that I have used three railroads, the Canadian Pacific, the Bangor and Aroostook and the Maine Central, and I know many of the officials and many of the conductors, engineers and trainmen of those three roads.

I feel that the evidence which we have had present in committee and which we gathered from our constituents, particularly the men who find themselves in the unions employed by the road and also the railroad officials and their attorneys, to whom many respects have been paid and whose friendship I trust I too enjoy, in fairness to all, as I read the increased percentage in car loading, the increased percentage in passenger traffic, and learn of the conditions under which the train crews operate, and have observed the conditions under which they operate, that the argument of the railroads not being able to finance the extra cost of labor is not quite

justified. As near as I can determine from proper inquiry, the number of employees in the whole State of Maine affected by this bill would not exceed one hundred, if it were passed and became a law; and, if my arithmetic serves me well, at a five dollar a day rate, I believe that the income for the added trainmen would be about fifteen hundred dollars, and with the maximum number of employees which would be involved in this bill were it enacted into law, the maximum number being one hundred, I still figure that it would be 100 times \$1,500, or maybe \$1,600, at a maximum cost of \$150,000 or \$160,000 to the several railroads of the State of Maine. That divided among the several railroads would not appear to be a great financial burden to any one of them; it would not appear to be a ruinous burden.

I, too, have been in stations where passengers attempted to get on and get off the trains and I have witnessed the inconvenience of many passengers due to the fact that a trainman was not at the cars where they have their steps, as they are called, to assist passengers in getting off and getting on. I was on a B. & A. train one day when they broke an outside rod on the engine and we were detained some two hours. I heard the trainmen themselves say that they did not have crew enough to take care of the repairs that needed to be cared for.

Now maybe this bill is misnamed. I would not argue that point for a moment, but I do believe that a greater degree of safety would be had with an increased number of trainmen. I will not go into the past record of safety. I think the railroads have made a splendid safety record, and I think both the management and the employees are bending every effort to that end.

Due to the fact that we have such a number of unemployed, due to the fact that the convenience of the public would be materially improved, due to the fact that the cost to the railroad would not appear to be a great burden, due to the fact that the passenger traffic appears to be turning in a greater amount of money to the treasuries of the respective railroads, due to the fact that the increased freight loadings, the car loadings, as we read in the Babson report,—I think it is 26 per cent, as I read it last Sunday—I won't say for the last

two months, but for a recent period of time—it would appear that moneys are flowing into the treasuries of the respective railroads enough to justify this increased employment and this increased convenience to the travelling public. I do not feel, in all fairness to the management, in all fairness to labor, that the passage of this bill would work a handicap on the railroads. I feel that the officials and their attorneys, good as they are, are probably justified in making their stand against this bill, but somehow I feel, away down at heart, that these very officials themselves have a warm spot there for this cause, and whether this bill is passed or not, I honestly believe that as time goes on, you will see the railroads do the very thing that this bill proposes they shall do by law. However, having signed the minority report, I would like to concur with the gentleman who moved the acceptance of the minority report, and I hope it has passage.

Mr. PAUL of Portland: Mr. Speaker, about six weeks ago an attorney from Portland approached me in the lobby of the hotel and gave me an illustration of why this bill should be adopted, why it should be passed, and in that illustration he referred to a case just out of Boston, a student from Tufts College on her way home to Wilmington, Massachusetts, who jumped aboard a train on the wrong side, went out of Boston a short distance and a train coming in the opposite direction signalled that train, it stopped, and the young lady was taken off and into the train on the side where she should have gone in the first place. My special interest in that case was the fact that that young lady happened to be a cousin of Mrs. Paul, and for that reason I took a special interest in this bill. It was my feeling that if there was any adequate help, I certainly for one would want to see it accomplished. I have every sympathy for labor, but it seems to me that this bill as prepared is attempting to work upon and bring about an arbitrary requirement to be forced upon the railroads which is not necessary. We have now on our statutes a law which adequately takes care of the situation. The Public Utilities Commission, in the past, and at present, I believe are carrying out their duties. Their recommendations are adopted by

the railroad in the best of spirit. I find that two years ago, in twenty-two states, there was an earnest attempt to put a law on the books the same as this. They were all turned down and to my mind this law is not necessary for the safety of the public, and that is where my heart is. I believe in safety, and, if I thought for a minute that this law was going to provide that safety which is not provided now, I certainly would be in favor of it; but in my opinion the railroads are adequately taking care of the situation.

Only about three weeks ago the railroads came before the Legal Affairs Committee in an attempt to re-finance some of their outstanding securities, and they convinced our committee that there was a sincere need for the re-vamping, a re-setting-up, and I believe that the railroads are having today as hard a time to exist as they have ever had, and I certainly do not want to cut off their progress and their attempts to serve the State of Maine.

Mr. HIGGINS of Ellsworth: Mr. Speaker, I move the previous question.

The SPEAKER: To authorize the Chair to entertain the motion requires the assent of one-third of the members present. As many as are in favor of entertaining the motion for the previous question will rise and remain standing until counted and the monitors will make and return the count.

A division of the House was had.

The SPEAKER: Obviously more than one-third of the members present having arisen, the motion for the previous question is entertained. The question is shall the main question be put now? This question as to whether the main question shall or shall not be put now is debatable, but no member may speak on it for more than five minutes, under the rules.

Mr. TABBUT of Columbia Falls: Mr. Speaker, would it be permissible to make a few remarks at this time?

The SPEAKER: The only question before the House is shall the main question be put now. If the motion for the previous question is defeated, the debate on the merits of the bill may continue. The question is shall the main question be put now? Those in favor will say aye; those opposed no.

A viva voce vote being taken, the main question was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Franklin, Mr. Noyes, that the unfavorable report, the majority report of the committee, be accepted. The gentleman from Brownville, Mr. Davis, has asked for a division. As many as are in favor of the motion of the gentleman from Franklin, Mr. Noyes, to accept the majority report will rise and remain standing until counted and the monitors will make and return the count.

A division being had,

Seventy-one voting in the affirmative and 38 in the negative, the majority report, legislation unnecessary, was accepted and sent up for concurrence.

The Chair lays before the House the ninth unassigned matter, majority report ought to pass in new draft and minority report ought not to pass of the committee on Public Health on bill an act relating to apothecaries and the sale of poisons, H. P. 40, L. D. 23, new draft H. P. 1787, L. D. 914, tabled on April 1st by Mr. Martin of Oakland, pending acceptance of either report; and the Chair recognizes that gentleman.

Mr. MARTIN: Mr. Speaker, I move the acceptance of the minority report, and in so doing I wish to state my reasons for that action.

In the first place, from the remarks of one of the gentlemen this afternoon, I do not see the necessity of placing any more laws upon the statute books relating to druggists.

The second reason that I have is the reason that I stated to you gentlemen and ladies two years ago when I argued this same matter, the matter of principle. The matter of principle is this: I do not feel that the small towns by this measure are getting the protection which they should receive, and I, coming from a small town, have been very loyally and very earnestly in favor of the protection of the small towns in the State of Maine in matters like this.

The druggist bill two years ago was argued here on the floor and defeated. This year, again, the same measure comes before you. Those of you who were here two years ago will remember the discussion and how the matter was

handled, how the committee reported that a measure even worse than this one should pass was just barely defeated in the House after being accepted by the body at the other end of the State House. This year the measure that you have before you has been covered up with two parts in the bill, the first part relating to the business of a druggist and the second part relating to the druggists professionally. Two years ago this part was very easily separated and pointed out, the part referring to the druggist professionally and the part referring to him as a business man. Now if you come here in this Legislature and attempt to protect any business or to operate with reference to that business, you will see to what extent and to what limit that may be carried. A matter of precedent then keeps us from passing a measure that protects one's business. If this bill referred to the professional end of the druggist business, I should be in favor of that, but when the two are so closely combined in one bill, I cannot see how we can go along with the bill and pass it.

There are two or three things that I wish to point out that to my mind are defects in the bill. The first is that the very first article in the bill refers to the business of an apothecary. That does not have any relation to his professional business, but simply as a merchant. As a merchant he should not be protected any more than a clothing merchant, a hardware merchant or a grocery man. Why should he? In this bill we have an attempt on the part of those who drafted it to appeal to the small towns through a few concessions which were not given previously in the bill two years ago. This refers to places where non-poisonous, patent and proprietary medicines may be sold outside of drug stores. I noticed in the act covering this matter already on the statute books a definition of the words "proprietary medicine" but no definition as to what a patent medicine is. Neither is there anything in the act already upon the statute books regarding the term "non-poisonous." In other words, that interpretation of those two things must be left, if enacted, in the hands of the Commission of Pharmacy which they propose to set up.

They have also included a few things in this bill that were not in-

cluded two years ago, in order to catch the vote, if possible, of the men and women from the smaller communities. Now if you would notice, such things as baking soda and chalk and things of that type can be sold in any store. Well, why not? You would say that that was not any great concession upon the part of the druggist to allow any store to sell those things, I am sure. A few things have been enumerated but they only state a few of the simplest things that can be sold anywhere without any reference to any law whatever, protection to the public health or otherwise. Under this heading of the Board of Pharmacy, the Maine Pharmaceutical Association already has a Board of Pharmacy, the only distinction being that the Board of Pharmacy as created here in this bill would have a position in law, while the Maine Pharmaceutical Association in their Board of Pharmacy has no power to enforce their rules and regulations unless the druggist is willing to accept them. They go then and set up this Board of Pharmacy in this bill which has the power to inspect all stores selling drugs or poisons, evidently including all stores selling things that are non-poisonous, patent and proprietary medicines as well as every drug store, so-called. That, you will notice, is a matter that would require a very large force of men if it were put into real operation.

The Board of Pharmacy, under Section 36, has the power to establish any drug store in the State or exclude any drug store from practicing the art of selling drugs and medicines. That comes under Section 36 of this bill. I wonder if the druggists themselves noticed that? If the drug store does not come up to certain rules and regulations, they may be cut out from operating further. It also excludes any new drug stores from coming in in competition with those already in business, and the permits which are now given the stores to operate through the Bureau of Health and Welfare would then be given to drug stores through the Commissioner of Pharmacy. Evidently the two dollars which is required to license the store would be given to that Board of Pharmacy to pay their expenses, although that is not stated. In other words, what becomes of that two dollars is not stated in the bill. I do not know.

The Board of Pharmacy is also able to make rules and regulations, not only pertaining to their own apothecary stores, but rules and regulations pertaining to any store that might handle these non-poisonous, proprietary and patent medicines. You would give then to the Board of Pharmacy the power not only to license the store but for the store to continue in operation, and as to the amount of revenue collected by them, there is no provision made as to where that revenue would go. Then you are creating a separate Board financed from the State Treasury, with no provision as to the manner in which that may be paid, with too much power in the bill, with no recourse as to whether the stores can operate or not excepting through their wishes.

I can see no real reason for putting any law of this kind upon the statute books. The only article in the whole measure that could be argued as a sufficient warrant for this law to be put on the statute books is the one relating to poisons. That section we have before us is in a bill that has not been reported out by the Public Health Committee, and if this bill in controversy is reported ought not to pass, they can pass the one they have before them in committee. I repeat again that that section covering the sale of poison is covered in a separate bill than that which we have before us and which has not yet been reported.

I will say in conclusion that this legislation is absolutely unnecessary, being covered by existing laws. If enacted, it would work a tremendous hardship to the smaller communities. Again, it is a very selfish measure, being drawn up by one class of people only, and lastly it is class legislation. For all these reasons I believe that the minority report of the committee that this bill ought not to pass should prevail.

Mr. DEMERS of Sanford: Mr. Speaker and Members of the House: The purpose of this bill is to regulate the practice of pharmacy, to regulate the sale of poisons, to eliminate certain evil practices which have been a menace to the public health and to revise and clarify the present apothecary law, so as to make it workable.

Due to our very liberal pharmacy laws, we find variety stores camouflaged to look like drug stores,

selling poisons and other dangerous drugs without discrimination. Some time ago a Commissioner of Pharmacy walked into a variety store in one of our cities and bought a bottle of bichloride of mercury tablets, which tablets are poison. The Commissioner asked the clerk if he wanted to make a record of the sale, but the clerk told him no, he did not have to, it was not necessary. The Commissioner thought that it was necessary, that the law provided for such record. So he took the matter up with the County Attorney and demanded a warrant for the arrest of the proprietor of the store. The County Attorney, after looking at the pharmacy law, told the Commissioner of Pharmacy that there was nothing in that law to compel this man to register this particular poison, because in Section sixteen, which deals with the sale of poisons without prescription, it says that the provisions of this section shall not apply to the general merchants. Now if this sale had been made by a registered druggist and the druggist had failed to make a proper record, he could have been arrested and fined fifty dollars; but a person who knew absolutely nothing about the danger of poisons was allowed to sell this poison without any rules or regulations whatsoever.

Some time ago a man was found outside the city of Lewiston. He had committed suicide by drinking tincture of aconite. The police investigated the case and examined the poison registers of the drug stores in the cities of Lewiston and Auburn but they could find no record where tincture of aconite had been sold to this particular party. Further investigation disclosed that the tincture of aconite had been purchased not in a drug store but in a grocery store located on one of the side streets in the city of Lewiston.

The State Inspector and the Chief of the Bureau of Food and Drugs told me of a case involving a woman who came into his office one day and handed the inspector a small bottle and said: "This medicine killed my baby and I want the man who sold it to me arrested and put in jail." The inspector looked at the bottle and read the label which said "methyl salicylate". He said: "Where did you get this medicine?" She said: "I bought it at a drug store and the man who sold it to me ought to be put in jail."

Methyl salicylate is a synthetic compound. So the inspector sent a man to investigate this particulate case, and it was discovered that this medicine in question had not been purchased at a drug store but had been purchased in one of these variety stores that oppose the passage of this bill. The woman claimed that she called for essence of wintergreen, and the clerk claimed that what she called for was wintergreen, but what she called for was methyl salicylate. She gave one dose to the child and the child died.

Now there is nothing in the pharmacy law which says that a person cannot sell methyl salicylate in any store, and there certainly is nothing in the food and drug law that says, provided the package is properly labelled that it cannot be sold; so this woman had no redress except to sue in court for damages.

Now there are many such cases that come up nearly every day, so to speak. We had a case in Sanford, which is my own town, where a girl was found in what the officer thought was in an intoxicated condition, and he took the girl to the police station, but found that her condition was so bad that they had to call in a doctor. The doctor told that it was not a case of intoxication but rather a case of drug poisoning, so a nurse was called in and they searched the girl and they found a quantity of tablets in her pocketbook. Later, after she had regained consciousness, she testified that these tablets had been bought at a beauty parlor.

Now these are actual cases which show that the drug law is not as it should be. In fact, the only restrictions so far as the sale of drugs is concerned is against two kinds of drugs. There are restrictions on the sale of narcotics. Narcotics can be sold only in a drug store and only on a doctor's prescription. There is also a law which says that hypnotics, drugs made of barbituric acid can only be sold in drug stores; but outside of that there is absolutely no restriction on the sale of drugs, they can be sold anywhere by anyone, regardless of whether they are poison.

Now before a person can practice pharmacy in the State of Maine, he must have reached the age of twenty-one, must be of good moral character, must have completed a four

years' course in a recognized college of pharmacy, and he must pass a rigid examination before the Board of Pharmacy. It seems to me that the druggist is a person qualified by training and by knowledge to handle drugs, and we should not have this law apply to people who know absolutely nothing of drugs and medicine.

There was a certain proposition that the gentleman from Oakland, Mr. Martin, advanced that was rather puzzling to me. He spoke of the fact that the men on the Board of Pharmacy were appointed by the Maine Pharmaceutical Association. That is news to me. I have been a pharmacist since 1909, and that is something I did not know until today. I supposed that the Board of Pharmacy was appointed by the Governor of the State, and that one member was appointed every year, and that there was a board of three.

This is not setting up any new board. We have had a Board of Pharmacy for years and years. The only trouble has been that the Board of Pharmacy does not have any power, and we would like to give the Board power enough so that at least they could do the things that it was intended they should do.

This bill was given a very lengthy hearing, and the members of the committee, with the exception of one member, voted that it ought to pass. This bill has been submitted to parties who are interested, the Maine Grocers' Association, people who sell medicines, and other groups who would be interested in such a measure. This bill has the approval of the State Bureau of Health, the State Department of Food and Drugs, the Maine Retail Grocers' Association, Dr. Frederick Hill, president of the Maine Medical Association, the Commissioners of Pharmacy, and nine of the ten members of the committee on Public Health. I believe that it is a good measure.

Perhaps it would be well to go over the bill. I notice that the gentleman from Oakland, Mr. Martin, brought out the fact that Section one referred to the business of apothecaries, and he objected to that word "business". I do not know how you could have a drug store or an apothecary shop that did not do some business any more than you could have a doctor who did not charge fees or a lawyer who

did not charge fees for his services. It is just as important that the druggists should get money for the preparations of medicines as it is for the lawyer to receive a fee for the work he does.

The law, briefly, provides this: That patent and proprietary medicines can be sold by anyone anywhere. There is absolutely no restriction on the sale of those preparations. Doctors, hospitals and sanatoriums may sell drugs to their patients. Then we have forty-nine remedies enumerated that can be sold by anyone anywhere, with absolutely no restriction on the sale of those remedies. This list of preparations was compiled by the Commissioners of Pharmacy and include all preparations which were suggested by the Maine Retail Grocers' Association, and the wholesale grocers. So they are satisfied; if they have the right to sell these preparations that is all they want.

Now, further, the law also provides that in towns where there are no drug stores that the Board of Pharmacy shall designate other preparations and drugs that are not listed in this Section one that may be sold provided they are put up in packages and sold as is and the package is not broken. So I believe that the small towns where there are no drug stores are well taken care of, and the legitimate business has been well taken care of. The only group of people I can see who would object to this particular bill would be the dealers who want to sell all preparations without any restrictions whatsoever.

Section two relates to the Commissioner of Pharmacy. The gentleman from Oakland, Mr. Martin, takes exceptions to the powers and duties of the Commissioners of Pharmacy. Let me tell you that the Commissioners of Pharmacy have had very little power; in fact they have been doing things for years that the law does not provide for. They are not even allowed, according to the law, to organize and make rules and regulations to regulate their own particular business. How they ever arrange for the examinations, for instance, the subjects that they are going to examine on, and the mark that will be a passing mark, and the mark that would not be a passing mark, without these rules and regulations, I do not understand. But they have done that and no one has ques-

tioned it, although there is absolutely nothing in the law as it is today that gives them that power. Furthermore, they have had occasion to replace certificates that were destroyed by fire, and there is nothing provided in the regulations which allows them to do those things. In Section 2-A that is provided for. Section 2-C gives them the power to regulate the sale of poisons and to enumerate any new poisons that may come in whenever they feel that there is any such poisons of which a record should be kept. Now I believe that this is quite important.

Just last week I was reading in the magazine "Look" an article relating to cataract of the eye, and I noticed in this particular article that it told of one drug that was being used to reduce fat. That is the cause of cataracts in a good many cases. The person who wrote that article tells the people who are using those fat reducers that when they go to a drug store and buy a preparation for them to be sure and ask the druggist if it contains di-nitrophenol. As long as these people patronize a drug store for drugs that contain di-nitrophenol they will be protected. But many of these preparations are sold in cosmetic stores and variety stores where people cannot get that protection. The Pharmaceutical Association may in a case of this kind designate this particular poison as a poison that can only be sold after a proper record has been made.

There is another question regarding the inspection of stores during business hours. I believe that is quite important. I believe the Commissioner of Pharmacy should have the privilege of going into a drug store to see if they have proper equipment and see if the business is carried on in a way that will not endanger public health. The Board of Pharmacy are paid for the actual time they put in on those examinations. The money that is collected is turned in to the Treasurer of State, and can only be drawn out through the Governor and Council. That, of course, is taken care of in a section that does not appear in here, because it has been the law for so many years, and this particular law is all right and does not have to be changed.

Section five provides for a penalty clause covering all the various sections of this law. One of the

troubles that the Board of Pharmacy has had is due to the fact that many of the sections did not provide a proper penalty clause, and, although they read very well, when the Board of Pharmacy has tried to enforce them, they have found that they were up against a blank wall, because the law could not be enforced. For instance, Section nine provided that a registered pharmacist must be on duty six hours a day in a drug store, but there was no penalty provided. In the city of Westbrook there were four drug stores that operated for a certain period where the druggist that owned the certificate was not in the store at all. If this penalty clause goes through, it would do away with that. In Section ten of the Revised Statutes it provides that no store shall be kept open for the sale of medicines or poisons unless the same is under the personal control and supervision of a registered apothecary. That is a very good section, but there is no penalty provided. I have had at least one doctor in the city of Waterville tell me he had to be careful how he wrote his prescriptions, that he had to write them in Latin because a certain variety store would fill his prescription if written in English.

There is another section which issues a permit to persons who wish to open an apothecary store. This, of course, applies only to registered druggists who wish to open a store. In the city of Waterville the Board of Pharmacy, just a little over a year ago, had an experience whereby a certain store owner, who owned a little place that was a variety store and a beer parlor combined, bought a lot of drugs from a bankrupt stock and decided that he would set himself up in the drug business. He had no scales, no spatula, no equipment but he had a small stock of drugs and he hired a man who had not done any clerking in a drug store for over eight years, and this man was supposed to manage his business for him. The Board of Pharmacy, due to the fact that the beer parlor would be a drug store refused to issue a certificate, but the proprietor of the store had a writ served on the Board of Pharmacy, and they had a hearing, and the Board of Pharmacy could have been compelled to issue a certificate to this man; but in the meantime the store

burned down, so it was not necessary.

Section 36 has been re-written, so that anything like this could not happen again.

Now I believe that as long as the registered druggists of Maine are satisfied with this particular section, I do not see why an operator of a variety store or any other kind of a store should criticize what the druggists want. This particular section does not relate to anyone but druggists. This bill, I believe, should receive passage. I believe I had showed conclusively that there is something wrong with the way you are handling sales of drugs and poisons in this State. I believe you will agree with me that a change should be made, and, if a change is to be made, I do not know of anyone who is more capable of devising ways and means of making these changes than the druggists themselves. Perhaps this might help the druggists a little bit financially, but I believe the protection of the people has always been foremost in the minds of the druggists of Maine, and the principal reason that we would like to have this measure enacted is for the protection of the people as well as for the protection of our profession. I hope that the motion of the gentleman from Oakland, Mr. Martin, will not prevail.

Mr. BROWN of Bangor: Mr. Speaker, as a member of the committee who signed the majority report, ought to pass, I wish to say that the only opposition offered to this bill at the time it came up before the committee came from a gentleman from Portland who represented a grocery firm. His opposition was in the form of a request. He said he felt that more preparations should be included in the list of drugs now sold in stores other than drug stores. There was some forty preparations in this list. Through the harmonious cooperation of the merchants throughout the State, and the public, this list was accepted by the committee, and it is included in this re-draft.

There are many valuable features in this bill relative to the sale of poisons. As has been stated, many deaths have occurred in the past two or three years from the careless sale of poisons. If this bill receives a passage, all poisons when sold will bear a red label with the antidote thereon, and a strict record kept of each sale.

To illustrate to you the necessity of proper labeling, a few years ago a man rushed into my drug store late at night. He had taken a teaspoonful of Fowler's Solution. This is an arsenic solution, and a fatal dose is three drops. By quick action with a stomach pump and hard work I saved that man's life. If this bottle had been properly labeled this mistake would not have occurred.

I say to you in all seriousness and earnestness that this bill is a safety measure, and I sincerely hope that the motion of the gentleman from Oakland (Mr. Martin) will not prevail, and that this bill will receive a passage.

Mr. MARTIN of Oakland: Mr. Speaker, on the committee as made up there are four druggists, and to many who have not been at the hearings that might account possibly for the actions of the committee. Of the preparations that can be sold, given by the Retail Grocers' Association, less than half of the number which were requested to be included in this bill have been included.

As to the matter in regard to the poisons being sold in other stores I think I explained before that we have a measure already before our committee that we are ready to report ought to pass to cover the exact wording as given in this measure here, if this bill does not pass.

If the druggists are so anxious to limit other stores in regard to what they sell, why should it not be equally advisable to limit the drug stores in regard to what they may sell? I do not know of any class of merchants, when you begin to talk about merchants, who go into every field as do the druggists.

If a Board of Pharmacy is set up, it should be tied in with the Board of Health which is already in operation, and allow for the examination and inspection of stores to be done by inspectors already in the field. This is not provided for in this act, and I tell you in all sincerity that I could not get that through the committee. That was a point that I think was very vital in the bill.

Now this would create a new Board, new inspectors, and further expense, and if it is put into operation at all, the Board of Pharmacy should be tied in and put in operation in connection with what is al-

ready established. Otherwise, you are creating a new Board with new expense at the expense of the State, both for the Board itself and for the inspectors who inspect the stores. Unless they are to be inspected thoroughly, of what value is it to inspect them at all? I claim that is a very vital part of the bill.

A grocery concern in Portland has been known as the only opponent of the bill. Naturally, from the nature of the bill, the committee must stand in place of the public. Those who were in favor of the bill would naturally be there in force, and they were, the Maine Pharmaceutical Association and the druggists in general throughout the State were present at the hearing, but they had told the people back home that this bill protected them. Now I will say to you in all sincerity that I think this is a much better bill than it was two years ago, but it does not go to the extent that it should. I believe that the bill is not necessary, and that we have plenty of material on the statute books already to cover this ground. We do not need to give the druggists any further monopoly by setting them up unless they are willing to give others what they already possess. I hope that the bill will not have passage.

Mr. EMERY of Bucksport: Mr. Speaker, I feel that the matter was given very careful consideration and the details were thoroughly discussed in committee. I would not try to add anything to that. I think the measure is fully justified from the standpoint of public health and from the standpoint of those who have been trying to increase the efficiency of their profession.

Mr. ALDEN of Auburn: Mr. Speaker, there are three members of my profession on the committee, but the rest were of a type that it would be pretty hard to sell a gold brick to. Furthermore, as the measure has been explained by Mr. Demers of Sanford, it is in line with corrective laws that have been adopted by a majority of the states protecting our profession from the improper practices of those who engage in it.

So far as the feature alluded to of the inspection of stores is concerned, that is properly taken care of, and none of the suggestions of the gentleman from Oakland (Mr.

Martin) would in any way correct the practice which now exists.

Furthermore, the objection of the parties who appeared against the measure two years ago having been satisfied, I hope the motion of the gentleman from Oakland (Mr. Martin) does not prevail.

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

The SPEAKER: The question is on the motion of the gentleman from Oakland, Mr. Martin, that the minority report of the committee, ought not to pass, be accepted. The gentleman from Oakland, Mr. Martin, also asks that a vote be taken by a division of the House. Is the House ready for the question? As many as are in favor of the motion of the gentleman from Oakland, Mr. Martin, to accept the report will rise and remain standing until counted and the monitors will make and return the count.

A division of the House was had.

Twelve voting in the affirmative and 63 in the negative, the motion

to accept the minority report did not prevail.

On motion by Mr. Demers of Sanford, the majority report ought to pass was accepted.

The new draft having already been printed, the rules were suspended, the bill given its two several readings and tomorrow assigned.

Mr. Ellis of Fairfield was granted unanimous consent to take up out of order H. P. 1545, L. D. 629, bill an act relating to pauper settlements.

On motion by Mr. Ellis the House voted to reconsider its former action whereby that body voted to recede and concur with the Senate in the indefinite postponement of this bill; and on further motion by the same gentleman the bill was tabled pending further consideration, and specially assigned for Friday, April 9th.

On motion by Mr. Ellis of Rangeley,

Adjourned until ten o'clock tomorrow morning.