

MAINE STATE LEGISLATURE

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



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

Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

1937

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Thursday, April 8, 1937.

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

Prayer by the Rev. Mr. Hart of Gardiner.

Journal of the previous session read and approved.

Senate Resolves in First Reading

S. P. 482, L. D. 915: Resolve authorizing sale of certain lands to Eugenia A. Powers.

S. P. 312, L. D. 588: Resolve in favor of United States of America.

Reports of Committees

Mr. Philbrick from the Committee on Judiciary reported ought not to pass on bill an act to provide for licenses and permits for outdoor advertising (H. P. No. 1285) (L. D. No. 479) as matter is covered by other legislation.

Mr. Dow from the Committee on Temperance reported same on bill an act relative to powers of State Liquor Commission (H. P. No. 1462) (L. D. No. 671) as it is covered by other legislation.

Mr. Stilphen from same Committee reported same on bill an act as to the importation of intoxicating liquors other than those consigned to wholesale malt liquor licensees (H. P. No. 1466) (L. D. No. 674) as it is covered by other legislation.

Same gentleman from same Committee reported same on bill an act relating to licenses for importers of malt liquors (H. P. No. 1463) (L. D. No. 672) as it is covered by other legislation.

Reports read and accepted and sent up for concurrence.

The SPEAKER: On Page 8 of the printed calendar, Item 10, there has been an error. The bill to which the Chair refers is H. P. 874, L. D. 311, bill an act relative to termination of registration of motor vehicles, the report of the committee being ought to pass in a new draft. The Clerk will read the report.

Mr. Hinckley from the Committee on Judiciary on bill an act relative to termination of registration of motor vehicles (H. P. No. 874) (L. D. No. 311) reported same in a new draft (H. P. No. 1840) under same title and that it ought to pass

Mr. Philbrick from the Commit-

tee on Judiciary on bill an act to provide for licenses for outdoor advertising (H. P. No. 1440) (L. D. No. 714) reported same in a new draft (H. P. No. 1835) under same title and that it ought to pass

Mr. Carleton from the Committee on Pensions on resolve relating to State pensions (H. P. No. 1379) (L. D. No. 718) reported same in a new draft (H. P. No. 1837) under same title and that it ought to pass

Mr. Owen from same Committee on bill an act relating to the State Police Retirement System (H. P. No. 667) (L. D. No. 626) reported same in a new draft (H. P. No. 1838) under same title and that it ought to pass

Same gentleman from same Committee on the following Resolves:

S. P. 69, Resolve in favor of Roland Cleveland, of Athens, for State pension.

S. P. 70, Resolve in favor of Edgar Perkins, of Athens, for State pension.

S. P. 81, Resolve providing for a State pension for Elmer Davis, of Mexico.

S. P. 82, Resolve providing for a State pension for Charles Dowling Kidder, of Otisfield.

S. P. 83, Resolve providing for a State pension for Edith T. Bowman, of Prentiss.

S. P. 84, Resolve providing for a State pension for Annie E. Dolan, of Augusta.

S. P. 91, Resolve providing for a State pension for Nellie E. Moody, of Augusta.

S. P. 92, Resolve providing for a State pension for Herman A. Clark, of Gardiner.

S. P. 132, Resolve providing for a State pension for Grace E. Taylor, of Augusta.

S. P. 134, Resolve providing for a State pension for Henry A. Damren, of Lewiston.

S. P. 153, Resolve providing for a State pension for Carrie E. Hobbs, of Augusta.

S. P. 190, Resolve providing for a State pension for Gertrude Craig, of Glenburn.

S. P. 203, Resolve providing for a State pension for Charles W. Hopkins, of Augusta.

S. P. 204, Resolve providing for an increase in State pension for Meretta McFarland, of Augusta.

S. P. 206, Resolve providing for an increase in State pension for Bertha L. Freeman, of Bangor.

S. P. 287, Resolve providing for a State pension for Susan A. Lovejoy, of Augusta.

S. P. 288, Resolve providing for a State pension for Blanche Donovan, of Augusta.

S. P. 290, Resolve providing for a State pension for Jessamine L. Benson, of Sidney.

S. P. 347, Resolve providing for a State pension for Sarah Smith, of Lamoine.

S. P. 348, Resolve providing for a State pension for Sarah Welt, of Rockland.

S. P. 349, Resolve providing for a State pension for Carrie Mears, of Washington.

S. P. 350, Resolve providing for a State pension for Forest Reynolds, of Washington.

S. P. 351, Resolve providing for a State pension for Frank W. Cunningham, of Washington.

S. P. 352, Resolve providing for a State pension for Oliver Lovejoy, of Rockland.

S. P. 353, Resolve providing for a State pension for Blanche B. Ingraham, of Rockland.

S. P. 354, Resolve providing for a State pension for George E. Libby, of Warren.

S. P. 355, Resolve providing for a State pension for Cora Stickney, of Washington.

S. P. 356, Resolve providing for a State pension for Lizzie Nutter, of Orrington.

S. P. 357, Resolve providing for a State pension for Gertrude E. Meader, of Gardiner.

S. P. 358, Resolve providing for a State pension for Abbie Linscott, of Waldoboro.

S. P. 378, Resolve providing for a State pension for Vesta Carpenter, of Union.

H. P. 78, Resolve providing for a State pension for Amos Joseph Pray, of South Portland.

H. P. 121, Resolve providing for an increase in State pension for Charles Pullin, of Levant.

H. P. 122, Resolve providing for a State pension for Daniel G. McGillicuddy, of Caribou.

H. P. 193, Resolve providing for a State pension for Fred Dwyer, of Bath.

H. P. 195, Resolve providing for a State pension for Elsie Sanborn, of Hiram.

H. P. 196, Resolve providing for a State pension for Nora E. Peters, of Ellsworth.

H. P. 197, Resolve providing for a

State pension for Erland L. Stowell, of New Portland.

H. P. 198, Resolve providing for a State pension for Mary Wall, of Dresden.

H. P. 299, Resolve in favor of Joseph E. Colby, of Whitefield.

H. P. 300, Resolve providing for a State pension for Burton G. Bachelder, of Prospect.

H. P. 301, Resolve providing for a State pension for George Carlisle, of Bangor.

H. P. 302, Resolve providing for a State pension for Chester E. Dearborn, of Auburn.

H. P. 303, Resolve providing for a State pension for Arland W. Raynor, of Auburn.

H. P. 304, Resolve providing for a State pension for Lenna G. Collins, of Bradley.

H. P. 305, Resolve providing for a State pension for Ethel J. Clark, of Northport.

H. P. 369, Resolve providing for a State pension for Mary Agnes Troop, of Pittston.

H. P. 370, Resolve providing for a State pension for Ernest C. Palmer, of Pittston.

H. P. 371, Resolve providing for a State pension for Mary E. Purington, of Jay.

H. P. 372, Resolve providing for a State pension for Nellie M. Storer, of Bradford.

H. P. 374, Resolve providing for a State pension for Mabel Bump, of Farmington.

H. P. 375, Resolve providing for an increase in State pension for Grace E. Bucknam, of Auburn.

H. P. 481, Resolve providing for a State pension for Milton L. Sprague, of Waldoboro.

H. P. 483, Resolve providing for a State pension for Lucy M. Judkins, of Norridgewock.

H. P. 484, Resolve providing for a State pension for Margaret Everett, of Fort Fairfield.

H. P. 485, Resolve providing for a State pension for Lola B. Goodwin, of Skowhegan.

H. P. 486, Resolve in favor of Martha Ellis, of Windham.

H. P. 487, Resolve providing for a State pension for Florence E. Colbeth, of Exeter.

H. P. 488, Resolve providing for a State pension for Frank H. Gowen, of South Portland.

H. P. 587, Resolve providing for a State pension for Lonnie C. Starbird, of Bowdoin.

H. P. 588, Resolve providing for a

State pension for Randall S. Warren, of Bowdoinham.

H. P. 590, Resolve providing for a State pension for Georgie Bearce Turner, of Ashland.

H. P. 591, Resolve providing for an increase in State pension for Henry G. Berry, of Eastport.

H. P. 592, Resolve providing for a State pension for John W. Chase, of Fairfield.

H. P. 593, Resolve providing for a State pension for Lottie M. Hobart, of Orono.

H. P. 595, Resolve providing for an increase in State pension for Murray J. Wentworth, of Waldo.

H. P. 596, Resolve providing for a State pension for Mabel Lafland, of Medford.

H. P. 597, Resolve providing for a State pension for Iva Hathorn, of Medford.

H. P. 598, Resolve providing for a State pension for Wester M. Blethen, of Dover-Foxcroft.

H. P. 600, Resolve providing for a State pension for Bertha M. Brown, of Carmel.

H. P. 601, Resolve providing for a State pension for Gertie Pinkham, of Newburg.

H. P. 602, Resolve providing for a State pension for Charles H. Stevens, of Carmel.

H. P. 686, Resolve providing for a State pension for Perlle R. Gray, of Belfast.

H. P. 687, Resolve providing for a State pension for Ada E. Bailey, of Searsport.

H. P. 688, Resolve providing for a State pension for Flora E. Magee, of Greenville.

H. P. 689, Resolve providing for an increase in State pension for Harry J. Bean, of Augusta.

H. P. 691, Resolve providing for a State pension for Sadie H. Nason, of Hallowell.

H. P. 692, Resolve providing for a State pension for Daniel H. Meader, of Hallowell.

H. P. 693, Resolve providing for a State pension for Frank A. Durgin, of West Gardiner.

H. P. 694, Resolve providing for State pension in favor of L. Gertrude Storer, of Phippsburg.

H. P. 695, Resolve providing for a State pension for Harrison M. Small, of Bath.

H. P. 696, Resolve providing for an increase in State pension for Valdimir B. Jones, of Thorndike.

H. P. 697, Resolve providing for a

State pension for Arthur W. Hunt, of Burnham.

H. P. 698, Resolve providing for a State pension for Berdie M. Gerow, of Houlton.

H. P. 838, Resolve providing for a State pension for Maud M. Butler, of Camden.

H. P. 839, Resolve providing for a State pension for Fred E. Toulouse, of Hope.

H. P. 840, Resolve providing for a State pension for Myrtle D. Ingalls, of Anson.

H. P. 841, Resolve providing for a State pension for Susie Ayer, of Gardiner.

H. P. 842, Resolve providing for a State pension for Laura May Gray, of Litchfield.

H. P. 843, Resolve providing for a State pension for Alice M. Plimpton, of Litchfield.

H. P. 844, Resolve providing for a State pension for Annie E. Smith, of Hampden.

H. P. 845, Resolve providing for a State pension for Rose E. Shirland, of Milford.

H. P. 1015, Resolve providing for a State pension for Jerry Bernard, of Rumford.

H. P. 1016, Resolve providing for a State pension for Asenath Belle Storer, of Waldoboro.

H. P. 1017, Resolve providing for a State pension for Alphonse Chase, of Jefferson.

H. P. 1018, Resolve providing for a State pension for Freda E. Potter, of Whitefield.

H. P. 1019, Resolve providing for a State pension for Richard T. Kensell, of Whitefield.

H. P. 1021, Resolve providing for a State pension for Harry Chapman, of Thomaston.

H. P. 1022, Resolve providing for an increase in State pension for Julia W. Garcelon, of Auburn.

H. P. 1024, Resolve providing for a State pension for George F. Page, of Litchfield.

H. P. 1025, Resolve providing for a State pension for Alice R. Collins, of Litchfield.

H. P. 1026, Resolve providing for a State pension for Wallace W. Stewart, of Litchfield.

H. P. 1027, Resolve providing for a State pension for Lillian Niles Hanlon, of Monmouth.

H. P. 1028, Resolve providing for a State pension for Laura M. Hayes, of Chelsea.

H. P. 1029, Resolve providing for

a State pension for Agnes Bearce, of Hebron.

H. P. 1030. Resolve providing for a State pension for Lyle G. Foss, of Milo.

H. P. 1031. Resolve providing for a State pension for Chester E. Webster, of Lisbon.

H. P. 1032. Resolve providing for a State pension for Harry E. Mills, of Caribou.

H. P. 1033. Resolve providing for a State pension for Arthur E. Stousland, of Orrington.

H. P. 1034. Resolve providing for a State pension for Grant Turner, of Rockland.

H. P. 1035. Resolve providing for a State pension for Charles Stuart Little, of Westport.

H. P. 1036. Resolve providing for a State pension for Ernest E. Bowen, of Morrill.

H. P. 1037. Resolve providing for an increase in State pension for James A. Overlock, of Liberty.

H. P. 1039. Resolve providing for a State pension for S. K. Cram, of Searsmont.

H. P. 1040. Resolve providing for a State pension for Tom Greer, of Belmont.

H. P. 1041. Resolve providing for a State pension for W. S. Lamson, of Liberty.

H. P. 1042. Resolve providing for a State pension for M. A. Benner, of Palermo.

H. P. 1068. Resolve providing for a State pension for Ronald Duntton, of Rumford.

H. P. 1070. Resolve providing for a State pension for Leon R. Webster, of Swanville.

H. P. 1071. Resolve providing for a State pension for Henry K. Gurney, of Waldo.

H. P. 1072. Resolve providing for a State pension for Helen D. Curtis, of Monroe.

H. P. 1169. Resolve providing for a State pension for John T. Moulton, of Augusta.

H. P. 1170. Resolve providing for a State pension for Sarah A. Ferguson, of Hallowell.

H. P. 1171. Resolve providing for a State pension for Stephen Gage, of Oakland.

H. P. 1172. Resolve providing for a State pension for A. G. Bohn, of Thorndike.

H. P. 1173. Resolve providing for a State pension for Bert Penny, of Unity.

H. P. 1174. Resolve providing for

a State pension for Albert N. Hillman, of Unity.

H. P. 1175. Resolve providing for a State pension for Jennie A. Brown, of Detroit.

H. P. 1300. Resolve providing for a State pension for Addie Davis, of Durham.

H. P. 1301. Resolve providing for a State pension for Harold Weymouth, of St. Albans.

H. P. 1302. Resolve providing for a State pension for Calvin Goodwin, of Ripley.

H. P. 1303. Resolve providing for a State pension for Lewis L. Robinson, of Searsmont.

H. P. 1305. Resolve providing for a State pension for Perley E. Downer, of Palermo.

H. P. 1306. Resolve providing for a State pension for Herbert L. Hardin, of Knox.

H. P. 1307. Resolve providing for a State pension for Malcolm Abbott, of Knox.

H. P. 1308. Resolve providing for a State pension for David B. Eastman, of Knox.

H. P. 1370. Resolve providing for a State pension for Evie B. Houstus, of Belfast.

H. P. 1371. Resolve providing for a State pension for William E. Grant, of Winterport.

H. P. 1375. Resolve providing for a State pension for Clarence A. Loring, of Hampden.

H. P. 1376. Resolve providing for a State pension for Fred Bickford, of Hermon.

H. P. 1377. Resolve providing for a State pension for Irving L. Gibbs, of Brooks.

H. P. 1378. Resolve providing for a State pension for Bernice Peavey, of Brooks.

H. P. 1380. Resolve providing for a State pension for Clara A. Dow, of Albion.

H. P. 1381. Resolve providing for a State pension for Walter H. Bickford, of Winterport.

H. P. 1392. Resolve providing for a State pension for Osmond L. Huntley, of Augusta.

H. P. 1393. Resolve providing for a State pension for William McGowan, of Reed Plantation.

H. P. 1555. Resolve providing for a State pension for Russell S. Beckwith, of Belfast.

H. P. 1556. Resolve providing for a State pension for Patrick J. Goulding, of Biddeford.

H. P. 1557. Resolve in favor of Lubon Maillet.
reported a consolidated resolve under title of resolve providing pensions for certain soldiers and sailors and dependents (H. P. No. 1839) and that it ought to pass

Mr. Maxell from the Committee on Temperance on bill an act relating to sale of alcohol (H. P. No. 710) (L. D. No. 231) reported same in a new draft (H. P. No. 1836) under same title and that it ought to pass

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

First Reading of Printed Bills

(H. P. No. 1832) (L. D. 985) An act relating to consolidation of corporations

(H. P. No. 1833) (L. D. No. 983) An act relating to the registration of stone - crushers, well - drillers, steam shovels, graders, rollers and wood-sawing outfits

(Tabled by Mr. Varney of Berwick pending first reading)

(H. P. No. 1834) (L. D. No. 984) An act relating to dealers in junk

Passed to Be Engrossed

(S. P. No. 120) (L. D. No. 129) An act relating to highways

(S. P. No. 486) (L. D. No. 937) An act to incorporate the Calais Safety Deposit Company

(S. P. No. 487) (L. D. No. 940) An acc relative to operation of motor vehicles for transporting property for hire

(S. P. No. 490) (L. D. No. 941) An act relating to enforcement of divorce decrees

(H. P. No. 1787) (L. D. No. 914) An act relating to apothecaries and sale of poisons

Mr. MARTIN of Oakland: Mr. Speaker, I present House Amendment A and move its adoption, as follows:

House Amendment A to H. P. No. 1787. L. D. No. 914, bill, an act relating to apothecaries and the sale of poisons.

Amend said bill by striking out paragraph "(c)" in Section 2 and inserting in place thereof the following paragraph:

'(c) The director of the bureau of health ex-officio shall be executive secretary of said board and he shall by means of the staff under his direction keep a record of all proceedings of the board, and all other records of the board, issue all notices and licenses, attest all neces-

sary papers and orders, as said board shall direct, and shall at least once a year make inspections of all establishments subject to a license under this act, and perform such other duties as shall be designated by the board. Wherever the word "secretary" appears in chapter 23 of the revised statutes shall mean the executive secretary hereby created, unless otherwise provided.'

Mr. DEMERS of Sanford: Mr. Speaker, I move that House Amendment A be indefinitely postponed, my reason being that this bill was debated thoroughly yesterday and the bill had its first and second readings. It seems to me that this particular amendment is absolutely unnecessary. Whatever this amendment provides is already being done and it will simply be a duplication of work that has already been accomplished.

The idea of placing the Director of the Bureau of Health as Secretary of the Board is for one purpose only. You will notice that if the amendment is passed, the Secretary would issue a license. Now the real reason behind this is this: In order to issue licenses, the Secretary would also have to collect a fee. Now these fees would be used by the Department of Health and the Board of Pharmacy would have no control over them. Therefore, unless money was appropriated by this Legislature to carry on the purposes of the Board of Pharmacy, there would be absolutely no funds for the Board. The amendment says: "Said Board shall direct, and shall at least once a year make inspections of all establishments subject to a license under this act." Now this would be a duplication of inspection that is already being accomplished. The Department of Food and Drugs has charge of inspection of all pharmacies and stores where drugs are being sold. This is being done by a registered druggist under the direction of the Department of Agriculture. Therefore you would have two inspections, which is absolutely unnecessary and which would double the expense, and I cannot see that this would accomplish a thing except to divert certain funds which now go to the Board of Pharmacy,—divert funds to the Board of Health for their use only. I cannot understand why this particular thing is presented unless it is for the purpose of pro-

viding more funds for the Bureau of Health. I hope my motion to indefinitely postpone will prevail.

The **SPEAKER**: The gentleman from Oakland, Mr. Martin, moves the adoption of House Amendment A. The gentleman from Sanford, Mr. Demers, moves that the amendment be indefinitely postponed. The question is on the motion of the gentleman from Sanford, Mr. Demers, and the Chair recognizes the gentleman from Oakland, Mr. Martin.

Mr. **MARTIN** of Oakland: Mr. Speaker, on this druggist bill which was passed yesterday in the House, I have attempted in this amendment to correct a defect which I believe exists in the law, and which provides for its better operation and enforcement. I do not wish to debate the question with the gentleman who has just spoken nor to debate the substance of the bill. This amendment that I present was suggested by Doctor Campbell, the head of the Bureau of Health. It was suggested by him as a means of lessening instead of creating expense. It is an inspection of the stores under the supervision of the Bureau of Pharmacy. I think this, instead of creating more expense, would make less expense. You would have a Secretary to issue licenses. The store licenses would be out on time and would not be delayed into the latter part of January when, according to law, the storekeepers have no right to operate after the first of January.

Now if this Secretary was here in Augusta and the storekeeper knew where the Secretary was all the time, instead of having him in any part of the State, wherever the Board might designate, the store license would be collected and the fees would be under the direction of the department already created. The expense of the Bureau of Pharmacy must be paid by the State anyhow, and the fees will not be sufficient to maintain that department so far as I can see. I offer this amendment merely for the purpose of improving the law, as I see it, and as the Directors of the Board of Health look upon it.

Mr. **BROWN** of Bangor: Mr. Speaker, I am opposed to this amendment and there is no necessity for it. It is just an attempt to hang crepe on a good bill that was passed yesterday, and I am ab-

solutely opposed to this amendment.

The **SPEAKER**: The pending question is on the motion of the gentleman from Sanford, Mr. Demers, that House Amendment A be indefinitely postponed. As many as are in favor of that motion will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the amendment was indefinitely postponed.

Thereupon, the bill had its third reading and was passed to be engrossed and sent up for concurrence.

Passed to be Engrossed

(Continued)

(H. P. No. 1831) (L. D. No. 981)
An act to provide a Town Council and Manager form of government for the town of Norway in the county of Oxford.

(S. P. No. 488) (L. D. No. 938)
Resolve in favor of Augustus D. Phillips of Northeast Harbor

(S. P. No. 489) (L. D. No. 939)
Resolve in favor of E. O. Brown of Vassalboro

(S. P. No. 227) (L. D. No. 942)
Resolve relative to fur-bearing animals on Plymouth Pond

Passed to be Enacted

(S. P. No. 61) (L. D. No. 41) An act relating to reports of tax collectors

(S. P. No. 393) (L. D. No. 738) An act providing for the establishment of a Judicial Council

(H. P. No. 473) (L. D. No. 137) An act to repeal acts incorporating the town of Freeman

(H. P. No. 475) (L. D. No. 138) An act relating to the charter of Bridgton Center Village Corporation

(H. P. No. 627) (L. D. No. 203) An act relating to State armories

(H. P. No. 1066) (L. D. No. 357) An act granting additional powers, rights and privileges to Penobscot Chemical Fibre Company

(H. P. No. 1064) (L. D. No. 356) An act to incorporate the Lincoln Water District.

(H. P. No. 1419) (L. D. No. 571) An act relating to special license for operation of motorcycles.

Mr. **VARNEY** of Berwick: Mr. Speaker, I move that this bill be indefinitely postponed.

I will say that this bill was introduced by me and would repeal a section of our statutes which now

provides for issuing licenses to operators of motor vehicles. The reason for the introduction of this bill was that there was another bill presented to this Legislature setting up a different method of issuing licenses to motor vehicle operators. The other bill has been killed and will not pass. Therefore, if this one should go through now, we would have no method of licensing operators of motorcycles.

The SPEAKER: The gentleman from Berwick, Mr. Varney, moves that the bill be indefinitely postponed. As many as in favor of the indefinite postponement of this bill will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed and the bill was indefinitely postponed and was sent up for concurrence.

Passed to be Enacted

(Continued)

(H. P. No. 1511) (L. D. No. 709)
An act to provide for child welfare services.

(H. P. No. 1513) (L. D. No. 710)
An act to provide for services for crippled children.

(H. P. No. 1514) (L. D. No. 711)
An act to provide material and child health services.

(H. P. No. 1626) (L. D. No. 752)
An act relating to holders of malt liquor manufacturing licenses.

(H. P. No. 1730) (L. D. No. 842)
An act relating to plumbing.

(H. P. No. 1754) (L. D. No. 864)
An act to provide a Town Council and Manager form of government for the town of Fort Kent, in the county of Aroostook.

(H. P. No. 1765) (L. D. No. 894)
An act relating to open season on fur-bearing animals.

(H. P. No. 1770) (L. D. No. 889)
An act relating to Northern Cumberland Municipal Court.

(H. P. No. 1778) (L. D. No. 902)
An act relating to business hours for State stores.

(H. P. No. 1781) (L. D. No. 910)
An act relating to outdoor advertising.

(H. P. No. 1782) (L. D. No. 909)
An act permitting testamentary trustees to hold securities held by testator at time of his death.

(H. P. No. 1783) (L. D. No. 908)
An act relating to the practice before Probate Courts.

(H. P. No. 1784) (L. D. No. 907)
An act permitting the County Com-

missioners of Androscoggin County to issue bonds for South Bridge.

Finally Passed

(S. P. No. 456) (L. D. No. 895)
Resolve relating to an investigation of the pollution of rivers in the State.

(S. P. No. 483) Resolve providing for the payment of certain damages caused by protected wild animals.

(Tabled by Mr. Ellis of Rangeley, pending final passage.)

(H. P. No. 194) (L. D. No. 906)
Resolve relating to a retirement pension for Burleigh E. Bean of Waite.

(H. P. No. 306) (L. D. No. 903)
Resolve providing for a State pension for John Mains of York.

(H. P. No. 1125) (L. D. No. 372)
Resolve authorizing the Forest Commissioner to convey certain interest of the State in Hurricane Island.

(H. P. No. 1182) (L. D. No. 438)
Resolve granting authority to the Forestry Department to sell certain land.

(H. P. No. 1314) (L. D. No. 461)
Resolve relating to the protection of clams within the town of Freeport.

(H. P. No. 1374) (L. D. No. 905)
Resolve to repeal a resolve providing for a State pension for Beatrice Gilbert of Bar Harbor.

(H. P. No. 1509) (L. D. No. 652)
Resolve authorizing the erection and maintenance of a dam across the West Branch of Pleasant River.

(H. P. No. 1740) (L. D. No. 845)
Resolve closing the fishway at Gardners Lake.

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

(H. P. No. 1780) (L. D. No. 904)
Resolve correcting a clerical error in the apportionment of representatives

Orders of the Day

The SPEAKER: Proceeding under the regular orders, the Chair lays before the House the first item of unfinished business, House report ought not to pass of the committee on Sea and Shore Fisheries on resolve for the conservation of clams in the county of Washington, H. P. 634, L. D. 192, tabled on April 1st by Mr. Tabbut of Columbia Falls, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. TABBUT: Mr. Speaker, I

move that the resolve and report lie on the table. I cannot assign it for a particular day as it depends upon another bill that has not yet been reported out of the committee.

The motion prevailed and the resolve and report were tabled pending the acceptance of the ought not to pass report of the committee.

The Chair lays before the House the second item of unfinished business, resolve relating to smelt fishing in Hancock County, H. P. 1774, L. D. 898, tabled on April 1st by Mr. Emery of Bucksport, pending second reading; and the Chair recognizes the gentleman from Franklin, Mr. Noyes.

On motion by Mr. Noyes, the resolve was given its second reading, passed to be engrossed and sent up for concurrence.

The Chair lays before the House the third matter of unfinished business, bill an act relating to municipal budgets, H. P. 1514, L. D. 681, tabled on April 1st by Mr. Carleton of Alna, pending passage to be engrossed; and the Chair recognizes that gentleman.

Mr. CARLETON: Mr. Speaker and Members of the House: My object in tabling this matter is that I feel we have laws enough to give every town in the State an opportunity to have a budget committee of their own and to suit themselves. This tends to put the towns under guardianship. I believe that the taxpayers and voters of the various towns have a right to thrash out their own problems before their own annual town meetings. I believe that the appropriations in our towns should be discussed by the taxpayers and property owners, which they have a right to do.

Under this budget report your budget committee shall make their recommendations and they shall be published by your municipal officers and distributed a week before your annual election. Oftentimes our town reports are held up by the printer and do not get into the hands of the voters of the town until the last of the week before the town meeting on Monday. There would be another chance for somebody to criticise the action of your municipal officers. Then there is a provision that they can have them published in a newspaper. I think that would be unsatisfactory. I

would therefore object to this putting of the towns under guardianship so that they should take their directions from the State, for I think that if we are capable of paying our taxes we are capable of discussing our own problems to suit ourselves, and also our own appropriations.

For instance, there might be an appropriation to repair a school-house. Your budget committee might say it should be one thousand dollars. Perhaps some of you who are loyal citizens of the town and taxpayers might see a way you could cut that appropriation and justly do it, but you would be actually deprived of this privilege. That is taxation without representation.

In my own town we have an appropriation for snow removal. We used to make an appropriation every year, but now we simply go on and stand the expense of snow removal and make an appropriation at our annual town meeting to cover the expense of the months previous, because no one knows what the cost of snow removal is going to be for a year hence, but we do know what it has cost for months past. That is one of my objections to this bill, therefore I move that we indefinitely postpone this bill.

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

Mr. HIGGINS of Ellsworth: Mr. Speaker and Members of the House: I want to say just a word in explanation of the position of the committee on this bill. Many of you, in fact most of you, have had broad experience in town affairs, and you know just how you want to handle this matter.

In regard to the statement of putting the town under a guardianship, it would be up to the individual town. This is an optional affair. A town may adopt the provisions of this law or not, as it sees fit. As stated by the last speaker, the provisions of this bill are substantially this: A budget committee may be named, if the town adopts this act, and the majority of that committee shall be property taxpayers. They will prepare a budget and present it to the town meeting, it having been circulated previously, and that town meeting cannot appropriate

money to an extent greater than ten per cent beyond the recommendations of the committee.

The bill was desired by people from a number of municipalities in the State. Now if you members feel that those men who represent various towns should have the right to adopt a budget provision of this kind, then you will enact a statute to give them that opportunity. If you feel that no town should have that right, of course you will vote with the gentleman from Alna (Mr. Carleton).

Once more I want to suggest the fact that this is optional. No town need adopt the provisions of this statute—it is left to each town in the State of Maine.

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

A viva voce vote being taken, the motion prevailed and the bill was indefinitely postponed, and sent up for concurrence.

The Chair lays before the House the fourth item of unfinished business, Senate report, ought to pass, of the committee on Legal Affairs on bill an act relative to Racing Commission, S. P. 487, L. D. 250, tabled on April 2nd by the gentleman from Auburn, Mr. Flanders, pending acceptance in concurrence; and the Chair recognizes that gentleman.

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

The Chair lays before the House the fifth item of unfinished business, an act relating to uniforms for deputy sheriffs, S. P. 454, L. D. 849, tabled on April 2nd by Mr. Varney of Berwick, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. VARNEY: Mr. Speaker, in order that an amendment may be offered to this act, I move that the rules be suspended, to permit me

to move reconsideration of our action whereby this bill was passed to be engrossed.

The SPEAKER: The gentleman from Berwick, Mr. Varney, moves that the rules be suspended to permit a motion to reconsider the former action of the House whereby this bill was passed to be engrossed. Is it the pleasure of the House that the rules be so suspended?

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

Mr. Bruce of Belfast, offered House Amendment B and moved its adoption, as follows:

House Amendment B to S. P. No. 454, L. D. No. 849, bill, an act relating to uniforms for deputy sheriffs.

Amend said bill by striking out beginning in the 12th line thereof the words: "while engaged in the directing of traffic or in the enforcement of law on the state highways, to wear a uniform sufficient to identify themselves as officers of the law." and inserting in lieu thereof the following: "while engaged in the enforcement of the provisions of section 103 of chapter 29 of the revised statutes, as amended, to wear a uniform sufficient to identify themselves as officers of the law."

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

Mr. SLEEPER of Rockland: Mr. Speaker, I move that the bill be indefinitely postponed.

The SPEAKER: The bill, having been passed to be engrossed is not now before the House for the gentleman's motion. The gentleman may move, if he wishes, that the House reconsider its action whereby the bill was passed to be engrossed.

Mr. SLEEPER: I so move, Mr. Speaker.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, moves that the House reconsider its action just taken whereby this bill was passed to be engrossed.

The motion prevailed.

Mr. SLEEPER: I now move, Mr. Speaker, that the bill be indefinitely postponed.

The SPEAKER: Is the House ready for the question? As many as are in favor of the motion of the gentleman from Rockland, Mr. Sleeper, that the bill be indefinitely postponed will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Sixty-two voting in the affirmative and 39 in the negative, the bill was indefinitely postponed and sent up for concurrence.

The Chair lays before the House the first tabled and today assigned matter, bill an act relating to beauty culture, H. P. 1558, L. D. 687. The bill came from the Senate with the report ought not to pass accepted in non-concurrence. The matter was tabled on April 5th on motion by the gentleman from Augusta, Mr. Fellows, pending further consideration; and the Chair recognizes that gentleman.

Mr. FELLOWS: Mr. Speaker, I move that the House recede and concur with the Senate in the acceptance of the ought not to pass report of the committee.

The SPEAKER: The gentleman from Augusta, Mr. Fellows, moves that the House recede and concur with the Senate in the acceptance of the ought not to pass report of the committee. The Chair recognizes the gentleman from Lincoln, Mr. Weatherbee.

Mr. WEATHERBEE of Lincoln: Mr. Speaker and Members of the House: I dislike very much to speak again on this bill. I said about all I had to say on it two weeks ago when the bill came up the first time, and I think you will remember what the situation is—briefly, that the beauty schools of the State are forced to do some free work upon citizens of the community for the purpose of giving their pupils the needed practice and experience. The evil has grown and some of the beauty schools are doing this free work indiscriminately, and I think there is no question but what this evil does exist in some places.

Most of the schools very fairly do the free work only upon people who otherwise would not pay for it, because they know they are only cutting in on the future business of their own pupils when they start in taking away the work which is the legitimate property of the oper-

ators of beauty shops. Now this amendment, you will remember, simply provided that beauty schools shall not do free work except upon a member of the family or an attendant of the school or upon some person who otherwise could not afford to pay, and that they shall keep a record of all free work done which will be open at all times for examination by the Board.

Now the only opposition which has come to this amendment has come from one school, and the manager of that school at the hearing himself said that he certainly does carry out the spirit of the amendment and that his school never does any free work except upon people who otherwise could not afford to pay, or upon members of the families of the students. Now that is very fine, but he went further so say that he did not think that the State of Maine should interfere with his business. Perhaps he is carrying out the spirit of fair play in this matter, and, if he is, I admire him for doing so without any legislative action. But there are possibly operators of beauty schools in the State who do not carry out the spirit of fair play, and it certainly is being done in one or two cases.

Now this bill is of no personal interest to me whatever, and I would have let the matter drop before had I not been assured by the legal representative of the beauty schools of the State that his schools were in accord with such an amendment as I offered; that it would do away with friction and it was nothing more than what any fair-minded manager of a beauty school would insist on doing anyway. So I sat down with this gentleman and drew up the amendment which I offered, and he assured me that it met with the approval of the beauty schools and that the beauty schools would not oppose it, and he believed it would go far to do away with the friction that exists in some localities between beauty parlors and beauty schools; and I proceeded to forget the matter.

When this bill came up in the other body of this Legislature, I was informed that the representatives of the beauty schools had written letters to several members of the other body, asking them to oppose the bill and do all they could to kill it, and had also suggested to them that

it would be very nice if they did not say anything to me about having got the letters, or not say anything to me about opposing it. I think that is sort of dirty baseball, and I think if this bill was indefinitely postponed that the operators of beauty schools from Boston are going to start in playing dirty baseball.

I am going to ask if the House will insist on its former action, so that we can have a committee of conference. I feel like apologizing for doing so, but I would like to sit in on a committee of conference and find out just what the story is on the matter and present my case to the committee of conference.

I will say again that I honestly do not believe that this bill meets with the serious objection of more than one or two operators of beauty schools in the State, and I think their objection seems to be from resentment that we should be interfering with what they consider to be their powers, because at the hearing we had before the Public Health Committee the manager of every beauty school represented at the hearing insisted before the committee that they did not wish to take any work away from the beauty parlors, and that they of their own initiative always made sure when they did free work that it was in one of the categories which my bill suggests: a member of the family or an attendant of the school or upon some person who otherwise could not afford to pay. For that reason, I hope that the motion of the gentleman from Augusta (Mr. Fellows) will not prevail.

By the way, lest there be any confusion, I hope I have not in any way made anyone think because I spoke about dirty baseball that I was referring to the gentleman from Augusta (Mr. Fellows) or any manager of schools in this vicinity or to any legal representative of any schools of this locality.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Fellows, that the House recede and concur with the Senate in the acceptance of the ought not to pass report. Is the House ready for the question? As many as are in favor of the motion to recede and concur will say aye; those opposed no.

A viva voce vote being taken, the

motion to recede and concur did not prevail.

The SPEAKER: The Chair understands that the gentleman from Lincoln, Mr. Weatherbee, now moves that the House insist and ask for a committee of Conference.

The motion prevailed.

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

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 Arthur Liberty of North Yarmouth, H. P. 30, tabled on April 6th by Mr. Seabury of Yarmouth, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Seabury, 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, House report ought not to pass of the committee on Claims on resolve in favor of B. L. Kennedy of Belmont, H. P. 981, tabled on April 6th by Mr. Woodbury of Morrill, pending acceptance of the report; and the Chair recognizes that gentleman.

Mr. WOODBURY: Mr. Speaker, as I have some further information to present to the committee, I move that the resolve and report be re-committed to the committee.

The motion prevailed and the resolve and report were recommitted to the committee on Claims and sent up for concurrence.

The Chair lays before the House the fourth tabled and today assigned matter, an act relating to prepayment of excise tax on motor vehicles, H. P. 877, L. D. 279, tabled on April 6th by Mr. Phair of Caswell Plantation, pending passage to be enacted; and the Chair recognizes that gentleman.

Mr. PHAIR of Caswell Plantation: Mr. Speaker and Members of the Eighty-eighth Legislature: I would like to read you a few figures from the Secretary of State's office in regard to the amount of money received from the excise tax on trucks owned by corporations outside the State.

In 1933 the State received \$1,324.23, and in 1934, \$17,263.25; in 1935, \$22,954.52, and in 1936 the amount had grown to \$41,009.73. Now that is quite a piece of change to take out of the general fund at one slap.

The question in my mind is to whom should this tax be paid. If these trucks were used and operated within the cities alone where they are located, I do not think there would be any question who should receive the tax. But they are here for a purpose and they serve all the State. The citizens of those cities where they happen to be located are not financially interested in these trucks; and I think if there are any benefits to be received from a tax of this kind that it should go to the State as a whole and all the towns should benefit from this tax. I cannot see where they are any damage to the city where they are located. They furnish more work for men; they pay rent where they are housed; and if the operators own their own buildings they pay a real estate tax. I believe that those cities that are lucky enough to have them should be willing to share this income with the smaller towns. In many cases if it were not for the purpose of serving these surrounding communities, they would not be there.

Now I tabled this bill for the reason that in talking with many of the members I found that they had not given it much attention. I think they did not really understand it, and I did not have any particular fight on the matter, but today I have.

Yesterday morning and last night I was approached by certain parties who said if I did not take this bill off the table and let it pass, that the members of a certain delegation would kill the school bill. I do not think the gentlemen who approached me knew me. Any member of the Aroostook delegation will tell you that I am a good-natured person and easy-going, and will follow anyone as long as they pat me on the back and smile while they do it. That is my weakness, as you know. But I have got another weakness too; I cannot get along with a man who tries to scare me. I do not like it.

Now the proponents of this bill will raise a smoke screen to cover up the issue; but I think that we

all should bear in mind that this is a state-wide issue. They will probably begin by telling you about the rolling stock—they may move in a department store or two—but do not be mislead. This tax, I believe, and I think most of you believe, should be left in the general fund and each town receive its proportionate share.

Mr. Speaker, with that in mind, I move the indefinite postponement of this bill.

The SPEAKER: The gentleman from Caswell Plantation, Mr. Phair, moves that the bill be indefinitely postponed. The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker and Members of the House: Up until four weeks ago I had a perfect record in this House for silence. I had given what I considered my best efforts conducive to good legislation by keeping quiet. I even deprecated when the Speaker himself referred to me as dispensing with the further reading of a bill.

I am sorry that my good friend from Caswell Plantation has made it necessary for me to break my record again. I wish that he had not done it.

I might illustrate my position by an anecdote, which I hesitate to use because it has not the classical background which has been used so often in the House.

Down in the small town that I came from when I was a boy there was another half-wit who lived there. (Laughter) Everybody in town called him Peleg, and of course everybody used to hector him. One night the boys down in the general store got to betting with Peleg that he did not dare to go up to the Morey graveyard at twelve o'clock at midnight and stand up on the Ripley tombstone and say, "Rise, ye dead."

Peleg allowed they could not scare him; so he made his preparations to go and of course the boys who bet him made their preparations to go with their sheets. So at twelve o'clock Peleg went up there in the lonely graveyard, and, in a trembling, quivering voice, something like mine now, cried out, "Rise, ye dead." And all the sheeted forms stood up from behind the tombstones; and Peleg, in his trembling voice shouted: "Lay down again, will you, I was only fooling." (Laughter)

I wish my good friend, the gentleman from Caswell Plantation, would say the same thing. I certainly would not undertake to use any such tactics as he said they used on him.

Now there is one resemblance between the Board of Tax Assessors and Santa Claus. Santa Claus is supposed to come down the chimney at twelve o'clock midnight at the home of every good little boy on the night before Christmas; and the Tax Assessors in your town are supposed to land on April 1st at every one of your different places and assess your taxes and go to your farm buildings and personal property and say what you should pay a tax on. And among the personal property there used to be included the motor vehicles.

Now as I explained to the House—and I am not trying to throw a smoke-screen around it—I rather think perhaps the other gentleman threw a smoke-screen around it—I am going to explain what it means, and I think when you see what it means you will be with me on it. This motor vehicle tax was not collected; many people did not put their cars on the road until after the first of April. They either traded cars in October, November or even in March, and took no delivery on their new car until April 4th and never paid a tax on a motor vehicle. If you had in your town or city the personal property of a non-resident of the State or of a foreign corporation, you collected in your town the personal property tax on the property of that corporation or non-resident.

Now this motor vehicle excise tax is just that old personal property tax in different shape. It has nothing to do with the highway fund; has no connection with it at all, and did not ever have anything to do with it.

Some reference has been made, in discussing this bill at other times, to the fact that the Attorney-General said this tax should go to the State. That was said in perfect sincerity, but it carries an implication with it that the Attorney General decided on the face of the thing that this was a type of tax that should go to the State and not to the cities and towns. Now that is not what he meant, and that is not the Attorney General's job at all. The Attorney General of the State of Maine is a lawyer hired by the

State to guess what the Legislature means by a bill they have passed, and his guess is good until the Supreme Court of the United States decides the matter, and then he may be wrong. (Laughter)

Up to 1932—and, if I am wrong, the gentleman will correct me—the cities and towns had collected a tax on these foreign corporations who had their motor vehicles in the State; and that was the intention of the people who drew the law. Then the Attorney General ruled the law was so phrased that the tax would have to go to the State. Whether he is right or wrong, it is impossible to determine, because you cannot get a case into Court on it.

In conclusion, let me say that if the argument that these cars use the road is right, then all of your automobile excise tax should be paid to the State, because every automobile uses the highways all over the State. If that is a determining factor, then every automobile excise tax ought to be paid to the State and not to the city or town. I thank you.

Mr. CARLETON of Alna: Mr. Speaker, this is a very innocent title: "An Act Relating to Prepayment of Excise Tax on Motor Vehicles." My memory goes back to two years ago when this same measure came in here with a different title, and it was rushed through here as an emergency measure, providing that foreign corporations doing business in the State of Maine should pay their excise tax to the town or city where they were located.

Now these foreign corporations, Armours, Swift & Company, Cudahy, Standard Oil Company, Gulf Oil Company, American Oil Company, any of these oil companies, it might be a salesman's car; it might be a delivery truck; it might be a tank car or a tank trailer—those motor vehicles go into every nook and corner of Maine, every hamlet where there is a gas pump, every hamlet where there is a store; they use our roads and bridges, and they come to the Secretary of State's office to pay their excise tax, which we believe is right, and which amounts to \$41,009.73 for the last year.

I have been informed by the Secretary of State that \$10,000 of this is segregated to the Motor Vehicle Department of the Secretary of

State's office, to maintain the expenses of that department. The other \$31,000 goes to the general highway fund, and every city, town and plantation participates in the benefit thereof. If we pass this measure, we take away \$41,000 from the Department of State, and we have got to dig up \$10,000 for the support of the Automobile Department of the Secretary of State's office from some other source, and the State of Maine loses the \$41,000 which is increasing every year.

I do not like to disagree with my colleagues and friends in the city of Portland, but when I was a boy I studied geography a bit and I remember that Augusta was the capital and Portland was the largest city, and I presume it still remains the largest city, and the total valuation exceeds \$81,000,000. Now the city of Portland is going to get the lion's share of this, so I suppose it is perfectly right for my friends from Portland to look out for the city of Portland.

If I remember rightly, some twenty years or more ago the State of Maine built a State Pier down in the city of Portland that cost a million and a half or a little more. And who gets the benefit of that State Pier? If my friends from Portland will come across and take this white elephant off the State's hands at what it cost plus the interest, I will go along with them on this gas tax.

The gentleman said he was raised in the country. So was I. I was brought up in the woods, but I wasn't afraid of owls. (Laughter)

I could go on with a long reminiscence of my visits to the city of Portland. It is a beautiful place, and has a beautiful city hall, in which there is the largest pipe organ in the world and which I enjoyed very much listening to. There are a lot of nice things I could say about the city of Portland, but I wish they would not come down here and try to take this \$41,000 away from us fellows in the country towns. It is not only \$41,000 this year or the next or the next, but it will go on, like Tennyson's brook, forever and forever.

I hope the motion of the gentleman from Castle Hill, Mr. Phair, will not prevail.

Mr. PACKARD of Houlton: Mr. Speaker and Members of the Eighty-eighth Legislature: I am glad to

be for this bill because I believe it is a corrective measure to the reasoning that two wrongs never make a right. There are two wrongs in existence today. The first, I say, is the condition obtaining in the matter of collecting the excise tax on these motor vehicles in cities and towns and sending that tax to the State Treasurer; and the second wrong thing is that many of the towns and cities have miles or roads or streets that not one penny of the gasoline tax of the State of Maine helps construct or maintain. I think both are wrong. I feel that if the small towns are willing to accept the gasoline tax of the city-owned vehicles as they spend the money or use up gasoline travelling over city streets, if they are willing to receive that money from the State treasury to build their third-class roads, their state-aid roads, their state roads and their highways, that they in fairness ought to be willing that this money from these motor vehicles in these towns and cities be returned to the towns as well as some of that gas tax money returned to the towns for constructing and maintaining their streets.

I hope that the majority report will prevail.

Mr. FLANDERS of Auburn: Mr. Speaker and Members of the House: I am sorry to disagree with my good friend, Mr. Phair, in regard to this matter. He said this was a question that the cities were not interested in. I want to say that I presented this bill two years ago for the City Solicitor of Auburn, because it meant a loss for our city of some \$1200.

Now I cannot see any difference. If I should own a piece of property in Caswell Plantation, or owned a house there and moved a piano there, I should pay taxes on it; and I feel the same way about this bill, that these companies who own automobiles which are kept in the city of Auburn or the city of Portland and they are there the first day of April, that they should be taxed there.

I hope that the motion of the gentleman from Caswell Plantation, Mr. Phair, does not prevail.

Mr. WHITNEY of Bangor: Mr. Speaker, for the life of me I cannot see what difference it makes whether a truck or car is owned by a local concern or a foreign concern. They are located in the city

or town, they work there, and they are doing the identical work that the locally-owned cars are doing. I see no reason why the excise tax should not go to the cities and towns.

It has been stated that up to 1932 the excise tax did go to the towns, and then after that time they took it away, apparently for no good reason whatsoever. They use the highways all over the State, and so do the trucks and cars locally-owned. I sincerely hope that the motion of the gentleman from Caswell Plantation (Mr. Phair) does not prevail.

Mr. DONAHUE of Biddeford: Mr. Speaker, if I understand the State Budget, and I think I do a little, I believe that Page 61 of the State Budget tells us that the unexpended balance of the non-resident excise tax fund goes to the highway fund.

The first speaker, if I understood him correctly, talked about this money going to the general funds. If that is what he meant, that statement is no true.

We are all aware of how the general highway funds are expended; we are aware of the fact that the larger amount of general highway funds are collections from the tax on gasoline.

The owners of out-of-state trucks at the present time are paying their excise tax directly to the State of Maine, as a result of the ruling of the Attorney General in 1932, which was two years after this law was passed, and which ruling appears to me to be contrary to the intent of that statute. That has placed that money as available for highway funds.

I agree with the remarks of the previous speaker that if we are going to use the excise tax which we collect from our non-residents for general highway purposes, then we should use the excise taxes which we collect from our residents for the same purpose. There is no reason in the world for the distinction. But our general highway funds, as I have said before, depend in a large amount upon our gasoline tax. That is the sole purpose of that gasoline tax, and I cannot find any reason why the millions of dollars which are collected and expended by the Highway Department should be augmented by the sum of \$27,000

in 1935-1936, or an estimated receipt of that department of \$40,575 during the next year.

There has been some reference made to the fact it takes \$10,000 away from the Secretary of State's office. There has been no reference made to the fact that it likewise takes the work away from the Secretary of State's office in regard to the collection of this tax, and, necessarily, if the work is taken away from that department they will not need that expenditure of \$10,000.

According to the Budget, there was \$38,656.24 collected in the year 1935-36, and it cost the State of Maine \$10,000 to collect it. The State Highway fund received \$27,872.16.

Now you have your excise tax collectors in the cities and towns collecting your resident excise tax, and you are paying \$10,000 to the department of the Secretary of State for collecting the same tax from a different group of people. You have a duplication of work here which is unnecessary and for which the citizens of the State of Maine pay \$10,000.

If we were sincere in our desire to aid the real estate taxpayers in the cities and towns, we should return to them that which they are rightly entitled to by this measure and thereby enable your cities and towns to reduce their tax rate, or do it by direct appropriation under your municipal emergency act whereby the State appropriates funds directly to aid these cities and towns. Then we might go along with one program without going along with the other. If we were sincere in our desire to help the towns and cities in Aroostook County to weather their storm, then I say let us help the cities and towns who are now on their feet to go along and meet their town expenditures and help them at the same time to reduce their taxes. I hope the motion of the member from Castle Hill, Mr. Phair, will not prevail.

Mr. HINCKLEY of South Portland: Mr. Speaker, speaking for the Judiciary Committee, I will say that this bill had a fair hearing before that committee, and as I remember it there was not any great opposition to it. As the committee understands this bill and so reported, it was simply to clarify the law that

we have at the present time. That has been stated already by the gentleman from Portland, Mr. Payson. The committee felt that this tax belonged to the cities and towns where these trucks were located because that was the intent of the Legislature when they enacted the law that we have at the present time. There was some confusion, some doubt in the laws as it exists now, and this law simply tries to clarify it, to carry out the plain intent of the Legislature.

Now of course we cannot tell what any Attorney General may decide to be the law or how he may interpret any law. He has interpreted it one way, and we believe that the way he did interpret it was contrary to the wishes of the Legislature which passed this measure. It is simply to set that matter right, and I believe that this law should have a passage.

Mr. HINMAN of Skowhegan: Mr. Speaker, when this bill originally came up, I think I stated that although I did not want to appear in opposition to it, as a member of the Appropriations Committee I felt it my duty to mention the fact that the State would lose at least \$10,000 in revenue. When the vote was taken I voted with the opposition. It is a poor man who does not change his mind, and I must tell you of an instance in my own experience where that happened this very week. It happens that the corporation that I brought to Maine when I came here had been incorporated where I previously lived. It also happens that although we have no interest outside the State of Maine, that we are a Massachusetts corporation. The little town of North Anson called me up this week, and they were very much upset because, in their trials and tribulations and absolute dire need, they were losing the revenue from about fifty trucks. They came down here yesterday, and we, through the Secretary of State's office, have made arrangements to form a new corporation this week. Now I feel, in view of what has happened, that I was wrong in my previous vote, and I hope that this motion for indefinite postponement will not prevail.

Mr. SLEEPER of Rockland: Mr. Speaker, I move the previous question.

The SPEAKER: To authorize the

Chair to entertain the gentleman's motion requires the consent 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 is entertained. The question 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 motion prevailed that the main question be now put.

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

A division of the House being had,

Forty-three voting in the affirmative and 73 in the negative, the motion to indefinitely postpone the bill did not prevail.

On motion by Mr. Hinckley of South Portland, the bill was passed to be enacted.

The Chair lays before the House the fifth tabled and today assigned matter, House report ought to pass in new draft under same title of the committee on State Lands and Forest Preservation on bill an act relating to the Knox Arboretum, H. P. 1123, L. D. 420, new draft being H. P. 1697, tabled on April 6th by Mr. Flanders of Auburn, pending acceptance of the report; and the Chair recognizes that gentleman.

On motion by Mr. Flanders, the ought to pass report of the committee was accepted and the new draft tabled for printing under the Joint rules.

The Chair lays before the House the sixth tabled and today assigned matter, an act relating to beauty culture to include registering and licensing of barbers and barber shops and to create a Board of Barber Examiners, S. P. 192, L. D. 451, tabled on April 7th by Mr. Sleeper of Rockland, pending the motion of Mr. Carleton of Alna, to indefinitely postpone. The Chair

recognizes the gentleman from Rockland, Mr. Sleeper.

Mr. SLEEPER: Mr. Speaker and Members of the House: Well do I realize that the golden era of the tandem bicycle, as well as that of the Republican Party, has gone into the limbo of the past and all is forgotten except by the oldest inhabitants. According to this bill, the next to go is the country barber. It has been my privilege to spend every summer in a small town seven miles from the nearest town in which there was a modern barber shop. The barber there in that small town charged twenty cents for a hair cut and it was a good one—it was in the woodshed. I will not say how sanitary it was; it might have been like the cup at the well where someone said to the farmer, "Is that cup sanitary?" The farmer said, "Why, it ought to be, everyone uses it." Possibly that is the way the country barber shop might have been, but I do not like to penalize the small towns by asking them to adopt a uniform method of barbering operations. Naturally, the first thing that any such Board of Barber Examiners would put in effect would be a minimum rate for a hair-cut of fifty cents, and the small country barber with his chair in the woodshed who has been charging twenty cents for a hair-cut—and if you ever saw my head you would realize it was not worth hardly that—naturally he cannot get a license, so in the future you would see people either wearing long hair in the small towns or traveling many miles at much discomfort to them to get their hair cut in these registered shops.

As in all cases, there are undoubtedly two sides to the question. The larger cities and larger towns are entitled to the control of their barbering facilities. I find on my desk an amendment to be offered on this bill. If that amendment is adopted, I will support the measure. If it is not, I will make a motion to indefinitely postpone the entire bill.

Mr. PIKE of Bridgton: As my brother from Portland (Mr. Payson) has said, I hesitate to inflict myself upon you again; but, as a member of the Legal Affairs Committee before which this bill was heard, I feel that it is only my duty to state what we heard there and our reasons for bringing in a unanimous report on this matter. The bill was

advertised as are all other bills, and given a full and fair hearing. There were many proponents there and there was just one opponent. We did not hear anything from the gentleman from Alna (Mr. Carleton) nor did Mr. Sleeper appear before us. We took the matter on the basis of the evidence presented, as any court would do.

The gentleman from Rockland (Mr. Sleeper) has referred to the fact that he has been living in a small town during the summer. I was born in such a town. The town that I now live in has a population of about three thousand. I understand that the gentleman has an amendment which he is about to offer that would exclude all towns of twenty-five hundred population and less. I am informed that this would deprive about two-thirds of the population of this State of the benefits of the bill. This is a health measure. Any of you who have gotten into a barber shop that is not properly taken care of know what that means.

Now we have some large summer hotels in this State that are compelled to have large barber shops in them. I am thinking particularly of the Poland Spring House where they are compelled to have registered barbers and to get those registered barbers they have to send to Massachusetts or to other states where they have such a law so that they can have their certificates and photographs to show. This deprives very many journeymen barbers of a job here in this State that they should have. My main reason for rising is this: I have seven neighbors who are barbers. They have all asked me to support this bill. Any reason that can be urged against barbers having a barber bill can be urged against the Bar Association, the Medical Association or any other association where we are trying to improve the conditions which we are working under, whether it be professional men or tradesmen. I hope that the bill has a passage.

Mr. Mack of East Millinocket, offered House Amendment A and moved its adoption.

The SPEAKER: The Chair finds that the bill has already been passed to be engrossed and therefore a motion to amend is not in order at this time. Does the gentleman wish to move that the rules be suspended to permit reconsideration of the former action of the

House whereby the bill was passed to be engrossed?

Mr. MACK: Mr. Speaker, I move that we reconsider our action.

The SPEAKER: The Chair understands that the gentleman from Alna, Mr. Carleton, withdraws his motion to indefinitely postpone.

Mr. CARLETON: Mr. Speaker, I do not.

The SPEAKER: The gentleman from Alna, Mr. Carleton, does not withdraw his motion for indefinite postponement. The pending question, therefore, is on the motion of the gentleman from Alna, Mr. Carleton, that the bill be indefinitely postponed. As many as are in favor will say aye; those opposed no.

A viva voce vote being doubted, A division of the House was had.

Thirty-eight voting in the affirmative and 68 in the negative, the motion for indefinite postponement did not prevail.

On motion by Mr. Mack, the rules were suspended to permit a motion to reconsider the former action of the House whereby the bill was passed to be engrossed; and on further motion by the same gentleman the House voted to reconsider its former action whereby the bill was passed to be engrossed. The same gentleman then offered House Amendment A and moved its adoption, as follows:

House Amendment A to S. P. No. 192, L. D. No. 451, bill, an act relating to beauty culture to include registering and licensing of barbers and barber shops and to create a Board of Barber Examiners.

Amend said bill by adding at the end of the bill the following section:

'Sec. 22. Limitation of application. The provisions of this act shall not apply to the practice of barbering or the conducting of shops or establishments where barbering is practiced in municipalities of the state having a population of one thousand or less, according to the last United States census.'

Mr. HIGGINS of Ellsworth: Mr. Speaker, I fear that this amendment is rather planned to serve the purpose of the lather that would give this bill a very close shave. We have just seen the sentiment in favor of this bill, I believe, by the vote that was just taken, and I have this much in common with the gentleman from Rockland, that I feel there is this to be considered: This bill is a good bill for all bar-

ber shops in the State of Maine, I believe, or else it is a poor bill for the whole of them. A barber shop is the same institution in a town of eight hundred as in a town of three thousand. It has to be carried on in a similar way. If germs acted differently in towns of over one thousand from those under one thousand, I would have a different idea about it; but, as I understand it, they act just the same in all places whether there be a few people there or a great many of them.

The main reason for this bill is that it is a health measure to protect the people of the State of Maine as they receive the services of barber shops. Now if that appeals to you as good legislation to so protect the people of the State, I feel that we should protect the whole of them. I cannot see the logic of drawing an arbitrary line at one thousand or fifteen hundred, and I think there would be considerable unfairness in drawing an arbitrary line at that point of one thousand people. I feel it would be highly unfair in Hancock County where there are thirty-three towns and one city. There would be in that county about five or six places where this statute would apply if we should pass the amendment. So to the people in the larger towns, where we have the finer barber shops anyway, where they have more trade, and where they keep them in better shape and are more careful,—we would say to those people, "You have got to be inspected, you have got to be examined before we will allow you to be a barber." Then with the smaller places, where I believe we would find more carelessness and more of the conditions that would be unsanitary, we would say to them: "You do not have to have an examination, you do not need to know a thing to practice barbering. Just get out your saucer and your shears and go to it." I am not intimating, by the way, that the barbers in the country towns like those where the gentleman from Rockland visited, that in those barber shops they still use the old saucers.

There is another point I would like to mention. The opponents of this bill read a long list of rules and regulations the other day, and they were entirely satisfied with them and they used them as an argument why we should not pass

this law. In other words, they thought these provisions were reasonable. I think they are reasonable. I will not read them all. There are nineteen different rules and regulations set up by the Bureau of Health. Those are in effect today. The one reason why they cannot be carried out is because there is no money for proper inspection to see that these rules and regulations are taken care of properly. Now those same rules and regulations would still be in effect. They would apply to the small shop, but we are saying to the fellow in the larger towns, "You have got to pay. You have got to pay the price." And that would help in part to inspect a few of the towns. There would not be money enough to inspect the whole of them but there is enough to inspect a few of them.

My proposition briefly is this: This statute is either good for all of the people of the State of Maine or it is not good for any of the people of the State of Maine, and I think that we cannot logically draw that arbitrary line at the town of one thousand for that reason. Therefore I move that the amendment be indefinitely postponed.

Mr. SLEEPER: Mr. Speaker and Members of the House: Although I did not offer this amendment, and although I did vote for the indefinite postponement of the entire bill, the amendment is perfectly satisfactory so far as I myself am concerned. I do not think that this Legislature, when it is about ready to go home, should pass such a vicious act as this. I am not speaking from any personal motive because the city that I came from is large enough so that it would come under the provisions of the act. Well do I realize that sanitary conditions are necessary, but why penalize the small man, why penalize the small barber who cuts hair probably on Sunday morning?

We all know that money is not as plentiful in the small towns as it is in the large. The first thing that this Board would put into effect would be a minimum haircut of fifty cents. Why penalize the poor man and those who have not quite as much as we have? Has the milk of human kindness been milked out of us entirely? Why can we not talk sense? Why can we not realize that there are human beings on this earth and not pass any such law as this that

would immediately put from six hundred to a thousand men out of business? The license fee is six dollars a year and I will guarantee that there are five hundred men practicing barbering in this State whose total receipts would not be six dollars a month.

Again I say that this amendment is a just one and the bill is a just one, but it should not apply to small towns. Now let us have a little sympathy for the under-dog and adopt this amendment. (Applause)

Mr. NOYES of Franklin: Mr. Speaker, I did not intend to speak on this bill, but since my good friend and colleague from Ellsworth (Mr. Higgins) has spoken and given his argument for not supporting the amendment, I would use that same argument as my reason for supporting the amendment. The class town that I represent adjoins the class town that my good friend, Mr. Higgins, represents. My towns are thirteen in number, only one of which has over one thousand population. Mr. Higgins' town is the city of Ellsworth. That city is a trading point for the majority of the towns that I represent, and I can see by opposing this amendment that the barbers in Ellsworth would be benefited by the trade which would necessarily come in from those small towns in my class. For that reason I must stand with the people I represent and support the amendment.

Mr. HIGGINS: Mr. Speaker, I would mention just one or two more things. The gentleman from Rockland (Mr. Sleeper) states that he feels the bill is just. Now if it is just, why is it not a fair proposition to apply to all places in the State of Maine? His suggestion seems to be this, that the fee of six dollars would be too much for the barbers in the small towns. Six dollars a year, ten cents a week! What kind of barber shops can those be that ten cents a week would put six hundred of them out of business? (Laughter) Well, I would guess that if there are such barber shops that would be put out of business for ten cents a week, perhaps a few rules of sanitation should be applied to them. I think that is the same type of threat, perhaps, that the gentleman from Caswell (Mr. Pair) received. The gentleman is threatening us with the suggestion that we are going to put hundreds of people out of busi-

ness. Perhaps there was an earlier threat that he had in mind when he said that we would all be wearing longer hair if this bill passed. As I look around this House, I think there would be some men who would be pleased if that threat could be carried out. (Laughter)

As a matter of fact, I think there is a great shadow being thrown up there that really isn't worthy of so much consideration. I want to speak in regard to the price. There is nothing in the bill that would have anything to do with price whatsoever. A reading of the bill will bring that to mind. This is merely to do these things. First, to examine barbers before they are permitted to practice their art, and, secondly, to inspect the shops. I think it is a reasonably worthy measure and I think it should be placed upon the statute books. I do not feel that there is any reason why the small towns should not come under the provisions. If they should not come under the provisions I am rather of the opinion that we should go the whole way and say that no one should come under the provisions because, if it is not good in the small town, I do not believe it is good anywhere. Also I do not feel that we are really going to smash a great industry by placing ten cents a week on the individual barber shop.

Mr. CARLETON of Alna: Mr. Speaker, I have every sympathy for the men who have worked at the barber trade for twenty-five or thirty years. The barber has nothing else to do. He cannot go out to work on W. P. A. projects. He may be living in a town of a thousand or twelve hundred inhabitants, and there is no one in his town finding any fault with his services or his shop or equipment. Under this act it might be the ten cents a week that the gentleman from Ellsworth (Mr. Higgins) speaks of that would put him out of business. They might require him to change his shop to conform to the rules and regulations and that might ruin this man financially. I only object that this amendment is not broad enough to take care of some of my friends who are doing barbering. If you are going to put the barber out of business, you might as well cut his throat and burn his shop up.

I have been a butcher for over

thirty years and my son is a butcher and he cuts my hair. (Laughter and applause) I want you to understand that I will stand by the common people and fight this thing as long as God gives me breath. (Laughter and applause)

Mr. HASKELL of Lee: Mr. Speaker, I represent thirteen towns, with not one having one thousand inhabitants. It is in a farming and lumbering section. Many of the boys come out of the woods Saturday afternoon and they necessarily go to the barber. We have what we call a country barber—no fault to find with that. I see no reason why these men who come from the larger places should not have the advantages of this bill, but I question whether many of our small town barbers would pass any examination that the Board might see fit to give them. I am going to put myself on record as favoring the amendment.

Mr. SLEEPER: Mr. Speaker, I would like to correct one statement. Although I envy the gentleman from Ellsworth his oratory and his eloquence, yet he said that I said that I did not consider the bill just. I consider the amendment and the bill just but the bill without the amendment very unjust.

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

The SPEAKER: The gentleman from Lewiston, Mr. Boucher, moves the previous question. To authorize the Chair to entertain that motion requires the consent of one-third of the members present. As many as are in favor of entertaining the motion 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 question is shall the main question be put now? If the previous question is ordered, the vote must be taken forthwith, first upon the amendment and then upon the main question without further debate on the amendment. Shall the main question be put now? Those in favor will say I; those opposed no. A viva voce vote being taken, the motion prevailed.

The SPEAKER: The question is on the motion of the gentleman from Ellsworth, Mr. Higgins, that House Amendment A be indefinitely

postponed. As many as are in favor of the indefinite postponement of House Amendment A will say aye; those opposed no.

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

Thereupon, House Amendment A was adopted.

Mr. VARNEY OF Berwick: Mr. Speaker, I move that this matter lie on the table pending passage to be engrossed.

The SPEAKER: The gentleman from Berwick (Mr. Varney) is not in order, the previous question having been ordered. Is it now the pleasure of the House that the bill as amended by Senate Amendment A and House Amendment A be passed to be engrossed.

The motion prevailed, and the bill as amended by Senate Amendment A and House Amendment A was passed to be engrossed in non-concurrence and sent up for concurrence.

Mr. VARNEY: Mr. Speaker, I move that we reconsider our action just taken whereby this bill was passed to be engrossed.

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

The Chair lays before the House the seventh tabled and today assigned matter, an act relating to terms and salaries of city of Lewis-

ton officials, S. P. 457, L. D. 850, tabled on April 7th by Mr. Dutil of Lewiston, pending third reading; and the Chair recognizes that gentleman.

Mr. DUTIL: Mr. Speaker, I offer House Amendment A and move its adoption as follows:

House Amendment A to S. P. No. 457, L. D. No. 850, bill, an act relating to terms and salaries of city of Lewiston officials.

Amend said bill by striking out all of Section 5 and inserting in lieu thereof the following section:

'Sec. 5. Date when effective. So much of this act as authorizes the submission of its acceptance to the voters of the city of Lewiston shall take effect as provided in the constitution of the state, but it shall not take further effect unless accepted by the legal voters of the city of Lewiston, as provided in section 4, and if so accepted shall become immediately effective and the officers elected on the 1st Monday of March, 1938, shall hold office for 2 years, as provided in section 1.'

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

On motion by Mr. Ellis of Rangeley.

Adjourned until ten o'clock tomorrow morning.