

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Eighth Legislature

OF THE

STATE OF MAINE

1937

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AUGUSTA, MAINE

### HOUSE

Friday, April 16, 1937.

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

Prayer by the Rev. Mr. Cunningham of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Report of the committee on Judiciary on bill an act relating to outdoor advertising, S. P. 333, L. D. 597, reporting same in a new draft, S. P. 511, L. D. 1035, under same title and that it ought to pass.

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

In the House, the report read and accepted in concurrence and the bill had its two several readings.

On motion by Mr. Weatherbee of Lincoln, Senate Amendment B was adopted in concurrence and tomorrow assigned for the third reading of the bill as amended.

From the Senate: Bill an act to guarantee a minimum educational program and to provide for the equalization of educational opportunity for the youth of the State of Maine, H. P. 1821, L. D. 955, which was passed to be engrossed in the House on April 14th.

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

In the House:

The House voted to reconsider its former action whereby the bill was passed to be engrossed.

Mr. McGAUGHY of Presque Isle: Mr. Speaker, I move that Senate Amendment A be adopted in concurrence.

(Senate Amendment A read by the Clerk.)

Mr. McGAUGHY: Mr. Speaker, in explaining the reason for this amendment, which I feel should be done so that the members will know what it is about, I might say that the House members are fully in accord with this amendment. On page 8 of L. D. 955, the section referred to reads as follows: "No

town shall be eligible to share in equalization aid unless its tax rate for all purposes for the current year shall exceed the average of rates for the State as determined by the Bureau of Taxation."

In explaining the reason for this amendment, we can see from this document that there are two provisions which must be met before a town is eligible for aid or can participate in the \$500,000 distribution. One of them is the one that I have just read which the Senate has asked by this amendment to have stricken out. The purpose of this is that there are a few towns whose tax rates are exceptionally high, that is, the total municipal rate. Now if this provision is removed, some thirty towns will participate that would not have participated previously, and the amount that they will receive will not be of such extent as to seriously affect the remaining towns that would have received benefits had this amendment not been adopted.

Furthermore, I notice that there are some towns that are receiving aid now, before the amendment is adopted, that will not receive so much, due to the fact that some of the towns have a very high property valuation. And this will remove some of the objections that a few members have had. This only affects in both respects a few towns and we hope that you will agree to the adoption of the amendment. I move its adoption in concurrence.

The motion prevailed and Senate Amendment A was adopted in concurrence.

The SPEAKER: The Clerk will read Senate Amendment C.

(Senate Amendment C read.)

The SPEAKER: The question is on the adoption of Senate Amendment C and the Chair recognizes the gentleman from Readfield, Mr. Newton.

Mr. NEWTON: Mr. Speaker, a word of explanation may be in order as to the effect of this amendment. The members of the committee again are in accord with the amendment, but it is barely possible that just a word of explanation may be in order.

According to the original bill, all towns which have not enough to make the units \$783 and \$1,505,—it was found that a few towns in the State would be compelled to raise their school rate so that it would be a hardship. In order to

leave that matter so that that burden would not come upon the town, it seemed best to put in this amendment so as to leave the thing open to the action of the local authorities; in other words, leave it just as it is now. They would not come in on the benefits of the equalization feature, but it does not compel the towns to raise any more money than they do now. In other words, it leaves the local authorities with power to run their schools on the same amount which they have been raising.

Mr. PAYSON of Portland: Mr. Speaker, my friends have advised me not to try again this morning. Something like Hattie and Frank who were on the road from South Hope to Hope Corner, on the Hope Pond Road. Hattie was very sick with pleurisy and Frank was sitting at her bedside comforting her. She was suffering and breathing hard. Finally she said: "Frank, I can't breathe," and Frank said: "There, there, don't try, Hattie." (Laughter.) But I cannot resist the chance to make my position here clear, and this amendment makes it clearer than anything in the world could possibly do. This is a bill that has the word "minimum" in it—a minimum education; and it provides money for towns that have already more than minimum education. It provides for equalization and it takes money from the towns that have high valuation, and doing their share of the carrying of the State tax, and gives it to the towns that have a low valuation and are paying under their share of the State tax now. It provides for education and it gives money for tax relief; so that pretty well takes care of the title of the bill.

We now come to the explanation of it, that it provides money for poor towns that cannot afford to give their children a minimum education when lo and behold there comes an amendment this morning that exempts the towns from the provisions of this bill if they do not want to raise the money.

The SPEAKER: The question is on the adoption of Senate Amendment C. Is the House ready for the question? As many as are in favor of the adoption of Senate Amendment C in concurrence will say aye; those opposed no.

A viva voce vote being taken, Senate Amendment C was adopted in concurrence, and the bill as amend-

ed by Senate Amendment A and Senate Amendment C was passed to be engrossed in concurrence.

Mr. GYGER of Cumberland: Mr. Speaker, I move that the bill lie on the table pending arrangement to send it to the Taxation Committee.

The SPEAKER: The bill is not now before the House, having been passed to be engrossed. Does the gentleman wish to move reconsideration of the passage of the bill to be engrossed?

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

Thereupon, on motion by Mr. Gyger, the House voted to reconsider its action just taken whereby the bill was passed to be engrossed; and on further motion by the same gentleman the bill was tabled pending its passage to be engrossed.

From the Senate: Bill an act to provide for a system of personnel administration in State employment; to create a State Personnel Board, and a Director of Personnel; and to define the powers, duties and proceedings of such Board and Director (S. P. No. 485) (L. D. No. 970) which was passed to be engrossed in the House on April 14th as amended by Senate Amendment "A" as amended by Senate Amendment "A" thereto, and as amended by Senate Amendments "B" and "C" and as amended by House Amendment "B" in non-concurrence.

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

Mr. PAYSON of Brooks: Mr. Speaker and Members of the House: This bill has had pretty hard sailing since it started in, and you will note that a few have tried to save it from sinking with these amendments they have put on. I am sure I would not know how to vote on the bill, and I am sure probably a lot of the other members feel the same way.

Now one thing we do know is that it creates a new bureau or commission. That we do not want to do in the closing hours of this session. I move for the indefinite postponement of this bill. (Applause.)

The SPEAKER: The gentleman from Brooks, Mr. Payson, moves that the bill be indefinitely postponed. The Chair recognizes the

gentleman from Cape Elizabeth, Mr. Philbrick.

Mr. PHILBRICK: Mr. Speaker, of course the bill does set up another bureau, and there is an appropriation connected with it. I object to setting up other bureaus unless there is a very strong reason for them, but I do not see that fact is sufficient to kill a bill if there is some merit in it.

The purpose of this bill is to increase the efficiency of the employees of our State government, and I believe that the appropriation of ten thousand dollars for the biennium will be saved ten times over or twenty times over. It has to be guess-work, but anyone who believes in civil service or the merit system at all must know that efficiency means saving, even though it cannot be actually figured out in dollars and cents.

This is not a new idea; it is not sprung on the House in the closing hours. The idea of this bill was incorporated in the Cole report some fifteen years ago, and incorporated in the Code report in 1930, and the reason that it was not pushed for enactment at that time had nothing to do with the merits of the civil service portions of that report.

The amendments which have been put on the bill do not to me, who am a friend of the bill, hurt the bill in any way.

One of the things that I was very anxious to have happen was that the bill should apply to clerical positions, positions of all sorts that did not involve policy-making. Now in trying to list the positions in the State government that are policy-making, it was difficult to make it all-inclusive. For example, I personally put on here yesterday an amendment taking care of the Deputy Attorney-General, who was a lawyer dealing in a very specialized sort of work, the collection of inheritance taxes. Another amendment applied to the wardens of the Fish and Game Department—not to the employees here in the State House, but to the wardens, whom I understand are covered by a separate civil service of their own.

Now I have also heard as an objection to the bill that it is aimed at present employees of the State government. I discussed that with several members of this House who were interested in protecting some of the present employees, and I feel I can safely assure them that the

aim and effect of this bill is exactly the opposite. It protects employees now in office from unjust dismissal; it does not require them to take examinations unless they are seeking promotion by transfer.

Again referring to our party platform, I think it would be a very serious accusation of us if we failed to take action on this bill today; and on the motion of the gentleman from Brooks (Mr. Payson) I ask for the yeas and nays.

Mr. McGLAUFLIN of Portland: Mr. Speaker: I am one of those who would like to get through at a reasonable time, but this Legislature up to this point has done a pretty good job this year, and if we pass the necessary appropriations we are going home feeling that we were one whale of a Legislature. But I want to say that just for the sake of rushing things through I for one am opposed to turning down a meritorious bill, just for the sake of rushing through because some member thinks he does not understand what it means. I say let us stay here until he finds out what it means. That bill is a good bill; that bill provides for a civil service in this State.

We had that bill before the Judiciary committee, and we put a whale of a lot of time and work on it, trying to get a bill that was worth having, and we believe we have got it, and I for one do not want to see that bill tossed out of the window in any such way as saying you do not understand what it means and therefore to hell with it. I say that the bill has merits; it is trying to put the office-holders in this State on the merit system. Any man in this State who is efficient has no reason to fear for his job at all. We have got a Governor in whom we have confidence. We believe that he will appoint men to that board who are capable of doing the job. We believe that if you put the employees of this State on the merit system that there is a possibility of saving some money.

Let me call to your attention this fact: That the people back home look at the expenditures of the Legislature today as compared with what it was ten to fifteen years ago, and they say, "Why are you spending so much money in 1937?" They cannot understand it at all. They think we are wasting money up here, and a whale of a lot of it. Now they do not realize that in

the last few years we have been taking on new enterprise after new enterprise; we have been taking on things that were not thought of fifteen years ago, and it costs a lot of money.

If you put the men who are in the employ of the State on a civil service basis, you are going to convince those people that we have not got a lot of worthless timber up here drawing pay for doing nothing—and that is the impression that a lot of them have now.

Members of the House, we should not postpone this bill; we should act upon it. It is a good bill; it is a meritorious one, and if we have got to stay here a day or two longer to get some members posted, let us do it.

Mr. PAYSON: Mr. Speaker, I would like to ask the gentleman from Portland (Mr. McGlaufflin) through the Chair, a question.

The SPEAKER: The gentleman from Brooks, Mr. Payson, wishes to ask a question of the gentleman from Portland through the Chair. The gentleman from Brooks may ask the question and the gentleman from Portland may reply through the Chair, if he wishes.

Mr. PAYSON: Mr. Speaker, if there was so much time given to this in this committee and it had so much merit when they passed on it, why so many amendments?

Mr. McGLAUFFLIN: Mr. Speaker, the amendments apparently mostly came from the other house, and if you can explain what that body is doing it is beyond me. (Laughter.)

The SPEAKER: The gentleman must not refer to the action of the Senate. The remarks are out of order.

Mr. MURCHIE of Calais: Mr. Speaker, I think perhaps I am in sympathy with the gentleman from Brooks (Mr. Payson) not in his desire to kill this bill, but in sympathy with his misunderstanding. I will admit that when I came to my desk this morning and saw those various amendments here I stood there and looked for somebody who might explain them. I was in the position of a man who was going down for the third time in my understanding. But with the information I have had pertaining to this bill, I hope that this Legislature will not make the mistake—and it would be a grievous mistake—of turning it down or throwing it out. I know it

has merit, and in spite of the misunderstandings that present themselves here, this mixing of amendments, I believe it should become a part of the laws of the State of Maine, and I know that over a period of time it will do its work in making a saving to the State. I hope that this Legislature will not go along with the gentleman from Brooks. It would be one great mistake. I can say this: If we do not understand it, let us adjourn the Legislature, call a caucus and have the thing properly explained. It ought to go along.

(At this point Mr. Ellis of Rangeley assumed the Chair and Speaker Hill took a seat on the floor of the House.)

Mr. HIGGINS of Ellsworth: Mr. Speaker, I am quite in accord with the endorsement that has been expressed indicating that this bill has merit, and I find myself in this position: That there have been only two arguments presented this morning against this bill. The first was that we are in the closing hours of the session, therefore we should not pass it. I do not think we have reached that point yet where we are in the closing hours of the session and have not got time to consider this bill. The second argument seems to be that one member of the House does not understand it. I cannot feel that is a very good reason why we should indefinitely postpone. I am willing to hear sound arguments against the bill, but I do not think that these two arguments should be very convincing to this House.

Mr. HILL of South Portland: Mr. Speaker, nothing was more remote from my mind a few moments ago than that I should come to the floor and engage in debate on this or any other measure. Certainly it is only on occasions of great importance that such action on behalf of the Speaker may be justified, and yet the Speaker is a member of this body and under a duty to his constituents as well as to the people of the State, and I believe that this measure is of that magnitude and is of that importance which justifies such action.

Administrative jobs and positions in our State government exist for the benefit not of those who may apply for them or may seek to occupy them, but exist, rather, for the benefit of the people of the State as a whole; and it is my firm and sin-

cere belief that if any measure such as this now pending before this body is designed, and calculated to improve the conditions under which such positions are filled, it is a measure that warrants the support of every member of this body.

The purpose that lies behind this measure is the ascertaining of the fitness and the qualifications of the employee for that particular work that is allotted to his care. All of us know, I think, that under the existing system we are constantly beset by those who wish to obtain employment in some particular office or department of the State, and we are asked to assist them in obtaining those positions, and we do so as far as we can. But, Mr. Speaker, would it not be far better, would it not result in much more efficient service to this State if those persons could be directed to one central office or department that had exclusive jurisdiction over the ascertaining of their fitness for the particular work which they sought? Would it not make for better efficiency if the employees of the State were selected in that manner upon a basis of fitness and merit alone?

We have talked in this session of the Legislature much about economy. We are confronted here with a situation in which if the State undertakes the new activities that seem to be demanded by our people new sources of revenue must be found to meet the obligations in carrying on those new activities, and therefore it is particularly fitting that we should give our support to a measure calculated to produce economy where economy can be produced.

I believe personally that this is a very constructive measure; that it will result, if enacted, in greater efficiency in the administration of the several departments of the State; that it will tend toward the elimination of waste and inefficiency, and therefore tend strongly for economy in the government of our State.

The bill proposes not only to fill offices with those best equipped and best qualified to carry them on, but also to secure their tenure against the misfortunes of political chance.

This bill, as has been stated, was referred to the committee on Judiciary. The committee on Judiciary considered it at great length; it was discussed fully there; changes and corrections were made, and a new

draft reported by that committee with a unanimous vote of the ten members that this bill ought to pass.

I believe that today the people of the State of Maine, regardless of the political party to which they may belong, are, in the great majority, demanding that steps such as this be taken to promote efficiency in the government of our State.

Now as to the amendments: An amendment has been adopted exempting the wardens in the Forestry Department, for the reason, I believe, that there is a similar law already in operation which applies to them, so that there is no need of the application of this measure to them. There is another amendment exempting the Deputy Attorney-General and Assistant Attorney-General, for the reason that they are professional persons, and for the reason that the bill is not particularly applicable to the selection of persons for those particular places. Then there is another amendment which purports to exempt three or four heads of bureaus, I believe in the Department of Agriculture. Further amendments might perchance be offered with a view of indirectly defeating the bill by eliminating portions of it and destroying it in a piece-meal fashion. Those amendments, it seems to me, ought not to be very confusing to any member who takes the time to examine them. Already the House has adopted two amendments, and there is one more amendment that will soon be pending here in the condition in which the bill now comes before the House. If the motion of the gentleman does not prevail, the question would then be on the passage of the bill to be engrossed in concurrence after the adoption of that pending amendment.

I do not hesitate to say that this is one of the most constructive pieces of legislation that has been presented to this Legislature, and that if we as members of the Legislature enact it and put it into operation I believe that it will meet with the overwhelming and whole-hearted support and approval of the people of the State of Maine. So, Mr. Speaker, I earnestly hope that the motion of the gentleman from Brooks (Mr. Payson) for indefinite postponement will not prevail. (Applause)

Mr. PAYSON of Brooks: Mr.

Speaker, if in order, I withdraw my motion. (Applause)

Mr. HILL: Mr. Speaker, I move that the House reconsider its former action whereby this bill was passed to be engrossed.

The motion prevailed; and on further motion by the same gentleman Senate Amendment D was adopted in concurrence.

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

Thereupon, Speaker Hill resumed the Chair amid the applause of the House, Mr. Ellis retiring.

#### Orders

Mr. Bird of Rockland, presented the following order and moved its passage:

Ordered, the Senate concurring, that H. P. 1415, L. D. 603, bill an act relative to bastard children, be recalled from the legislative files to the House.

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

#### Reports of Committees

Mr. Fuller from the Committee on Claims on resolve in favor of James H. Kerr of Rumford (H. P. No. 1491) (L. D. No. 536) reported that legislation is inexpedient.

Mr. Smith from same Committee reported ought not to pass on resolve authorizing D. M. Susi to bring a suit at law against the State of Maine (H. P. No. 1516) (L. D. No. 605)

Mr. Palmer from same Committee reported same on resolve in favor of Manzie Rogers of Bangor, Maine (H. P. No. 951) (L. D. No. 405)

Mr. Ellis from the Committee on Ways and Bridges reported same on resolve in favor of the town of Westport (H. P. No. 1236) (L. D. No. 455) as it is covered by another resolve.

Mr. Fellows from the Committee on Taxation reported same on bill an act relating to exemptions of homes from taxation (H. P. No.

1074) (L. D. No. 806) as it is covered by other legislation.

Same gentleman from same Committee reported same on bill an act relating to exemption from taxes for certain persons (H. P. No. 708) (L. D. No. 230) as it is covered by other legislation.

Same gentleman from same Committee reported same on bill an act relating to the exemptions of estates from taxation (H. P. No. 499) (L. D. No. 166) as it is covered by other legislation.

Mr. Haskell from same Committee reported same on bill an act to tax malt liquor and to reduce the State tax on towns (H. P. No. 1639) (L. D. No. 778)

Reports read and accepted and sent up for concurrence.

Mr. Cushing from the Committee on Claims on resolve in favor of Arthur Liberty of North Yarmouth (H. P. No. 30) reported same in a new draft (H. P. No. 1874) under same title and that it ought to pass

Mr. Palmer from same Committee on resolve in favor of R. Earle Haley of Rangeley (H. P. No. 68) reported same in a new draft (H. P. No. 1875) under same title and that it ought to pass

Mr. Fuller from same Committee on resolve in favor of George A. Johnson of East Machias (H. P. No. 949) (L. D. No. 403) reported same in a new draft (H. P. No. 1876) under same title and that it ought to pass

Mr. Churchill from same Committee on resolve in favor of Manzie I. Rogers of Bangor, Maine (H. P. No. 950) (L. D. No. 404) reported same in a new draft (H. P. No. 1877) under same title and that it ought to pass

Mr. Ellis from the Committee on Ways and Bridges on bill an act relating to construction of State Aid roads in Indian Township (H. P. No. 283) (L. D. No. 84) reported same in a new draft (H. P. No. 1878) under same title and that it ought to pass

Same gentleman from same Committee on bill an act relating to the establishment and maintenance of stations or police barracks for weighing trucks (H. P. No. 1605) (L. D. No. 669) reported same in a new draft (H. P. No. 1879) under same title and that it ought to pass

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



**First Reading of Printed Bills**

(H. P. No. 1870) (L. D. No. 1041)  
An act relating to the ferry between  
Indian Island and Old Town

(H. P. No. 1871) (L. D. No. 1042)  
An act to provide a pension for  
crippled persons

(H. P. No. 1872) (L. D. No. 1043)  
An act relating to exemptions from  
taxation

(H. P. No. 1873) (L. D. No. 1044)  
An act relating to exemptions of  
estates from taxation

**Passed to Be Engrossed**

(S. P. No. 408) (L. L. No. 796)  
An act to provide for annual audits  
in cities, towns, plantations and  
village corporations

(H. P. No. 711) (L. D. No. 232)  
An act relating to apportionment  
of motor vehicle registration fees  
paid by inhabitants of North Haven  
and Vinahaven

(H. P. No. 1822) (L. D. No. 1039)  
An act relating to support of de-  
pendents of soldiers, sailors and  
marines of the World War.

(H. P. No. 1869) (L. D. No. 1034)  
An act amending the law relating  
to unemployment compensation

(H. P. No. 1484) (L. D. No. 562)  
An act to permit Loan and Build-  
ing Association to consolidate or  
transfer assets

(S. P. No. 300) (L. D. No. 498)  
Resolve relating to a State High-  
way Planning Survey and Plan-  
ning Survey Committee

(S. P. No. 512) (L. D. No. 1036)  
Resolve providing for the payment  
of certain pauper claims

(H. P. No. 653) (L. D. No. 1038)  
Resolve to reimburse the town of  
Rome for burial expenses of Les-  
ter A. Brown, a veteran of the  
Spanish War

(S. P. No. 179) (L. D. No. 254)  
An act relating to Emergency  
Municipal Finance Board as  
amended by Senate Amendments A  
and C

**Passed to Be Enacted**

(Emergency Measure)

(H. P. No. 1848) (L. D. No. 1009)  
An act relating to licenses of im-  
porters of malt liquors; Emergency.

Mr. SLEEPER of Rockland: Mr.  
Speaker, I would like to ask a ques-  
tion of the Chair. Am I in order  
to vote to reconsider this bill now,  
in order to offer an amendment or  
must I table it until we reach Or-  
ders of the Day? We have commit-  
ted a grave error in the bill relat-

ing to licenses of importers of malt  
liquors.

The SPEAKER: The gentleman  
may move suspension of the rules.

Mr. SLEEPER: Mr. Speaker, un-  
der suspension of the rules, in or-  
der to save time, I would like to  
move to reconsider our action  
whereby this bill was passed to be  
engrossed.

The SPEAKER: The gentleman  
from Rockland, Mr. Sleeper, moves  
that the rules be suspended to per-  
mit a motion to reconsider the  
former action of the House where-  
by, on April 12, this bill was passed  
to be engrossed.

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

Mr. SLEEPER: Mr. Speaker, the  
committee finds that we have  
grossly overcharged on this license  
and I now offer House Amendment  
A and urge its adoption.

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

House Amendment A to H. P. No.  
1848, L. D. No. 1009, bill, an act  
relating to licenses of importers of  
malt liquors; emergency.

Amend said bill by striking out  
in the 2nd paragraph after the en-  
acting clause thereof the figures  
"\$500" and inserting in place there-  
of the figures '\$100'.

Mr. PHILBRICK of Cape Eliza-  
beth: Mr. Speaker, before we vote  
on this amendment, I would like  
to inquire through the Chair of the  
gentleman from Rockland, Mr.  
Sleeper, whether there are any fig-  
ures available as to the difference  
that this amendment would make in  
the estimated revenues of the State  
of Maine.

The SPEAKER: The gentleman  
from Cape Elizabeth, Mr. Philbrick,  
asks a question of the gentleman  
from Rockland, Mr. Sleeper, through  
the Chair, and the gentleman from  
Rockland may answer if he wishes.

Mr. SLEEPER: It would not make  
hardly any difference, Mr. Speaker.  
As it stands now, there is no charge  
made and the \$100 is just to handle  
the red tape, so to speak. It would  
be a grave injustice on the small  
importer. I would say, in explana-  
tion, that this bill is not for the  
wholesalers. The wholesaler's li-

cense is still \$300. This is a license which has to do with foreign brewers who send beer in here. It was brought to my attention by a member of the Liquor Commission, and it is with the consent of the committee that I introduce this amendment.

The SPEAKER: Is the House ready for the question? As many as are in favor of the adoption of the amendment will say aye; those opposed no.

A viva voce vote being taken, the amendment was adopted, and the bill as amended by House Amendment A was passed to be engrossed in non-concurrence and sent up for concurrence.

#### Passed to be Enacted

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

(S. P. No. 507) (L. D. No. 1026)  
An act relating to the Calais School District.

(H. P. No. 115) (L. D. No. 49) An act to protect trade-mark owners, distributors and the public against injurious and uneconomic practices in the distribution of articles of standard quality under a trade-mark, brand or name.

(H. P. No. 1545) (L. D. No. 629)  
An act relating to pauper settlements.

(H. P. No. 1697) (L. D. No. 989)  
An act relating to the Knox Arboretum.

(H. P. No. 1853) (L. D. No. 1023)  
An act relating to payment of damages done by dogs or wild animals and to the registration and licensing of dogs.

#### Finally Passed

(H. P. No. 1271) (L. D. No. 1022)  
Resolve in favor of Harold L. Wentworth of Cornish.

(H. P. No. 1854) (L. D. No. 1015)  
Resolve in favor of the town of Eddington.

(H. P. No. 1855) (L. D. No. 1016)  
Resolve in favor of Henry L. Martin of Boston, Massachusetts.

(H. P. No. 1856) (L. D. No. 1017)  
Resolve in favor of John Ruggles of Carmel.

(H. P. No. 1857) (L. D. No. 1018)  
Resolve in favor of Roland Batchelder of Augusta.

(H. P. No. 1858) (L. D. No. 1019)  
Resolve in favor of Charles E. Taylor of Freeport.

(H. P. No. 1859) (L. D. No. 1020)

Resolve in favor of Enos G. Lambert of Freeport.

(H. P. No. 1860) (L. D. No. 1021)  
Resolve authorizing the sale of State's interest in certain lands.

(H. P. No. 1861) (L. D. No. 1027)  
Resolve relating to the taking of clams in Bar Harbor and Lamoine.

#### Orders of the Day

The Chair lays before the House the first tabled and today assigned matter, Senate report ought not to pass of the committee on Aeronautics and Radio Control on bill an act to create the State Aeronautical Commission, S. P. 217, L. D. 390, which came from the Senate with the bill substituted for the report in non-concurrence and passed to be engrossed as amended by Senate Amendment A. This was tabled April 14th by Mr. Paul of Portland, pending further consideration; and the Chair recognizes that gentleman.

Mr. PAUL: Mr. Speaker and Members of the House: Before making a motion on this measure, I wish to make a few brief remarks in explanation of the motion I shall make.

This bill appeared on our calendar several weeks ago, was referred to committee, a unanimous report was brought out from that committee, came back on our calendar and was killed in the other body of this Legislature and it went into the legislative files. The time expired for moving for reconsideration, there being no Joint Order to recall the measure. For some reason or other it found its way back and appears on our calendar, and I now move that the measure be returned to the legislative files.

The SPEAKER: The gentleman from Portland, Mr. Paul, moves that the bill and report be returned to the legislative files.

A viva voce vote being taken, the bill and report were ordered returned to the legislative files in non-concurrence and sent up for concurrence.

The Chair lays before the House the second matter tabled and today assigned, bill an act relating to sale of alcohol, H. P. 1836, L. D. 993, tabled on April 15th by Mr. Sleeper of Rockland, pending third reading; and the Chair recognizes that gentleman.

Mr. SLEEPER: Mr. Speaker, since

this contemplated amendment has gone from the Clerk's office to the Revisor of Statutes and back to the Clerk's office and is now in the Attorney General's office, where it is going to be ironed out so as to include alcohol manufacturers in Aroostook County, I would move that the bill be given its third reading and passed on to the Senate where the amendment can be adopted. This will clear our calendar of the matter.

The motion prevailed, and the bill had its third reading; and on further motion by the same gentleman the bill was tabled pending passage to be engrossed.

The SPEAKER: The House is proceeding under Orders of the Day and there are on the table nine unassigned matters.

On motion by Mr. Ellis of Rangeley, it was voted to take from the table the ninth unassigned matter, Senate Amendment A to resolve creating a Recess Committee on compensation for occupational diseases, H. P. 1852, L. D. 1004, tabled on April 15th by that gentleman, pending adoption of the amendment; and on further motion by the same gentleman Senate Amendment A was adopted in concurrence, and the resolve as amended by Senate Amendment A was passed to be engrossed in concurrence.

The SPEAKER: Are there other matters that can be taken from the table and disposed of?

On motion by Mr. Sleeper of Rockland, it was voted to take from the table the fourth unassigned matter, majority report ought to pass in new draft and minority report ought not to pass of the committee on Temperance on bill an act relating to liquor licenses, H. P. 1597, L. D. 659, new draft H. P. 1867, L. D. 1037, tabled by that gentleman on April 14th, pending the motion by Mr. Stilphen of Dresden, that the majority report be accepted.

Mr. SLEEPER: Mr. Speaker and Members of the House: This bill has to do with an increase in the licenses for beer parlors and the stores that sell malt liquors. The signers of the minority report felt that with the recent tax enacted by this Legislature of sixteen cents a gallon, that that was plenty of revenue for the State to derive from

this source; so the signers of the minority report urge the acceptance of the report, ought not to pass. We feel that enough penalty has been placed on this particular business with the enactment of the sixteen cent tax per gallon. This bill was introduced prior to the introduction of that sixteen cent tax per gallon and we feel that it is not fair. Therefore I urge the acceptance of the minority report, ought not to pass.

Mr. STILPHEN of Dresden: Mr. Speaker, Ladies and Gentlemen of the House: I dislike to disagree with my fellow member of this committee, but he has mentioned the tax that we have placed on beer. Now, as I understand, it is two cents on a bottle of beer, and through good authority I understand that they have raised the price of a bottle of beer six cents. Now it seems to me that there is someone there making some money which could be turned back into the State Treasury in higher licenses rather than to go into the pockets of those who are selling the beer.

There is another bill here that goes along with this one, change in the number of licenses sold. If that is passed, it will cut down the number of beer parlors or beer joints and that would make a larger volume for those who are selling, and we felt in the committee that there was a chance here to raise the licenses and the State receive some more revenue.

Mr. ALDEN of Auburn: Mr. Speaker and Members of the House: The suggestion as made in this original measure meets with the approval of the former commissioner and the present one. The gentleman from Dresden, Mr. Stilphen, says that the number of licenses that the commission issues will be reduced. If that is so, there is all the more necessity for this feature being embodied in the re-draft and passed.

The SPEAKER: The pending question is on the motion of the gentleman from Dresden, Mr. Stilphen, that the majority report, ought to pass in new draft, be accepted. Is the House ready for the question? As many as are in favor of that motion will say aye; those opposed no.

A viva voce vote being taken, the majority report ought to pass was

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

On motion by Mr. Ellis of Rangeley, it was voted that all papers acted on by the House this morning be sent forthwith to the Senate.

Mr. ELLIS of Rangeley: Mr. Speaker, I move that the House recess until 4 P. M.

The SPEAKER: The Chair will call the attention of the House to the fact that the House is waiting for the reports of the several committees of Conference, and the Chair hopes that the members of those Conference Committees will act as promptly as possible.

The gentleman from Rangeley, Mr. Ellis, has moved that the House recess until four o'clock this afternoon.

The motion prevailed, and the House so recessed.

#### After Recess—4:28 P. M.

The Speaker in the Chair.

#### Conference Reports

Report of the Committee on Conference on the disagreeing action of the two branches of the Legislature on bill an act to provide for old age assistance (H. P. No. 1863) (L. D. No. 1029) reporting that both branches of the Legislature recede from their positions and that House Amendment "C" be adopted and the bill be passed to be engrossed as amended by House Amendments "A", "B" and "C," the effect of this action being to provide an appropriation of \$1,500,000 for the fiscal year ending June 30, 1938 and \$2,000,000 for the fiscal year ending June 30, 1939.

(Signed)

Messrs. Jewett of Ripley  
Owen of Bath  
Payson of Brooks  
—Committee on part of House  
Burkett of Knox  
Friend of Somerset  
Spear of Cumberland  
—Committee on part of Senate.

The SPEAKER: Is it the pleasure of the House to accept the report of the committee? Those in favor will say aye; those opposed no.

A viva voce vote being taken, the report was accepted.

Thereupon, the House voted to reconsider its former action whereby the bill was passed to be engrossed, on April 14th and also voted to reconsider its former action whereby House Amendment C failed of adoption.

Thereupon, a viva voce vote being taken, House Amendment C was adopted and the bill as amended by House Amendment A, House Amendment B, and House Amendment C was passed to be engrossed in non-concurrence.

On motion by Mr. Ellis of Rangeley, it was voted that the bill be sent forthwith to the Senate.

Report of the Committee on Conference on the disagreeing action of the two branches of the Legislature on H. P. 309, L. D. 97, resolve regulating smelt fishing in Flanders Bay reporting that they are unable to agree.

(Signed)

Messrs Noyes of Franklin  
Stilphen of Dresden  
Barter of Stonington  
Committee on part of House.  
Lewis of Lincoln  
Sewall of Sagadahoc  
Wentworth of York

—Committee on part of Senate.

Read and accepted and sent up for concurrence

#### Papers from the Senate

(Out of order and under suspension of the rules)

Paper from the Senate disposed of in concurrence.

#### Senate Resolve in First Reading

Σ. P. 514, L. D. 1046: Resolve in favor of several academies, institutes and seminaries.

From the Senate: Report of the committee on Ways and Bridges reporting ought not to pass on bill an act relating to the General Highway Fund and defining highway. S. P. 301, L. D. 497.

Comes from the Senate with the report and bill indefinitely postponed.

In the House:

Mr. HINMAN of Skowhegan: Mr. Speaker, I move you that we concur with the Senate in the indefinite postponement of this bill.

Mr. PAYSON of Portland: Mr. Speaker, I hesitate at this time to ask the indulgence of the House,

but this bill has come in unexpectedly and I ask that it be tabled until the next legislative day.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the bill and report be tabled pending the motion of the gentleman from Skowhegan, Mr. Hinman, that the same be indefinitely postponed in concurrence, and that the matter be specially assigned for tomorrow morning. As many as are in favor of the motion that the bill and report be tabled and specially assigned for tomorrow morning will say aye; those opposed no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Skowhegan, Mr. Hinman, that the bill and report be indefinitely postponed in concurrence. Is the House ready for the question? Those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion prevailed, and the bill and report were indefinitely postponed in concurrence.

From the Senate: Bill an act relating to hunting while intoxicated or under the influence of drugs, H. P. 1707, L. D. 932, which was passed to be engrossed in the House yesterday in non-concurrence.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House:

Mr. STILPHEN of Dresden: Mr. Speaker, I move that the House insist and ask for a committee of Conference.

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

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

Fifty-nine voting in the affirmative and 12 in the negative, the motion that the House insist and ask for a committee of Conference prevailed.

The SPEAKER: The Chair will name on the committee of Conference on the part of the House: Messrs. Stilphen of Dresden, McLaughlin of Portland, and Varney of Berwick.

From the Senate: Bill an act relating to outdoor advertising (S. P. No. 277) (L. D. No. 494)

Which was passed to be engrossed in the House on April 15th in non-concurrence,

Comes from the Senate with that body insisting on its former action whereby the bill was indefinitely postponed, and asking for a Committee of Conference, and with the following conferees appointed on its part:

Messrs. Friend of Somerset  
Fortin of Androscoggin  
Miss Laughlin of Portland

In the House, on motion by Mr. Philbrick of Cape Elizabeth, a viva voce vote being taken, it was voted that the House insist and join in a committee of Conference.

The SPEAKER: The Chair appoints as the conferees on the part of the House: Messrs. Philbrick of Cape Elizabeth, Higgins of Ellsworth, and Stilphen of Dresden.

The SPEAKER: The Senate papers having been disposed of, the House is now proceeding under Orders of the Day.

On motion by Mr. Noyes of Franklin, it was voted to take from the table the seventh unassigned matter, resolve relating to smelt fishing in Hancock County, H. P. 1774, L. D. 893, tabled on April 14th by that gentleman, pending final passage.

On motion by the same gentleman the rules were suspended to permit a motion to reconsider the former action of the House whereby this resolve was passed to be engrossed; and on further motion by the same gentleman the House voted to reconsider its action whereby the resolve was passed to be engrossed.

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

House Amendment A to H. P. No. 1774, L. D. No. 893, resolve, relating to smelt fishing in Hancock county.

Amend said resolve by adding at the end thereof the following words:

and be it further  
**Fishing in Flanders bay, regulated.**

Resolved: That the commissioner of sea and shore fisheries be, and hereby is, directed to issue a rule and regulation prohibiting persons

from taking smelts except by hook and line from any of the waters in Flanders bay inside of a line drawn from Doane's point, so-called, in Sorrento to the eastern end of Ash Neck or Scheffelin's point, so-called, located in Gouldsboro.

Whoever shall violate any of the provisions hereof shall be punished by a fine of not more than \$50 for each offense.

The SPEAKER: The pending question is on the adoption of House Amendment A. As many as are in favor of its adoption will say aye; those opposed no.

A viva voce vote being taken, House Amendment A was adopted, and the resolve as amended by House Amendment A was passed to be engrossed in non-concurrence and sent up for concurrence.

Mr. BIRD of Rockland: Mr. Speaker, I ask that the rules be suspended so that the House may reconsider its action on bill an act relating to bastard children, H. P. 1415, L. D. 603.

My reason for asking this is that when the Judiciary Committee heard the case we thought that the law was unnecessary, since which time Justice Manser has rendered a decision and we now believe that the law should be considered.

Thereupon, the rules were suspended to permit a motion to reconsider the former action of the House whereby the ought not to pass report of the committee on Judiciary on H. P. 1415, L. D. 603, bill an act relating to bastard children, was accepted on April 7th.

On further motion by the same gentleman, the House reconsidered its former action whereby the ought not to pass report was accepted.

On further motion by the same gentleman the bill was substituted for the ought not to pass report, by a viva voce vote.

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

The SPEAKER: Are there any further matters that can be taken from the table and disposed of? If not, the House may be at ease to assemble at the sound of the gong.

House at Ease

After Recess—5:45 P. M.

The Speaker in the Chair.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. ELLIS.

Mr. ELLIS: Mr. Speaker, out of order and under suspension of the rules I present an order and move its passage.

Ordered, the Senate concurring, that H. P. 1821, L. D. 955, bill an act to guarantee a minimum educational program, and to provide for the equalization of educational opportunity for the youth of the State of Maine, and H. P. 1863, L. D. 1029, bill an act to provide for old age assistance, be committed to the committee on Taxation with instructions to report a consolidation or consolidations of the two bills, together with such revenue provisions as may be adequate and proper. The committee shall report any consolidation which any member thereof may desire and may include therein provision for allocating any surplus revenue.

On the passage of this order in concurrence, H. P. 1821, L. D. 955, and H. P. 1863, L. D. 1029 shall stand committed to the committee on Taxation.

The order received passage, and on motion by Mr. Ellis, it was voted that the order be sent to the Senate for its concurrence forthwith.

House at Ease

After Recess—6:15 P. M.

The Speaker in the Chair.

On motion by Mr. Ellis of Rangeley, the House recessed until 7:30 this evening. (Applause)

After Recess—7:50 P. M.

The Speaker in the Chair.

(Paper from the Senate, out of order and under suspension of the rules)

The House Joint Order relative to consolidation of H. P. 1821, L. D. 955, and H. P. 1863, L. D. 1029, the order being H. P. 1865, which was read and passed in the House on April 13th, and in the Senate on that date tabled by the Senator from Waldo, Senator Fernald, pending passage.

Comes from the Senate, indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Ellis of Rangeley, that body voted

to recede and concur with the Senate in the indefinite postponement of this order.

The SPEAKER: The Chair wishes to say that when the House recessed this afternoon, it was expected that the committee on Taxation would be able this evening to submit several reports, and that the reports might be received tonight and such printing as might be necessary would be

ordered on the bill. It becomes necessary now, however, to say that circumstances have arisen which make it impossible for the committee on Taxation to report this evening.

The gentleman from Caribou, Mr. Russ, moves that the House will now adjourn.

The motion prevailed, and the House adjourned until 10 o'clock tomorrow morning.