

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Ninth Legislature

OF THE

STATE OF MAINE

1939

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Thursday, March 9, 1939.

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

Prayer by the Rev. Mr. Stiles of Hallowell.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

The following petitions and remonstrances were received, and upon recommendation of the Committee on Reference of Bills were referred to the following committees:

Appropriations and Financial Affairs

Petition of Androscoggin County Association for the Blind in favor of Bill to Provide a Division of Services for the Blind (H. P. 1868) (Presented by Mr. Winslow of Auburn)

Sent up for concurrence.

Taxation

Petition of K. V. D. Sawyer and 49 others of Presque Isle and vicinity in favor of passage of Proposed Store Tax (H. P. 1869) (Presented by Mr. Cleaves of Presque Isle)

Petition of D. T. Sanders & Son Co. and 6 others in favor of same (H. P. 1870) (Presented by Mr. Dean of Greenville)

Remonstrance of George L. Noyes and 163 others of Norway and South Paris Opposing any Tax on Cigarettes and Tobacco (H. P. 1871) (Presented by Mr. Dow of Norway)

Remonstrance of John Knowlton and 613 others of Westbrook against any Tax on Tobacco as a Selective Sales Tax (H. P. 1872) (Presented by Mr. Porell of Westbrook)

Sent up for concurrence.

Orders

On motion by Mr. Dwinal of Camden, it was

Ordered, that there be printed 500 additional copies of each of the following bills:

H. P. 1582, L. D. 855, Bill "An Act Relative to Pollution of Inland Water"

H. P. 1589, L. D. 864, Bill "An Act Relative to Depositing Slabs, Edg- ings, Sawdust in Streams"

Mr. HINMAN of Skowhegan: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Skowhegan, Mr. Hinman, asks unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. HINMAN: Mr. Speaker and members of the House: As we all realize, whoever the person may be who acts as our Speaker, he has very little opportunity to express himself compared with the opportunity which most of us have. Therefore, seeing upon the rostrum with him this morning a young lady whom I believe we would be glad to meet, I would like to present to the members of the House Miss Jean Philbrick, the daughter of our Speaker. (Applause, the members rising)

Mr. McGlauffin of Portland: Mr. Speaker, I presume I am out of order. I would like to present a report of the Committee on Leave of Absence.

The SPEAKER: The gentleman from Portland, Mr. McGlauffin, out of order and under suspension of the rules, presents a report of a committee. The Clerk will read the report.

The gentleman from Portland, Mr. McGlauffin, of the House Committee on Leave of Absence, being informed of the illness of the gentleman from Webster, Mr. Holden, reports that he be excused from attending the sessions of the House during his illness.

Report was accepted.

Reports of Committees Divided Reports

Majority Report of the Committee on Judiciary reporting "Ought not to pass" on Bill "An Act relating to the Enforcement of Executions Against Towns and Cities" (H. P. 486) (L. D. 181)

Report was signed by the following members:

Messrs. Hill of Cumberland
Burns of Aroostook

—of the Senate.

Varney of Berwick
Bird of Rockland
Hinckley of So. Portland
Fellows of Augusta
Thorne of Madison
McGlauffin of Portland
Weatherbee of Lincoln

—of the House.

Minority Report of same Committee on same Bill reporting same in a new draft (H. P. 1873) under same title and that it "Ought to pass"

Report was signed by the following member:

Miss Laughlin of Cumberland—of the Senate.

On motion by Mr. Varney of Berwick, the majority report "Ought not to pass" was accepted and sent up for concurrence.

Majority Report of the Committee on Judiciary reporting "Ought to pass" on Resolve Authorizing Charles A. Darrington to Bring Suit at Law against the State of Maine (H. P. 1425) (L. D. 559)

Report was signed by the following members:

Messrs. Burns of Aroostook
Hill of Cumberland
Miss Laughlin of Cumberland—of the Senate.

Messrs. Thorne of Madison
Weatherbee of Lincoln
Bird of Rockland
Hinckley of So. Portland
Fellows of Augusta
Varney of Berwick
—of the House.

Minority Report of same Committee reporting "Ought not to pass" on same Bill.

Report was signed by the following member:

Mr. McGlaulin of Portland
—of the House.

Mr. McGLAULIN of Portland: Mr. Speaker, I think we have on the Judiciary Committee an exceedingly able bunch of lawyers. There is not a poor one in the whole ten. And I can hardly expect to over-ride the report of nine of the members of that Committee when I am standing alone. Nevertheless, the outcome of these votes, as the Ancients would say, is in the hands of the Gods, and all I can do is to present my views as I see them.

The State of Maine is a sovereign power. Sovereign powers cannot be sued without express permission from that sovereign power. I think that that is a wise measure. If we had it so that the State of Maine could be sued anytime that anybody thought he had a claim against the State, we would be in constant expensive litigation. And to take care of just such measures as this very one, the State of Maine, in its wisdom, has provided that we should

have a Claims Committee in this House.

Now here is a case where a man has a claim I understand amounting to the sum of eighty-four dollars. He is not satisfied with the treatment that he got from the Highway Department and, instead of coming to this Legislature and presenting his claim and letting the Committee here pass upon its merits, he comes before the Judiciary Committee to get authority to sue the State of Maine. And I am frankly amazed to see that my nine companions on that Committee should vote for such a measure, for to me it seems dangerous and pernicious.

I think from the point of view of the man himself, he is better off on that small claim not to have the privilege of suing the State, for if he had had the experience with legal affairs that I have, he would find that it takes but a short time to run up one hundred dollars in legal expenses, and here he is putting up this fight for eighty-four dollars.

I still believe that the Claims Committee of this House, or the next House, is capable of passing on this question rightly and fairly.

Now it was said to me in protest to the position that I took, that when a similar matter came up two years ago which was reported favorably by the Judiciary Committee, and I signed the minority report, it was afterwards referred to another committee and killed. But I know that same man was told he should go before the Claims Committee and his claim was turned down, and I am not sure but what his claim ought to have been turned down.

I am willing to trust the judgment of a Claims Committee on a matter of this kind, and I am emphatically opposed to opening the door to sue the State of Maine on a little matter of this kind.

The SPEAKER: The Chair understands that the gentleman from Portland, Mr. McGlaulin, moves that the minority report "Ought not to pass" be accepted. The Chair recognizes the gentleman from Rockland, Mr. Bird.

Mr. BIRD: Mr. Speaker and members of the House: I think all of the members of the Judiciary Committee appreciate the compliment that the member from Portland (Mr. McGlaulin) has given to us.

Now we are rather a busy com-

mittee, and this matter was thoroughly discussed before our committee, and, while we are an independent committee, there seem to be nine in favor of and one against this bill.

Now I think it is fair to say that when a person comes before the Judiciary Committee that it matters not whether the man's claim is for one dollar or ten thousand dollars, he gets the same treatment.

We members of the Judiciary Committee did feel as though this man should have a right to sue the State of Maine. He just simply asks authority to sue the State of Maine so that he can bring his evidence in court and the court and the jury will determine the legitimacy of his claim. We believe, under the circumstances, that he should have that right. I therefore trust that the motion of the gentleman from Portland (Mr. McGlaufflin) will not prevail.

The SPEAKER: Is the House ready for the question?

The Chair recognizes the gentleman from Augusta, Mr. Fellows.

Mr. FELLOWS: Mr. Speaker, as a general rule I would not be in sympathy with such a measure, but this case happens to be an exception, to my way of thinking. Nine of us on that committee were present and heard the proponents and heard the opponents. We had an opportunity to size up, so to speak, the appearance of these various people, and, if my memory serves me correctly, the member from Portland (Mr. McGlaufflin) was not present at any time during the discussion of this bill. Therefore, I feel it is very likely that he differs with us on this matter because he does not understand the matter as we did. I believe that the man has a legitimate claim and I believe that he is entitled to his day in court, and I certainly hope that the motion of the gentleman from Portland (Mr. McGlaufflin) will not prevail.

Mr. McGLAUFFLIN: Mr. Speaker, I would just like to make one correction in the remarks of the gentleman from Augusta, Mr. Fellows. I did hear the testimony of the man himself and of, I think, three different witnesses. It is true that I left before the hearing was completed, but I got the bulk of all the material testimony before I left.

The SPEAKER: The question be-

fore the House is on the motion of the gentleman from Portland, Mr. McGlaufflin, that the minority report "Ought not to pass" be accepted. All those in favor of the motion to accept the "Ought not to pass" report will say aye; those opposed no.

A viva voce vote being taken, the motion to accept the "Ought not to pass" report did not prevail.

On motion by Mr. Bird of Rockland, the House voted to accept the "Ought to pass" report of the committee.

Leave Of Absence

Mr. McGlaufflin from the House Committee on Leave of Absence reported that Mr. Walker of Littleton be excused from attending the sessions of the House during the present week.

Report was read and accepted.

Ought Not To Pass

Mr. Emery from the Committee on Appropriations and Financial Affairs reported "Ought not to pass" on Resolve for the Appropriating of Money for Fire Hazard Reduction Work (H. P. 1137) (L. D. 465)

Mr. Gyger from same Committee reported same on Resolve in favor of Knox Memorial Sarcophagus (H. P. 1539) (L. D. 684)

Mr. Emery from same Committee reported same on Resolve in favor of the Knox Academy of Arts and Sciences Inc. Under the Educational Laws of Maine (H. P. 671) (L. D. 246)

Reports were read and accepted and sent up for concurrence.

Report Tabled

Mr. Bird from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Filing of Certificates of Nomination and Nomination Papers" (H. P. 502) (L. D. 156)

(On motion by Mr. Ellis of Fairfield, tabled pending acceptance of committee report.)

Mr. Bird from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relative to Liability of Collectors of Taxes" (H. P. 493) (L. D. 147)

Mr. Fellows from same Committee reported same on Bill "An Act relating to Homesteads" (H. P. 492) (L. D. 146)

Reports were read and accepted and sent up for concurrence.

Report Tabled

Mr. McGlaufflin from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to the Absent Voting Law" (H. P. 501) (L. D. 155)

(On motion by Mr. Ellis of Fairfield, tabled pending acceptance of committee report)

Mr. Thorne from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act to Incorporate the First Universalist Society of Gardiner, Maine" (H. P. 1158) (L. D. 386)

Mr. Varney from same Committee reported same on Bill "An Act Creating a Probation Department" (H. P. 73) (L. D. 30)

Same gentleman from same Committee reported same on Bill "An Act relating to Notice to Parties in Interest in Probate Proceedings" (H. P. 498) (L. D. 152)

Mr. Buzzell from the Committee on Legal Affairs reported same on Bill "An Act relating to Municipal Ordinances" (H. P. 1657) (L. D. 646)

Same gentleman from same Committee reported same on Bill "An Act relating to Towns and Town Officers" (H. P. 1654) (L. D. 711)

Reports were read and accepted and sent up for concurrence.

Report Tabled

Mr. Dwinall from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to the School Board of the city of Easport" (H. P. 563) (L. D. 196)

(On motion by Mr. MacNichol of Easport, tabled pending acceptance of committee report)

Mr. Pike from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relative to Expenditure of Town Appropriations" (H. P. 1429) (L. D. 560)

Mr. Fellows from the Committee on Judiciary reported same on Bill "An Act relating to the Bath Municipal Court" (H. P. 1156) (L. D. 384)

Reports were read and accepted and sent up for concurrence.

Report Tabled

Mr. Hinckley from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act providing that an Injured Employee May Select his Own Physician or Surgeon" (H. P. 1324) (L. D. 537)

(On motion by Mr. Hawes of

Vassalboro, tabled pending acceptance of committee report)

Mr. Thorne from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to the Duties of the Clerk of the Municipal Court of Lewiston" (H. P. 1153) (L. D. 382)

Mr. Weatherbee from same Committee reported same on Bill "An Act Amending the Law against Burning Property of Another" (H. P. 1417) (L. D. 573)

Leave To Withdraw

Mr. Weatherbee from the Committee on Judiciary on Bill "An Act relating to Number of Employees under the Workmen's Compensation Act" (H. P. 1583) (L. D. 756) reported leave to withdraw.

Reports were read and accepted and sent up for concurrence.

Ought To Pass In New Draft

Mr. Whitney from the Committee on Appropriations and Financial Affairs on Resolve for the Transfer of Certain Money in the Hands of the Bangor State Hospital (H. P. 852) (L. D. 334) reported same in a new draft (H. P. 1874) under title of "Resolve for the Transfer of Certain Monies in the Hands of the Bangor State Hospital and the Augusta State Hospital" and that it "Ought to pass."

Mr. Churchill from the Committee on Claims on Resolve in favor of William A. Moran of Bangor (H. P. 704) reported same in a new draft (H. P. 1875) under same title and that it "Ought to pass"

Mr. Stacy from the Committee on Towns on Bill "An Act to Provide for the Surrender by Concord Plantation of Its Organization" (H. P. 261) (L. D. 73) reported same in a new draft (H. P. 1876) under same title and that it "Ought to pass"

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

Ought To Pass

Mr. Race from the Committee on Claims reported "Ought to pass" on Resolve in favor of Alvah E. Spear of Warren (H. P. 1273)

Report was read and accepted and the Resolve ordered printed under the Joint Rules.

Mr. McGlaufflin from the Committee on Judiciary reported "Ought to pass" on Bill "An Act relating to the Probation Officer for the county

of Cumberland" (H. P. 1154) (L. D. 383)

Mr. Dwinal from the Committee on Legal Affairs reported same on Bill "An Act relating to Attesting of Records" (H. P. 1667) (L. D. 888)

Mr. Shesong from same Committee reported same on Bill "An Act to Confirm, Ratify and Validate the Incorporation of the First Baptist Church of Yarmouth, Maine, and to Increase its Powers" (H. P. 919) (L. D. 359)

Reports were read and accepted.

Ought To Pass With Committee Amendment

Mr. Payson from the Committee on Legal Affairs on Bill "An Act relating to Marriage Licenses" (H. P. 1650) (L. D. 921) reported "Ought to pass" if amended by Committee Amendment "A" submitted herewith.

Mr. Shesong from same Committee reported same on Bill "An Act to Amend the Charter of the Ogunquit Village Corporation" (H. P. 1174) (L. D. 491)

Same gentleman from same Committee reported same on Bill "An Act relating to the First Congregational Church of Kittery" (H. P. 126) (L. D. 48)

Reports were read and accepted.

Mr. Shesong from the Committee on Legal Affairs on Bill "An Act to Provide a Town Manager Form of Government for the town of Caribou" (H. P. 1161) (L. D. 480) reported "Ought to pass" if amended by Committee Amendment "A" submitted herewith.

On motion by Mr. Brown of Caribou, the bill had its two several readings, under suspension of the rules.

Committee Amendment "A" was read by the Clerk as follows:

Committee Amendment "A" to H. P. 1161, L. D. 480, Bill, "An Act to Provide a Town Manager Form of Government for the Town of Caribou."

Amend section 6, paragraph 6, by adding thereto, the words 'excepting plumbing inspectors, who shall be appointed as provided by section 171, Public Laws of 1933, and amendments thereto.'

Further amend said Bill by striking out section 20 and inserting in the place thereof the following section to be numbered sec. 19.

'Sec. 19. **Referendum.** This act

shall take effect when approved only for the purpose of permitting its acceptance or rejection by the legal voters of the Town of Caribou at any annual town meeting by an article being inserted in the call for such meeting. Such vote shall be by secret ballot, and if a majority of the qualified voters of the town, present and voting, vote in favor of the acceptance of this act it shall become operative in the town. The town clerk shall further file with the secretary of state a certificate of the action of the town thereon.

Emergency clause. In view of the emergency cited in the preamble this act shall take effect when approved as above provided.'

Mr. SHESONG of Portland: Mr. Speaker, it has been discovered that there is a typographical error in Committee Amendment "A" to House Paper 1161, L. D. 480. Reference should be to Section 171, Chapter 1 of the Laws of 1933. I suggest that a verbal amendment be made to the amendment.

The SPEAKER: This appears to be a typographical error. The Clerk will correct the amendment, if there is no objection.

Thereupon, Committee Amendment "A" as corrected was adopted and on further motion by Mr. Brown of Caribou, under suspension of the rules, the bill was given its third reading, passed to be engrossed as amended and sent forthwith to the Senate.

First Reading of Printed Bills and Resolves

Bill "An Act Regulating the Closed Time on Scallops" (H. P. 1718) (L. D. 673)

Bill was read twice and tomorrow assigned.

Bill "An Act to Conserve the Supply of Herring on the Coast of Maine" (H. P. 1862) (L. D. 1014)

Bill was read twice and tomorrow assigned for third reading.

On motion by Mr. Pike of Lubec, the House voted to reconsider its action whereby this bill was assigned for third reading tomorrow morning.

Mr. Pike then offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 1862, L. D. 1014, Bill "An Act to Conserve the Supply of Herring on the Coast of Maine."

Amend said Bill by striking out

the last sentence of Section 1 thereof, and inserting in place thereof the following: 'Provided, however, that any person may have in his possession not more than 10 bushels of herring for the purpose of using the same for bait.'

Further amend said Bill by striking out in Section 2 all after the headnote thereof and substituting in place thereof the following: 'Whoever violates any of the provisions of this act shall be punished by a fine of \$1 per bushel for each bushel of herring taken, offered for sale, or had in his possession in violation of any of the provisions of this act, or by imprisonment for not more than 6 months, or by both such fine and imprisonment.'

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

First Reading of Printed Bills and Resolves (Continued)

Bill "An Act providing for the Payment of a Filing Fee for Statements of Foreign Insurance Companies" (H. P. 1864) (L. D. 1011)

Bill "An Act relating to Insurance Policy Forms and Endorsements" (H. P. 1865) (L. D. 1012)

Resolve in favor of Knox Memorial Association Inc. for Support and Maintenance of "Montpelier" (H. P. 523) (L. D. 213)

Resolve in favor of Mrs. Alfred Lausier of Frenchville (H. P. 1866) (L. D. 1013)

Resolve to Reimburse the town of Bethel for the Fighting of Fire in Unorganized Township of Albany (H. P. 1867) (L. D. 1010)

Bills were read twice, Resolves read once, and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act relating to Bang's Disease" (S. P. 293) (L. D. 513)

Bill "An Act relating to Knox County Game Preserve" (S. P. 296) (L. D. 996)

Sent up for concurrence.

Bill Tabled

Bill "An Act Authorizing Peabody Law School to Confer Degrees" (H. P. 6) (L. D. 13)

Was reported by the Committee on Bills in the Third Reading.

(On motion by Mr. Marshall of Auburn, tabled pending third reading)

Passed to Be Engrossed (Continued)

Bill "An Act relating to Records of Sales of Lobsters" (H. P. 1720) (L. D. 674)

Mr. Pike of Lubec offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 1720, L. D. 674, Bill "An Act Relating to Records of Sales of Lobsters."

Amend said Bill by striking out in the 1st line thereof, the word "Whoever", and inserting in place thereof the following words, 'Any dealer licensed to sell lobsters who'.

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

Passed to Be Engrossed (Continued)

Resolve Granting Authority to the Commissioner of Education to Convey Certain Land (H. P. 947) (L. D. 373)

Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Aroostook County to Ivan Clark of East Millinocket (H. P. 1345) (L. D. 532)

Resolve Authorizing the Forest Commissioner to Convey Certain Lands to the Aroostook Trust Company of Caribou, Maine, as Trustee (H. P. 1853) (L. D. 1006)

Sent up for concurrence.

Amended Bill

Bill "An Act relating to Minimum Standards for Schools of Nursing Accredited in Maine" (H. P. 1197) (L. D. 473)

Was reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed as amended and sent up for concurrence.

Passed to Be Enacted

An Act to Incorporate the Town of Princeton Lighting District (S. P. 184) (L. D. 235)

An Act relating to the Emergency Municipal Finance Board (S. P. 214) (L. D. 286)

Bill Tabled

An Act Amending the Law relating to the Width of Motor Vehicles (S. P. 264) (L. D. 443)

(On motion by Mr. Noyes of Franklin, tabled pending passage to be enacted)

Passed to Be Enacted (Continued)

An Act relating to Lobster Fishermen's Licenses (S. P. 305) (L. D. 517)

An Act relating to the Provident Loan Company (H. P. 854) (L. D. 313)

An Act relating to Payment to the County Law Library of York County (H. P. 900) (L. D. 356)

An Act relating to Loan and Building Associations (H. P. 1139) (L. D. 454)

Bill Tabled

An Act Amending the Law relating to the Issuance of Preferred Stock by Trust Companies (H. P. 1820) (L. D. 991)

(On motion by Mr. Cowan of Portland, tabled pending passage to be enacted)

Passed to be Enacted (Continued)

An Act relating to the Treasurer of the University of Maine (H. P. 1821) (L. D. 992)

Finally Passed

Resolve Prohibiting the Taking of Sturgeon in the Penobscot River (S. P. 228) (L. D. 277)

Orders of the Day

The SPEAKER: In accordance with the House rule, the Chair lays before the House the first item of unfinished business, in which the House was engaged at the time of adjournment, House Report "Ought to pass" of the Committee on Salaries and Fees, on Bill "An Act Relating to the Expenses of the members of the State Liquor Commission" (H. P. 1797) (L. D. 962), the pending question being on the motion of the gentleman from Calais, Mr. Murchie, that the bill and report be indefinitely postponed; and the Chair recognizes that gentleman.

On motion by Mr. Murchie, the report, together with the bill, was tabled pending the motion by the same gentleman that the report and bill be indefinitely postponed.

The Chair lays before the House the second item of unfinished business, Senate Report "Ought not to pass" of the Committee on Inland Fisheries and Game, on Bill "An Act Relative to Game Preserve in Lily Bay, County of Piscataquis" (S. P. 180) (L. D. 231) tabled on March

3rd by Mr. Peakes of Milo, pending acceptance in concurrence; and the Chair recognizes that gentleman.

On motion by Mr. Peakes, the "Ought not to pass" report of the committee was accepted in concurrence.

Mr. HOWES of Charleston: Mr. Speaker, I rise to ask permission to address the House.

The SPEAKER: The gentleman from Charleston, Mr. Howes, asks unanimous consent to address the House. Is there objection? The Chair hears none and the gentleman may proceed.

Mr. HOWES: Mr. Speaker, sometime the last of January I put in a resolve, and for some unknown reason it was referred to the Committee on Taxation when it should have gone to the Committee on Claims. Four of the members of the House on the Committee on Taxation and one from the Senate said to me that they realized it was a just claim, but it should have gone to the Committee on Claims instead of the Committee on Taxation. I ask permission at this time to introduce this resolve in a redraft and that it be referred to the Committee on Claims.

The SPEAKER: The gentleman from Charleston, Mr. Howes, asks unanimous consent to introduce a resolve at this time notwithstanding the joint closing order. The Clerk will read the title.

Resolve in favor of the Town of Charleston.

The SPEAKER: Is there objection to the introduction of the resolve at this time? The Chair hears none and the resolve is introduced.

On motion by Mr. Howes, the resolve was referred to the Committee on Claims, 500 copies ordered printed, and sent up for concurrence.

On motion by Mr. Downs of Rome, the House voted to reconsider its action of yesterday whereby Bill "An Act to Regulate Automobile Inspection Stations" (H. P. 1794) was referred to the Committee on Motor Vehicles."

Mr. DOWNS: Mr. Speaker, I now ask that leave be granted to withdraw this bill.

The SPEAKER: The gentleman from Rome, Mr. Downs, asks leave to withdraw the bill.

Thereupon, permission was granted, and the bill was withdrawn.

On motion by Mr. Payson of Portland, the House voted to take from the table the eighth unassigned matter, House Report "Ought to pass in new draft" of the Committee on Judiciary, on Bill "An Act Making Certain Changes in the Insurance Law" (H. P. 1436) (L. D. 616) New Draft H. P. 1863(tabled on March 8th by that gentleman pending acceptance.

Mr. PAYSON: Mr. Speaker, I now move the acceptance of the committee report.

In explanation, I will say that I made a careful and thorough-going study of the new draft last night, and I am perfectly satisfied with the report and the new draft.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the House accept the report of the committee "Ought to pass in new draft" on Bill "An Act Making Certain Changes in the Insurance Law" (H. P. 1436) (L. D. 616) New Draft H. P. 1863. Is this the pleasure of the House.

The motion prevailed and the House accepted the committee report.

On motion by Mr. Payson, under suspension of the rules, the bill was given its two several readings and tomorrow assigned for third reading.

On motion by Mr. Varney of Berwick, the House voted to take from the table the seventh unassigned matter, Bill "An Act Relating to Minimum Fair Wages for Women and Minors" (H. P. 1641) (L. D. 644) which was referred to the Committee on Labor in the House on February 22nd, and which came from the Senate referred to the Committee on Judiciary in non-concurrence, and was tabled on March 8th in the House by Mr. Varney of Berwick, pending further consideration.

Mr. VARNEY: Mr. Speaker, I now move that the House insist on its former action whereby this bill was referred to the Committee on Labor and request a Committee of Conference.

The SPEAKER: The gentleman from Berwick, Mr. Varney, moves that the House insist on its former action whereby Bill "An Act Relating to Minimum Fair Wages for Women and Minors" (H. P. 1641) (L. D. 644) was referred to the Committee on Labor, and requests that

a Committee of Conference be appointed.

Miss FOWLES of Whitefield: Mr. Speaker, I would like to move that the House recede and concur.

The SPEAKER: The member from Whitefield, Miss Fowles, moves that the House recede from its former action whereby it voted to refer this bill to the Committee on Labor and concur with the Senate in the reference of the bill to the Committee on Judiciary.

Miss FOWLES: Mr. Speaker, again I rise to say that since S. P. 217, L. D. 290, Bill "An Act relating to the Employment of Women and Minors" was referred to the Committee on Judiciary early in the session, and since the women, both organized and unorganized throughout the state, are vitally interested in these bills, and knowing that they wish to be heard on all of these subjects, I hope that the members will allow this bill to go to the Judiciary Committee in order that the two bills may be kept together. Therefore, Mr. Speaker, I move that we recede.

Mr. VARNEY: Mr. Speaker, I hesitate to take the time of the House to further discuss the matter of the reference of these bills, because, no doubt, you remember we talked about it at some length a week or two ago. Since it went to the Senate and came back in here, I merely want to say that as a member of the Committee on Reference of Bills I still feel quite strongly that, after all, this is a bill which could well be heard by the Committee on Labor.

I would call to the attention of the members that there is a lady member on the Committee on Labor as well as a lady member on the Committee on Judiciary. I wish further to say that the Committee on Judiciary have about all the matters they can hear. I understand that we have assigned hearings until the 28th of March now. I would agree with the lady member from Whitefield (Miss Fowles) that perhaps if the Committee on Judiciary could have a labor bill there, we could re-refer that to the Committee on Labor. I do not wish to see the Judiciary Committee any further burdened with hearings on labor bills which I still think should go to the Labor Committee.

The SPEAKER: The question before the House is on the motion of the member from Whitefield,

Miss Fowles, that the House recede from its former action whereby the bill was referred to the Committee on Labor, and concur with the Senate in its action whereby the bill was referred to the Committee on Judiciary.

Mr. STILPHEN of Dresden: Mr. Speaker, I ask for a division.

The SPEAKER: The gentleman from Dresden, Mr. Stilphen, asks for a division.

All those who are in favor of the motion that the House recede and concur will rise and stand in their places, and the Monitors will make and return the count.

A division of the House was had.

Six having voted in the affirmative, and 72 in the negative, the motion did not prevail.

The SPEAKER: The question now before the House is on the motion of the gentleman from Berwick, Mr. Varney, that the House insist on its former action, and ask for a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair will appoint the Committee later.

On motion by Mr. Stilphen of Dresden, the House voted to take from the table the sixth unassigned matter, Bill "An Act for Minimum Wage for Women and Minors" (H. P. 1426) (L. D. 599), tabled on March 8th by that gentleman pending the motion of Mr. Pike of Lubec, that the House insist and ask for a Committee of Conference.

The SPEAKER: The question before the House is on the motion of the gentleman from Lubec, Mr. Pike, that the House insist and ask for a Committee of Conference. Is this the pleasure of the House?

The motion prevailed.

The SPEAKER: The Chair will appoint to the Committee of Conference on the bill on which we have just acted, H. P. 1426, L. D. 599, the gentleman from Lubec, Mr. Pike, the gentleman from Berwick, Mr. Varney, and the member from Bangor, Miss Clough.

The Chair will appoint on the Committee of Conference on H. P. 1641, L. D. 644, the gentleman from Waterville, Mr. Butler, the gentleman from Berwick, Mr. Varney, and the member from Bangor, Miss Clough.

The SPEAKER: Are there any other matters which can be taken from the table under Orders of the Day?

On motion by Mr. Varney of Berwick, the House voted to take from the table the fourth unassigned matter, Bill "An Act relating to Removal of Paupers" (H. P. 488) (L. D. 183) tabled on March 7th by that gentleman pending passage to be enacted.

Mr. VARNEY: Mr. Speaker, this bill, Legislative Document 183, and Legislative Document 62, which is the third tabled and unassigned matter, happen to both amend the same section of the statute, and, in order to prevent two separate acts going through here at the same time, one amending a section of the statute, and a little later another following, amending the same section of the same statute, it is my purpose to combine the two bills by amending the one which I have just removed from the table, and then we will not need to pass the other one. With that in view, I now move, under suspension of the rules, that the House reconsider its action whereby it passed this bill to be engrossed.

The SPEAKER: The gentleman from Berwick, Mr. Varney, moves that the rules be suspended and that the House reconsider its former action whereby it passed this bill to be engrossed.

The motion prevailed. Mr. Varney then offered House Amendment "A" and moved its adoption.

House Amendment "A" to H. P. 488, L. D. 183, Bill "An Act Relating to Removal of Paupers."

Amend said Bill by indicating the deleting of the words "seeking to remove such pauper" at the end thereof and by adding at the end thereof the words: 'of settlement'.

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

On motion by Mr. Varney of Berwick, the House voted to take from the table the third unassigned matter, Bill "An Act Relating to the Removal of Paupers" (H. P. 246) (L. D. 62) tabled on March 7th by that gentleman pending passage to be enacted; and on further motion

by the same gentleman the bill was indefinitely postponed and sent up for concurrence.

On motion by Mr. Maxim of Portland, the House voted to take from the table the first unassigned matter, House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Relating to Taxation of State Owned Farms" (H. P. 1772) (L. D. 940) tabled on March 7th by that gentleman pending acceptance; and on further motion by the same gentleman the "Ought not to pass" report of the commit-

tee was accepted and sent up for concurrence.

The SPEAKER: Is there any other business to come before the House under Orders of the Day? If not, the Clerk will read the notices.

The Chair will urge every member serving on a Committee which has not made its report to the House to make every effort to hasten the work of the committees.

On motion by Mrs. Robinson of South Portland,

Adjourned until ten o'clock tomorrow morning.