

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

Monday, April 10, 1939.

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

Prayer by the Rev. Mr. Bickmore of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: The following Communication: (S. P. 649)

Congress of the United States
House of Representatives

Washington, D. C.

April 4, 1939.

Hon. Royden V. Brown
Secretary of the Senate
State House
Augusta, Maine

Dear Mr. Secretary:

The Maine Delegation of the United States Congress at Washington has asked me to transmit to you for the information of the Legislature of the State of Maine in accordance with Joint Order of February 14, 1939 the report of Honorable John W. Hanes, Acting Secretary of the Treasury of the United States, together with enclosures therein referred to relating to existing obligations of the State of Maine to the Government of the United States.

If further information in relation thereto is desired we shall be glad to be advised.

It is to be noted that the report does not state that the obligation of the State of Maine incident to the Emergency Relief Administration advances have been cancelled but only that they "are not carried as indebtedness on the books of the Treasury." This statement is apparently as far as the Treasury feels warranted in going under existing legislation.

There is also enclosed a copy of the Act of February 24, 1938 to which reference is made.

In the circumstances as made known to us the Maine Delegation holds the view that the Emergency Relief Administration advances do not constitute an obligation for which the State can properly be asked for repayment.

Cordially yours,

(Signed) RALPH O. BREWSTER
M. C.

Comes from the Senate, read and ordered placed on file.

In the House, the communication was read and ordered placed on file in concurrence.

Senate Report Tabled

From the Senate: Report of the Committee on Inland Fisheries and Game on Bill "An Act relating to Fishing Licenses" (S. P. 364) (L. D. 824) reporting same in new draft (S. P. 629) (L. D. 1143) under title of "An Act relating to Hunting and Fishing Licenses" and that it "Ought to pass."

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

In the House, on motion by Mr. Downs of Rome, tabled pending acceptance of committee report in concurrence and specially assigned for tomorrow morning.

Senate Resolve In First Reading

Consolidated Resolve under title of Resolve relative to the Trapping of Muskrats" (S. P. 630) (L. D. 1144)

Resolve was read once and tomorrow assigned.

From the Senate: Report of the Committee on Judiciary on Bill "An Act Defining and Prohibiting Unfair Sales Practices" (S. P. 324) (L. D. 577) reporting "Ought to pass" when amended by Committee Amendment "A" submitted therewith.

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

In the House, report was read and accepted in concurrence, and the bill had its two several readings. Committee Amendment "A" was read and adopted in concurrence, and tomorrow assigned for third reading of the bill.

From the Senate: Resolve Authorizing Charles A. Darrington to Bring Suit at Law against the State of Maine (H. P. 1425) (L. D. 559) on which the House accepted the Majority Report of the Committee on Judiciary reporting "Ought to pass" on March 9th and passed the Resolve to be engrossed on March 23rd.

Comes from the Senate with the Minority Report of the Committee

reporting "Ought not to pass" accepted in non-concurrence.

In the House:

Mr. HINCKLEY of South Portland: Mr. Speaker, I move that the House insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from South Portland, Mr. Hinckley, moves 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 on the committee on the part of the House the gentleman from South Portland, Mr. Hinckley, the gentleman from Berwick, Mr. Varney, and the gentleman from Madison, Mr. Thorne.

From the Senate: Bill "An Act relating to the Salary of the Recorder of the Northern Cumberland Municipal Court" (H. P. 687) (L. D. 260) on which the House voted to adhere on April 5th to its former action whereby it accepted the Report of the Committee on Salaries and Fees reporting "Ought not to pass."

Comes from the Senate, that body voting to insist on its former action whereby the Bill was recommitted to the Committee on Salaries and Fees, and asking for a Committee of Conference and with the following Conferees appointed on its part:

Mr. Spear of Cumberland
Miss Laughlin of Cumberland
Mr. Sanborn of Cumberland

In the House:

Mr. PIKE of Bridgton: Mr. Speaker, I move that the House join in a Committee of Conference.

The SPEAKER: The gentleman from Bridgton, Mr. Pike, moves that the House join in a Committee of Conference. Is this the pleasure of the House? The Chair will name on the committee the gentleman from Bridgton, Mr. Pike, the gentleman from Cumberland, Mr. Gyger, and the gentleman from Portland, Mr. Cowan.

Final Reports

From the Senate: Final Report of the Committee on Interior Waters.

Final Report of the Committee on Manufactures.

Final Report of the Committee on Pownal State School.

Come from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Reports of Committees

Ought Not to Pass

Mr. McGlaulin from the Committee on Judiciary reported "Ought not to pass" on Bill "An Act relating to Jurisdiction on Divorce Li-bels" (H. P. 1595) (L. D. 910)

Mr. Varney from same Committee reported same on Resolve Creating a Recess Committee on Adjusting Conflicts in the Laws relating to the Boards of County Commissioners and the State Highway Commission (H. P. 1347) (L. D. 529)

Mr. Miller from the Committee on Labor reported same on Bill "An Act Extending the Workman's Compensation Act to Cover Occupational Diseases" (H. P. 914) (L. D. 305)

Mr. Dwinal from the Committee on Legal Affairs reported same on Bill "An Act Establishing the Lincoln Municipal Court" (H. P. 1160) (L. D. 990)

Reports were read and accepted and sent up for concurrence.

Ought to Pass

Mr. Weatherbee from the Committee on Judiciary reported "Ought to pass" on Bill "An Act to Amend the Law relative to Commitment of the Insane" (H. P. 1325) (L. D. 546)

Report was read and accepted.

First Reading of Printed Bills

Bill "An Act relating to Financial Responsibility" (H. P. 1424) (L. D. 608)

Bill "An Act relating to Protection of Trees, Shrubs and Nursery Stock" (H. P. 2205) (L. D. 1154)

Bill "An Act relating to Child Welfare" (H. P. 2206) (L. D. 1151)

Bill "An Act relating to Arrests" (H. P. 2207) (L. D. 1150)

Bill "An Act relating to Complaint in Cases of Neglect to Children" (H. P. 2208) (L. D. 1149)

Bill "An Act relating to Civil Actions for Death" (H. P. 2214) (L. D. 1152)

Bill "An Act relating to the State Police" (H. P. 2215) (L. D. 1153)

Bills were read twice and tomorrow assigned.

Bills in the Third Reading

Bill "An Act relating to the Administration of State Institutions" (S. P. 631) (L. D. 1139)

Bill "An Act relating to Salaries in Certain Counties" (H. P. 2073) (L. D. 1100)

Bill "An Act relating to Licenses for Operation of Retail Stores" (H. P. 2217) (L. D. 1156)

Were reported by the Committee on Bills in the Third Reading, read the third time, passed to be engrossed and sent to the Senate.

Amended Bill

Bill "An Act relating to the Maine Forestry District" (S. P. 624) (L. D. 1125)

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

Bills on Their Passage to Be Engrossed

The SPEAKER: The Clerk will read the titles only of the following twenty-one items which were given their third reading last Friday but were not passed to be engrossed, due to the adjournment motion.

Bill "An Act relating to the State Police" (S. P. 623) (L. D. 1124)

Bill "An Act Creating the Port Authority of Mount Desert" (S. P. 626) (L. D. 1126)

Bill "An Act relating to Absent Voting" (H. P. 912) (L. D. 316)

Bill "An Act Amending the Law relative to Registration of Motor Vehicles" (H. P. 1188) (L. D. 470)

Bill "An Act relating to the Practice of Optometry" (H. P. 1465) (L. D. 600)

Bill "An Act relating to the Western Hancock Municipal Court" (H. P. 2148) (L. D. 1127)

Bill "An Act relative to Fishing in Fishways" (H. P. 2151) (L. D. 1128)

Bill "An Act relative to Transportation of Deer within State" (H. P. 2152) (L. D. 1129)

Bill "An Act relating to Closed Time on Deer in Islesboro and Rabbits in Vinalhaven" (H. P. 2154) (L. D. 1131)

Bill "An Act Regulating the Sale of Malt" (H. P. 2164) (L. D. 1134)

Bill "An Act relating to Advertising Liquor, Malt Liquor, Wines and Spirits" (H. P. 2166) (L. D. 1135)

Bill "An Act relating to Malt Liquors" (H. P. 2167) (L. D. 1136)

Bill "An Act relating to the Discharge of Persons Committed to the Insane Hospitals" (H. P. 2169) (L. D. 1137)

Sent up for concurrence.

Bill Tabled

Bill "An Act relating to Commitment of Juvenile Delinquents" (H. P. 2170) (L. D. 1138)

Mr. COWAN of Portland: Mr. Speaker, because of an amendment to be offered, I move that Item 14 lie on the table.

The motion prevailed, and the bill was tabled pending passage to be engrossed.

Passed To Be Engrossed (Continued)

Resolve for Screening Outlet of Bog Lake in the town of Northfield (H. P. 239) (L. D. 1140)

Resolve Regulating Fishing in Scraggly Lake (H. P. 277) (L. D. 1141)

Resolve Permitting Examination of Alden Ulmer and Arthur Andrews by Embalming Board (H. P. 2155) (L. D. 1132)

Resolve Regulating Fishing in the Various Waters of the State (H. P. 2163) (L. D. 1133)

Sent up for concurrence.

Amended Bills

Bill "An Act to Incorporate the Lincoln Water District" (H. P. 1182) (L. D. 498)

Bill "An Act relating to Children of Women Committed to Reformatory for women" (H. P. 1603) (L. D. 697)

Bill "An Act relating to Clerk Hire in Certain Counties" (H. P. 2072) (L. D. 1099)

Bills were passed to be engrossed as amended and sent to the Senate.

Passed To Be Enacted

An Act relating to Exemption of Homes from Claims in Old Age Assistance (S. P. 124) (L. D. 114)

An Act to Require Annual Registration of Osteopathic Physicians (H. P. 708) (L. D. 261)

Bill Tabled

An Act Increasing the License and Permit Fees for Outdoor Advertising (H. P. 1995) (L. D. 1062)

(On motion by Mr. Sleeper of Rockland, tabled pending passage to be enacted.)

Passed To Be Enacted (Continued)

An Act relative to Insurance Agents (H. P. 2119) (L. D. 1111)

Bill Tabled

An Act Regulating Automobile Finance Business (H. P. 2124) (L. D. 1112)

Mr. MARSHALL of Auburn: Mr. Speaker, this particular bill was be-

fore the Committee on Banks and Banking. I have just talked with some the members of that Committee, including the Chairman, and it may be that the Committee would like to offer an amendment to this bill, therefore I would like to have this bill tabled until Wednesday's session and specially assigned for that day, pending its enactment.

The **SPEAKER**: The gentleman from Auburn, Mr. Marshall, moves that Bill "An Act Regulating Automobile Finance Business" (H. P. 2124) (L. D. 1112) being Item 5 on today's calendar, lie on the table pending passage to be enacted and be specially assigned for Wednesday morning. Is this the pleasure of the House?

The motion prevailed, and the bill was so tabled.

Passed To Be Enacted (Continued)

An Act relating to Apothecaries and the Sale of Poisons (H. P. 2128) (L. D. 1113)

An Act relating to the Statute Defining Real Estate for Taxation Purposes (H. P. 2129) (L. D. 1114)

An Act relating to the Taking of Land by the State Highway Commission, and the Taking or Discontinuing of a Public Highway (S. P. 298) (L. D. 584)

An Act to Provide for Civil Service Rules for the Police Department in the city of Bath (S. P. 510) (L. D. 1049)

An Act relating to Procedure in the Support of Neglected Wives and Children (S. P. 524) (L. D. 1064)

An Act relative to Trapping Muskrats (S. P. 619) (L. D. 1117)

An Act relating to Reserved Number Plates for Motor Vehicles (H. P. 566) (L. D. 199)

An Act relating to Surface Treatment of Third-class Highways (H. P. 728) (L. D. 310)

An Act to Grant a New Charter to the city of Bath (H. P. 1164) (L. D. 483)

An Act Amending the Old Age Assistance Law relating to Disqualification for Transferring Property (H. P. 1447) (L. D. 624)

An Act Amending the Old Age Assistance Law relating to Payment to Guardians (H. P. 1448) (L. D. 625)

An Act Amending the Old Age Assistance Law relating to Funeral Expenses (H. P. 1449) (L. D. 626)

An Act Amending the Law relat-

ing to Embalmers and Funeral Directors (H. P. 1686) (L. D. 856)

An Act relating to Registration of Motor Vehicles (H. P. 1686) (L. D. 742)

An Act relating to the Sale of Cigarettes (H. P. 1703) (L. D. 870)

Bill Tabled

An Act relative to Exemption from Registration Fees of Certain Vehicles Owned by Non-residents (H. P. 2131) (L. D. 1118)

(On motion by Mr. Paul of Portland, tabled pending passage to be enacted and specially assigned for Wednesday morning)

Passed to Be Enacted (Continued)

An Act Enlarging the Duties of the Forest Commissioner (H. P. 2134) (L. D. 1119)

An Act relating to Speed and Operation of Motor Vehicles (H. P. 2136) (L. D. 1120)

Finally Passed

Resolve Concerning the Practice of Podiatry (H. P. 2132) (L. D. 1121)

Resolve Authorizing the Forest Commissioner to Convey Certain Land in Aroostook County to Lucie Ouellette (H. P. 2133) (L. D. 1122)

Orders of the Day

The **SPEAKER**: In accordance with the House Rules the Chair lays before the House the first matter of unfinished business, Bill "An Act Relative to Fishing and Hunting Licenses; Revocation of" (S. P. 574) (L. D. 1106) tabled on April 4th by Mr. Peakes of Milo, pending third reading; and the Chair recognizes that gentleman.

On motion by Mr. Peakes, the bill was given its third reading and passed to be engrossed in concurrence.

The Chair lays before the House the second matter of unfinished business, House Order Relative to Amending House Order Relative to Tabled Matters, tabled on April 5th by Mr. Varney of Berwick, pending passage. The Clerk will read the Order.

ORDERED, that House Order Relative to Tabled Matters, which was passed in the House on February 10th, be amended by adding at the end thereof the following words: "with the exception of motions to reconsider."

Thereupon, on motion by Mr.

Varney of Berwick, the Order received passage.

The Chair lays before the House the third matter of unfinished business, Bill "An Act Relating to the County Commissioners of Androscoggin County" (H. P. 2061) (L. D. 1097) tabled on April 5th by Mr. Winslow of Auburn, pending second reading. The Chair recognizes the gentleman from Poland, Mr. Goss.

On motion by Mr. Goss, the bill had its second reading.

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

House Amendment "A" to H. P. 2061, L. D. 1097, Bill, "An Act Relating to the County Commissioners of Androscoggin County."

Amend said Bill by inserting in the last line thereof before the word "member" the word "elected".

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

The Chair lays before the House the fourth matter of unfinished business, Senate Report "Ought to pass in new draft" of the Committee on State Prison on Resolve relating to the Construction of a New Wall at the Maine State Prison and a Dormitory at the Prison Farm (S. P. 231) (L. D. 274) reporting same in a new draft (S. P. 522) (L. D. 1078) under title of "Resolve relating to the Construction of a Dormitory at the Prison Farm," tabled on April 5th by Mr. Emery of Bucksport, pending acceptance in concurrence; and the Chair recognizes that gentleman.

On motion by Mr. Emery, the "Ought to pass in new draft" report of the committee was accepted in concurrence, the resolve was given its first reading and tomorrow assigned for second reading.

The Chair lays before the House the fifth matter of unfinished business, House Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Permitting Signboards Under Certain Conditions" (H. P. 1789) (L. D. 957) tabled on April 5th by Mr. Hinckley of South Portland, pending the motion of Mr. Sleeper of Rockland, that the bill be substituted for the report. The Chair recognizes the gentleman from Madison, Mr. Thorne.

Mr THORNE: Mr. Speaker and members of the Eighty-ninth Legislature: During my infrequent visits with you during this session, I seem to have acquired the unhappy faculty of putting matters on the table and going away for a period of time and not ever getting them off. I made another brief call on you last Thursday and Friday, with the intention of taking off from the table such matters as I had there, but, due to the fact that the calendar was very crowded, I ran true to form and took none off but put two more on.

I have become much interested in your entertaining Legislature here, so I have tried to arrange my affairs to call upon you more frequently in the future and do what I can to expedite such legislation as I am interested in and which we are all interested in.

The motion before this body now is that of the gentleman from Rockland, Mr. Sleeper, that the bill be substituted for the report.

At the time the matter was first tabled by me, I was unable to tell from my book just what part of the billboard legislation this bill referred to, so I had it tabled and took the matter up with the committee again, with the result that I now speak for the committee in support of its unanimous report that the bill ought not to pass.

I want to call your attention to this fact: Six legislatures, beginning in 1929, have wrestled with this perplexing problem of billboard legislation. There have been during my time, at least, in two legislatures, three contending factions regarding billboard legislation: The large billboard operators, the small billboard operators, or the summer camp owners, and the Garden Clubs of Maine. And I want to say to you that while the work has been interesting in the Judiciary Committee, it has been somewhat of a headache to our committee to reconcile these contending parties, and I know it was more so in the early stages of the contention.

I want to say now that your committee feels that the passage of this bill introduced by the gentleman from Rockland (Mr. Sleeper) would go a long way toward repealing all that has been accomplished during those six legislatures. We have given the matter careful attention, given everybody courteous treat-

ment, with the result that we rendered a unanimous report that this bill ought not to pass.

During the progress of this Legislature, during those six sessions, while the legislation has not reached a state of perfection, it has so far progressed, and I say this with authority because I have seen it develop: There is almost universal satisfaction now between these contending parties. Therefore, I say that the motion of the gentleman from Rockland ought not to prevail.

Mrs. ROBINSON of South Portland: Mr. Speaker and members of the House: It appears to me that this piece of legislation is a proposal to change conditions in one locality without thought of its effect upon other sections of the State. Already an owner of a business can advertise with ten signs upon his property and it is possible to place these signs along six hundred feet of highway without cost to him. That privilege together with the use of directional signs would, in my opinion, take care of the conditions bothering the gentleman from Rockland, Mr. Sleeper.

Right now in many localities, signs advertising the next place start where those of the last place leave off and, where there might be a chance for an open space, it is taken up by billboards. From Kittery to Portland, Maine's Billboard Alley, I doubt if a person can find a spot where they will be out of sight of signs, unless it is under some bridge.

Insofar as the reference of the gentleman from Rockland (Mr. Sleeper) to Garden Clubs and many others interested in our roadsides, I believe that we could learn a lesson from these same people and, if like them, we worked for the interest of the State as a whole, rather than for some special interest or locality, we would be doing what is right for the greatest number.

I can see no need for this increase of signs and I am of the opinion that if persons whose signs are taken down would spend half as much effort in trying to comply with the law as they probably do in complaining against, they would have no serious trouble.

I, therefore, hope that the motion of the gentleman from Rockland, Mr. Sleeper, will not prevail.

Mr. SLEEPER of Rockland: Mr. Speaker and members of the House: I do not wish to take back any

statement that I have made. I still think that the Committee was pretty highhanded in its dealings with the smaller groups who are not so articulate as the more powerful Garden Clubs. However, I voted all last week on the losing side of the proposition. I would say that I wished the gentleman from Kennebunkport, Mr. Dow, would do something about stormy Easters and have them come on Monday instead of on Sunday. However, I am not going to keep butting my head against a stone wall. I have not any doubt at all but that the House will vote to uphold the Committee on Judiciary, but I want all of you members to hear what I have to say and what I think about it. A lot of us are coming back here and that ought to be changed, because I do think that the smaller groups should have something to say about it. I do not like the idea of several, perhaps a dozen of those business people going before the committee and stating their case, almost pleading it, if you will.—I will admit they did not show any great evidence of wealth or of great importance—but they were there and stated their case and they were passed by. They were opposed by just one representative of the Garden Club, but they were turned down completely. I do not think it is the duty of this House to turn down minority parties who come to us for justice, and it was not justice that was granted them. However, I find that there is a clause there under which these individual camp owners or hotel owners are allowed to erect a minimum of five signs anywhere along the road for a fee of five dollars. That was the reason I tabled this a short time ago.

I have talked with several of these men and if that fee can be taken down to about two dollars—the State only charges one dollar for inspecting a boiler—if they will drop it down to two dollars for five signs I think that both parties ought to be satisfied then. The small camp owners and hotel owners certainly cannot complain and the State cannot say that they have not anything to say about inspecting and granting permits for these signs.

Taking all these things into consideration, and taking into consideration the fact that I will probably lose anyway, I now move the acceptance of the committee report "Ought not to pass."

The SPEAKER: Does the Chair understand that the gentleman from Rockland, Mr. Sleeper, withdraws his motion that the bill be substituted for the report?

Mr. SLEEPER: I do Mr. Speaker.

The SPEAKER: The gentleman from Rockland, Mr. Sleeper, now moves that the House accept the "Ought not to pass" report of the committee on Judiciary. Is this the pleasure of the House?

The motion prevailed, and the "Ought not to pass" report was accepted and sent up for concurrence.

The Chair lays before the House the sixth matter of unfinished business, Bill "An Act Amending an Act Relating to Compensation of County Attorneys" (H. P. 1968) (L. D. 1037), tabled on April 5th by Mr. Hinckley of South Portland, pending the motion of Mr. Stilphen that the bill be indefinitely postponed. The Chair recognizes the gentleman from Madison, Mr. Thorne.

Mr. THORNE: Mr. Speaker, the motion before you now is by the gentleman from Dresden, Mr. Stilphen, that the bill be indefinitely postponed. I am heartily in favor of that motion, and I hope it prevails.

I listened to one of the members of the Committee on Appropriations and Financial Affairs the other day, and, if I do not quote him incorrectly, he said that in trying to find ways where you could save money to put into the general fund of the State, for the primary purpose of paying old age assistance, they discovered that the County Attorneys of each county were the only county officers not paid by the county.

Let me say to you, Mr. Speaker, and members of this Legislature, that the county attorney of each of our sixteen counties is a State official, he is not and never has been a county official. As a State official, as attorney for the State, he should be paid by the State. He always has been, and he should be now. He is known and always has been known as an attorney for the State, representing the State in criminal cases. He is closely allied with the Attorney General of the State. The Attorney General has certain authority over him. The county attorney is obliged to represent the Commissioner of Agriculture in prosecutions under the Pure

Food Act. He may be removed by the Governor and Council. He has to make an annual report to the Attorney General of the disposition of all cases coming under his supervision during that year, and, until he does, his salary is withheld. I know that is true, because mine was withheld in the first year I was county attorney, way back in pre-historic days. He represents the State in matters where the Attorney General cannot be present, and he represents the Attorney General in cases of capital offenses.

I attribute to the Committee on Appropriations and Financial Affairs the highest motives in trying to save money, but I say to you right here and now: You have the right, if you wish to, and you have the might, to divert the money that belongs to the counties into the State Treasury. But the money does not belong to the State; it belongs to the county, and you suggest taking it from the county to pay the salaries of the county attorneys, which are already provided for or will be provided for by the State, and you wish to turn it back into the general fund, presumably to make up the fund to be paid for old age assistance.

Now the bill as first written was a misleading one, because it said county attorneys shall be paid out of the county treasury. Probably the bill was written by a layman, because he overlooked the fact that in Cumberland County and in Androscoggin County they have an assistant county attorney, and if the bill were passed in that condition you would be in the ridiculous position of paying the county attorney, the major official, out of the county treasury, and the assistant county attorney out of the State treasury. But I understand there is an amendment to be offered so that the assistant county attorney will also be paid from the county treasury. You have not saved any money at all; it belongs to somebody else. The amount you have saved is \$23,450 a year which is the pay for the county attorneys and assistants.

As Mr. Hoover said apropos of the Eighteenth Amendment, it is an experiment noble in purpose but it is not right and I am opposed to robbing Peter to pay Paul, especially when Peter is just as poor as Paul.

Mr. BATES of Patten: Mr. Speaker, I have the highest regard for the remarks made by the gentleman from Madison, Mr. Thorne, but

I would move you, sir, that I have heard this so often, rob Peter to pay Paul, that Peter be exempted from all forms of taxation, and let us tax Paul.

Mr. HINMAN of Skowhegan: Mr. Speaker and members of the House: I do not know that I have realized before the disadvantage that the humble citizen is at along with a brother attorney. I do not know that the Committee on Appropriations and Financial Affairs has any particular interest in what you may do with this bill. We simply say this: Not one county commissioner has protested to me. At the time that the county commissioners were assembled in this building, at the time the county estimates were heard here, they were told that this law would probably be offered, and at that time there was no objection. I have talked with many attorneys, not one or two but at least seven or eight of the best attorneys in the State of Maine, including the gentleman from Madison, Mr. Thorne, and he is the only one who says that it is not a proper activity for the county.

Now I think it is agreed that the finances of the counties of the State of Maine are at this moment in better shape than the State finances. For that reason it was a very natural thing for the committee to do. We are told by attorneys that there is no more reason for the State paying the county attorneys than there is for them paying the clerk of courts. Be that as it may, not being able to argue with an attorney the merits or demerits of this bill and wanting you to do just as you choose, please feel that we have just offered it to you and we would like to have you do with it just as you may choose.

Mr. BURGESS of Limestone: Mr. Speaker, two or three days ago I mentioned to this House that at the proper time, when this bill came up, that Aroostook county was ready to accept this in the interest of economy to the State and to economize in their activities and expenditures so as to absorb this, providing it would assist the State.

Mr. STILPHEN of Dresden: Mr. Speaker, the gentleman from Skowhegan, Mr. Hinman, said that he had no protest from the county commissioners. As I understand, this bill was never given any public hearing, and I do not think any of the county commissioners were invited here—at least the county com-

missioners of Kennebec county, all three of them, have protested to me against this bill.

I want to take this matter up as a tax bill which it is pure and simple. It has more distinctions than any other tax bill presented to this House. It has three, namely: It is double taxation. There is already set in our State tax seven and a quarter mills to be paid from the counties. This bill asks that it be put in the county tax, without taking it out of the State tax, thus making it double taxation. I have had no proponent since this bill came in here come to me and tell me that it was not. It is hidden taxes because it does not tell the people that they are paying it in two different places. It is direct taxation because the county tax is paid from direct taxation on the property of the county.

We have heard enough in the past few years about hidden taxes and it has all been blamed on the administration in Washington. Now this baby was not born in Washington; it was born the same day that the raise in the hunting and fishing license was born. We have no moral right to place this bill on to the counties. We have already sent our county estimates in, sent them in to the county commissioners, and they have sent them out to the different towns. What will they do with this if we pass it after the county estimates have been laid to every county in the State?

Mr. Speaker, when the vote is taken, I am going to ask that it be taken by the yeas and nays, as this matter relates to every county in the State. I want my vote to go home to the county to show how I vote on such a measure.

Mr. COWAN of Portland: Mr. Speaker, I would like to inform the gentleman from Skowhegan, Mr. Hinman, that the county commissioners of Cumberland county registered very strong opposition to this bill, also former Attorney General Robinson came to me Saturday and said that while he was Attorney General he found that the present law gave him a lot of ability to handle the county attorneys and make sure that their reports came in to him. The same as the gentleman from Madison, Mr. Thorne, mentioned, they do not get their December pay until they send in their report to the Attorney General.

Mr. Robinson thought it would be a step backward to pass this bill.

Mr. GRUA of Livermore Falls: Mr. Speaker and members of the House: I feel very strongly that this would be improper legislation on our part at this time.

As has already been stated, the county estimates have already been made up, and they have been made up including this particular item.

I feel that the county attorney is a State officer and rightly so. I believe it is in the interest not only of the State but of the counties that county attorneys should be under the Attorney General and subject to the State of Maine. I believe it works for efficiency in the counties and in the prosecution of criminal cases.

There is not much more I can say on this that has not already been said, but I think it is unfair legislation for the counties at this particular time, and I believe that if the County Commissioners had been advised of this in time you would have had plenty of opposition to this sort of bill. I know that my people in my particular locality are opposed to any more county taxes. I have mentioned this particular bill and they are opposed to it. I hope very much that this bill may not pass.

Mr. SLEEPER of Rockland: Mr. Speaker, I wish to help the gentleman from Skowhegan, Mr. Hinman, of the Appropriations Committee, and take some of the blame. I too am a member of that committee, and I would like to reiterate that we are not trying to put the bill across or hammer it through. We just offered the bill as a suggestion. There does not happen to be, fortunately or unfortunately, as the case may be, an attorney on our committee.

We felt that the counties are pretty well off—I know my own county is, and in Aroostook they claim they are, as far as county finances are concerned.

We simply offered the bill as a suggestion, and I do not think he should take any blame for it personally, any more than any other member of this Legislature. You have demanded economies and you have hammered down every bill we have had to raise taxes and have passed holiday bills instead, so, in an effort to save what little money we could, we just offered this bill

as a suggestion. The bill is not the bill of the gentleman from Skowhegan, Mr. Hinman, but it came out from the Appropriations Committee in deference to the wishes of this House on economy.

Mr. HINMAN: I would just like to correct one statement for my committee. It is not necessary that we give any consideration to the county tax, because the counties have sufficient funds to take care of those payments without any assistance.

Mr. GRUA of Livermore Falls: Mr. Speaker, I would like to correct that as far as Androscoggin County is concerned, because our County Commissioners tell us they are running into the hole up to the ears.

Mr. GOSS of Poland: Mr. Speaker and members of the House: As the Chairman of the County Estimates Committee, I feel it is my duty to at least state to you that I personally feel that our counties—I am not going to enumerate them—there are counties I do not feel should have this expense loaded on to them. I wish to point out and emphatically impress upon you as the gentleman from Dresden, Mr. Stilphen, has just stated, that the salaries of the county commissioners are already provided for in the seven and a quarter mills State tax that the towns are now paying to the State. If we levy this expense upon the counties, they in turn have got to extract it from the people again and it is double taxation as has been stated.

Another point, to my knowledge, in anticipation of the passage of this bill, there has not been any provision made in any county for the payment of these county attorneys if this bill is passed.

Mr. CHURCHILL of Brewer: Mr. Speaker, I want to move the previous question.

The SPEAKER: The question before the House is on the motion of the gentleman from Dresden, Mr. Stilphen, that Bill "An Act Amending an Act Relating to Compensation of County Attorneys" (H. P. 1968) (L. D. 1037) be indefinitely postponed. The gentleman from Brewer, Mr. Churchill, moves the previous question. In order for the Chair to entertain the motion for the previous question, it requires the affirmative vote of one-third the members present. All those in favor of the Chair entertaining the previous question will rise and stand in

their places until counted, and the Monitors will make and return the count.

A division of the House was had.

The SPEAKER: Obviously more than one-third of the members present having arisen, the motion for the previous question will be entertained. The question before the House now is, shall the main question be put now. All those in favor will say aye, those opposed no.

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

The SPEAKER: The gentleman from Dresden, Mr. Stilphen, has asked that the vote be taken by the yeas and nays. Under the Constitution the yeas and nays are ordered on the request of one-fifth of the members present.

Mr. SLEEPER of Rockland: Mr. Speaker—

The SPEAKER: For what purpose does the gentleman rise?

Mr. SLEEPER: Mr. Speaker, I was wondering if the yeas and nays are debatable.

The SPEAKER: The Chair will inform the gentleman that the question is not debatable. The yeas and nays will be ordered on the request of one-fifth the members present.

Mr. SLEEPER: Mr. Speaker, I do not think—

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

Mr. SLEEPER: Mr. Speaker, I do not have any idea that the bill has any support. I do not think there is any need of wasting time. I do not want to go on record because I am already on record as to how I feel about this bill. I move that we just take it by a vote.

The SPEAKER: All those in favor of taking the vote by the yeas and nays will rise and stand in their places until counted, and the Monitors will make and return the count.

A division of the House was had.

The SPEAKER: Obviously less than one-fifth of the members present having arisen, the yeas and nays are not ordered. All those in favor of the motion of the gentleman from Dresden, Mr. Stilphen, that Bill "An Act Amending an Act Relating to Compensation of County Attorneys" 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 seventh matter of unfinished business, Majority Report "Ought to pass" and Minority Report "Ought not to pass" of the Committee on Judiciary on Bill "An Act Relative to Court Proceedings in Relation to the Enforcement of the Inland Fish and Game Laws" (S. P. 215) (L. D. 287) which came from the Senate, the Majority Report read and accepted and the bill passed to be engrossed as amended by Senate Amendment "A," tabled on April 5th by Mr. McGlaulin of Portland, pending the motion of Mr. Varney of Berwick, that the Minority Report be accepted. The Chair recognizes the gentleman from Portland, Mr. McGlaulin.

Mr. MCGLAULIN: Mr. Speaker, I would like to have this House realize what they are voting on. I want to read to you the law as it now stands: "Any officer authorized to enforce the inland fish and game laws may, without process, arrest any violator of said laws, and shall with reasonable diligence cause him to be taken before any trial justice or any municipal court in the county where the offense was committed, or in any adjoining county. * * * Any game warden or deputy game warden may arrest with or without warrant any person who impersonates or represents himself as being a game warden or deputy game warden. Jurisdiction in such cases is hereby granted to all trial justices and all other courts to be exercised in the same manner as if the offense had been committed in that county."

At the hearing before the Judiciary Committee, it was found that game wardens were accustomed to arrest men, we will say in Van Buren, for some violation of the fishing laws, and take them way to Houlton, so that they built up tremendous mileage expense against the victims. Instead of taking them to Van Buren or taking them to Fort Kent, they take them nearly the whole length of Aroostook County. Under that law, they can take them down to Weston, or they can even take them into the adjoining county, down to Calais, for catching a fish that is five inches long when it ought to be six—and

I presume that every fisherman in this House has violated that law at some time or other in his life. I am a law-abiding citizen, and I have broken it many times. (Laughter)

Now we undertake to pass an act that would cure that sort of abuse, and this is what we provided: Such officer shall take his victim to "the nearest trial justice or the nearest municipal court in the county where the offense was committed."

Now I understood that the man who signed the minority report, the gentleman from Berwick, Mr. Varney, objected to the bill because, he said, as I understood it, that you did not know who the nearest trial justice was, owing to the fact that he could hold court anywhere in the county.

Now I submit to you, members, that it is just plain common sense that if you were an officer and arrested a man and took him before a trial justice in the county where he lives, you would take him pretty near to the right place.

Now I notice that this document mentions an Amendment "A". I know nothing about Amendment "A". This matter was for the gentleman from Rockland, Mr. Bird, to report on, and Mr. Bird, I understood, had some kind of an amendment to offer, but Mr. Bird is ill. I have never seen the amendment; it certainly is not on the list that is on my table, and so I cannot tell you about that. But the motion at the moment is by the gentleman from Berwick, Mr. Varney, asking you to accept the minority report.

Now, with the explanation I have given, I hope that you vote down that proposition, because the majority report is the report that ought to be accepted.

Mr. NOYES of Franklin: Mr. Speaker, I hesitate to speak upon this bill, since it has been considered by ten legal men of this Legislature, or nine men and one woman, whom I consider among the ablest members of our Eighty-ninth Legislature. However, when the bill came out of the committee, the first thing I thought of was Hancock County.

It happens that I live on the border of Hancock and Washington Counties. We have between my town and Cherryfield a stretch of woods some eighteen miles long, and, under the present law, if an

arrest is made near the Cherryfield line, the warden takes his victim to Cherryfield, a distance of five or six miles. If this bill is enacted, I understand he has got to take him to Ellsworth, which would be about twenty-four miles. That does not seem to be very much to argue about. But, considering my county still further, we have in the northern part of Hancock County a section called the Nicaotous Lake section. We have no road leading from Ellsworth directly to that section. If an arrest is made in that section today, the warden takes his man to Old Town, which is in the county of Penobscot. If this bill is enacted, the warden must take his man to Old Town and back through Bangor to Ellsworth. I wonder if perhaps we are not going to get just as many miles of travel as we have had under the present system? For that reason, I hope that the motion of the gentleman from Berwick, Mr. Varney, prevails.

Mr. VARNEY of Berwick: Mr. Speaker, I want to say just a few words to explain my position in regard to this particular bill. In the first place, I want to point out that the bill does two things: First, it changes the law which now permits an officer in a fish and game violation to take that person into an adjoining county; and, second, the bill says that it must take him to the nearest—as the bill was originally written—to the nearest municipal court or trial justice.

Now when the bill came out from the Judiciary Committee, it came out with a majority report of "Ought to pass if amended by Committee Amendment," and that Committee Amendment was the Senate Amendment "A" which was put on the bill in the Senate, and that amendment simply changed the bill to read that he must be taken not to the nearest municipal court but to a municipal court or to the nearest trial justice court.

Now when the bill came in the House some time ago, I said that I signed the minority report because I did not believe you could determine where the nearest trial justice court was located. After I had made my statement on the floor of the House the gentleman from Rockland, Mr. Bird, asked that the bill be laid on the table, and he has now drawn the proposed amendment which is before you on your desks and which takes care of all

the objections that I had to the bill. The proposed amendment is under filing No. 74. It strikes out "to the nearest trial justice court" and inserts in place thereof that he must take him to a trial justice whose usual place of holding court is nearest to where the offense is alleged to have been committed.

I want to say this proposed amendment removes my objection to the bill. The reason I did not withdraw my motion to accept the majority report the other day was because I understood there were some in the House who objected to the bill on the ground that it does require the officer to take them to a trial justice court or court in the county where the offense was committed, and therefore I thought I might leave my motion before the House in order that it could be argued, and the gentleman from Franklin, Mr. Noyes, has argued on that point. My objections have been removed from the bill, because, in my section of the State, I think it is perfectly proper for them to be taken to the county where they were arrested. If there are places in Aroostook or Hancock or other counties where they should be permitted to take them over the line, I am not interested in that phase of the bill.

Mr. McGLAUFILIN: Mr. Speaker, I thank the gentleman from Berwick (Mr. Varney) for his explanation, for I was not able to see the amendment. Under the circumstances, this amendment meets with my approval too. I hope when the vote is taken, that the motion of the gentleman from Berwick, Mr. Varney, will not prevail, and then we can move to have the majority report accepted, and have Mr. Varney present that amendment.

The SPEAKER: The question before the House is on the motion of the gentleman from Berwick, Mr. Varney, that the House accept the minority report, "Ought not to pass" on Bill "An Act Relating to Court Proceedings in Relation to the Enforcement of the Inland Fish and Game Laws." All those in favor of the motion for the acceptance of the minority report "Ought not to pass" will say aye; those opposed no.

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

Thereupon, on motion by Mr. McGlaulin, the majority report "Ought to pass" was accepted and

the bill was given its two several readings.

Senate Amendment "A" was read by the Clerk.

Mr. Varney then offered House Amendment "A" to Senate Amendment "A" and moved its adoption.

House Amendment "A" to Senate Amendment "A" to S. P. 215, L. D. 287, Bill "An Act Relative to Court Proceedings in Relation to the Enforcement of the Inland Fish and Game Laws."

Amend said Amendment by striking out from the end thereof the following: "the nearest trial justice court in the county where the offense was committed," and inserting in place thereof the following: "a trial justice whose usual place of holding court is nearest to where the offense is alleged to have been committed."

Thereupon, House Amendment "A" to Senate Amendment "A" was adopted. Senate Amendment "A" as amended by House Amendment "A" thereto was adopted in concurrence, and the bill was assigned for third reading tomorrow morning.

The Chair lays before the House the eighth item of unfinished business "Resolve Creating a Recess Committee on Motor Vehicle Legislation" (H. P. 1699) (L. D. 928), tabled on April 5th by Mr. LaFleur of Portland, pending the motion of Mr. Bubar of Weston to indefinitely postpone. The Chair recognizes the gentleman from Portland, Mr. Paul.

Mr. PAUL: Mr. Speaker and members of the House: In the absence of the gentleman from Portland, Mr. LaFleur, who tabled this matter at my request, the gentleman from Portland, Mr. LaFleur, being sick today, I will now take the matter up.

I do want to explain to the House the reason why the committee voted this bill out unanimously. In the early part of the session, we had been in conference three or four weeks, the Attorney General's office drafted this legislation which was the result of a request made by Sergeant McCabe of the State Police and others who are interested in public safety. As we got into the matter, we found that there were many matters pertaining to the motor vehicle laws which might need a great deal of study. This

resolve provides for no expense on the part of the State except the actual cost which should not exceed a very nominal sum. The organizations that sponsor this sort of study are as follows: The National Safety Council, the American Association of Motor Vehicle Administrators, the Eastern Conference of Motor Vehicle Administrators, and the National Bureau of Casualty Insurance Underwriters. Now if this study is to be carried out and you could possibly save one life I believe it is good business for the State of Maine. If it only saved the life of one child I believe that we should seriously consider passing this resolve. Just recently, as late as Saturday night, I was called into the case of an old gentleman 78 years old who lost his life due to faulty lights. We have before us coming out of committee a bill reported out "Ought not to pass" which has to do with the lights on motor vehicles. I am not naturally in accord with Recess Committees because I do not think they accomplish a great deal, but in this case we could see no harm and the committee voted it out, I sincerely hope that the members will understand the purpose of this committee; it is just to make a study. For instance, in this session, we have made certain corrections, certain clarifications of the motor vehicle laws—one especially I have in mind as to weight, capacity weight of trucking vehicles, which was very confusing. When we came here to this session, I had at least four or five different attorneys in the State suggest that that law be clarified and we did it. We attempted to clarify it and I think we did. Undoubtedly there are other laws which need to be clarified in addition to this study on public safety on which I understand all the facts existing are furnished by the organizations that I have read off to you.

Mr. BUBAR of Weston: Mr. Speaker and members of the House: I will admit that this resolve is a very worthy one, yet I believe as I said the other day that our present Department of State Police are in position to re-vamp our motor vehicle laws. They are in position to know what should be done, and I believe they are in position to recommend to the next Legislature, as is required by this piece of legisla-

tion, what should be done, thereby saving the State any expense of, as one person told me, of between two and three thousand dollars. I think our present department can take care of this matter, thereby saving the State that expense. In the interest of economy, I move that this be indefinitely postponed.

Mr. PAUL: Mr. Speaker, I would like to correct one statement which the gentleman from Weston, Mr. Bubar, just made. The committee, after studying this matter, felt that the cost would not exceed two hundred dollars. I do not know where the gentleman from Weston, (Mr. Bubar) got his figure of two or three thousand dollars.

The SPEAKER: The question before the House is on the motion of the gentleman from Weston, Mr. Bubar, that "Resolve Creating a Recess Committee on Motor Vehicle Legislation" be indefinitely postponed. All those in favor of the motion to indefinitely postpone will say aye, those opposed no.

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

The SPEAKER: The question now before the House is on the assignment of the resolve for second reading.

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

The Chair lays before the House the ninth matter of unfinished business,—Motion of Mr. Howes, of Charleston, that the House reconsider its action of April 4th whereby it accepted the Majority Report "Ought not to pass" of the Committee on Salaries and Fees on Bill "An Act Reducing the Compensation of State Officials and Employees" (H. P. 1716) (L. D. 892), tabled on April 5th by Mr. Mills of Farmington; and the Chair recognizes that gentleman.

Mr. MILLS: Mr. Speaker, I put this matter on the table because of the absence of a great many members. I think the gentleman from Charleston, Mr. Howes, can carry it along.

Mr. HOWES of Charleston: Mr. Speaker, I have a few remarks to make in regard to this bill. I do not know of any bill before this House on which I have heard so much harping as this particular bill. No one likes high wages any better

than I do. That is something I have always liked, but we do not all seem to find ourselves in that position. We have high wages and low prices.

I find many poor people in the State with tax liens on their property, and I do not hesitate to say that if these liens were enforced, at least one-quarter of the people of Maine would lose their homes. My idea is that one of the greatest things this Legislature could have done would have been to lower the real estate tax. I believe that the next Legislature will do it.

Eighteen per cent of all the taxes in the State of Maine for 1937 never have been paid. A good many towns in the State of Maine have eighty per cent of the taxes not paid. I happen to represent a town with a commitment of \$18,000 and \$19,000 in tax deeds, and I happen to represent another town that has got two hundred and seventy families on relief. I made this statement the other day, and I will make it again: The farmers of the State of Maine have no business. As the result of the trade treaties with Canada, two million dollars' worth of farm products have been dumped into the State. We have had two hard years, but you will have a harder one than this next year. I do feel that this Legislature should do something.

If I am fortunate enough to get this bill back, I am going to offer an amendment. I will say to you that if you table it, you cannot hurt my feelings a bit. If you have anything better to offer, you can offer it. But I know that the people in Maine feel something should be done about this business. We pay our State employees from two to five million dollars a year. We are not going to do that much longer. Something is going to happen to the State of Maine. I could say more but I will not take your time. I am very proud of the State of Maine and I want to get it on a sound basis. For that reason I ask that we reconsider our action of April 4th on House Paper 1716, Legislative Document 892.

Mr. HINMAN of Skowhegan: Mr. Speaker and members of the House: On the night that we considered this salary bill I believe that we had as near a full attendance as we have had at any time. It was given due consideration, and it was argued pro and con. I hope that the motion of the gentleman from Charleston, Mr. Howes, will not prevail.

Mr. MARSHALL of Auburn: Mr. Speaker, in thinking this matter over, I am not unmindful of the good purpose and intent of the gentleman from Charleston (Mr. Howes), but, in thinking it over seriously, I think it must be very disconcerting for anybody employed by this State to think that every two years our Legislature in assembly should consider in an arbitrary kind of way a cut in his or her salary.

I do not propose to take very much time, but I simply want to answer what the gentleman from Charleston (Mr. Howes) said. I do not think that anybody employed by the State would consider that they were responsible for the tax rates, and if they thought they were, they would undoubtedly resign or voluntarily take a cut in their salary. Neither are they responsible for any trade treaties. But I do know that I come in contact occasionally with some of the heads of departments of our State, and I know that they save a good deal of money by the honest and efficient administration of their particular department. I might say in passing that I have no relatives who are employed by the State, and I do not have any personal friends; I only meet them in a business kind of way. And I believe that if we should pass an arbitrary cut, that we would pay for it by a tremendous loss in efficiency. I respectfully urge the ladies and gentlemen of this House to deny the motion of the very estimable gentleman from Charleston (Mr. Howes.)

Mr. HOLMAN of Dixfield: Mr. Speaker and ladies and gentlemen of the House: On the afternoon of the day this bill was thrown out, after the adjournment of this House, I heard a great many of the members say that they would go along with this bill if the reductions had not been so large. Now the original bill provided that this reduction should apply to all salaries, and this amendment which has been prepared eliminates all salaries up to \$1,250 a year, and instead of making the maximum cut of thirty per cent on the high salaries, the maximum in the amendment was only ten per cent, a graduated scale from five per cent to ten per cent on salaries of \$1250 a year and over, so that the clerks and those with small salaries would not be affected at all.

Now during the last few years most of us have had our income

curtailed. In our town, about that time, a reduction of ten per cent was made on the salaries of all town officers and school teachers, and that reduction has not been restored. I understand that four years ago the employees of this State accepted a reduction in salary for a term of two years, and then that salary was restored. Now this bill provides that this reduction shall be for a term of two years. I do not see any reason why our State employees should not share with the rest of us to some extent, a small extent. I would not be in favor of cutting salaries a lot, but I think they should share with the rest of us to some extent in the economy we are trying to put forward here in this Eighty-ninth Legislature and help solve this financial situation. Now in view of the fact that this amendment does make so much difference in the bill, I hope that the bill will be reconsidered, and then you will hear the amendment read and can decide whether you favor its adoption.

Mr. McGLAUFLIN of Portland: Mr. Speaker, I am very much opposed to reducing the salaries of State employees without consideration whatever of their merits. I think the matter was expressed very well, if I remember rightly, by the gentleman from Skowhegan, Mr. Hinman, when he stated the other day that he did not propose to put a tax on employees that he did not have to share. If you are going to reduce salaries, it ought to be by an investigation, to find out whether that reduction is justifiable. I want to call attention to the fact that if we pass any tax measures here, these employees will be subject to those same tax measures that we are subject to. I hope that the motion of the gentleman from Charleston (Mr. Howes) does not prevail.

Mr. BROWN of Caribou: Mr. Speaker, I promised myself when I came in here today that I would not say anything, because I have already talked enough, but it seems to me there is a word or two to be said in regard to this matter of salary cuts which perhaps some people have not taken into consideration, and that is, as a matter of fact, in view of falling prices, that our State employees are getting more salary today than they ever got, because of the increased purchasing power of the dollar. If the salaries today are the same as

they were before the depression, they can buy on an average of twice as much in goods as they could at that time. If a man getting a five thousand salary wants to go out today and buy a piece of land, he can buy two or three times as much as he could with the same amount of salary ten years ago. The same is true of living expenses, and the same is true of almost everything, so that instead of the salaries remaining stationary, they have been continually increasing, while the wages of the farmers and laborers have been steadily decreasing.

Now we have thousands of people on relief; we have thousands of people who want old age pensions, and we have thousands of poor people who are earning a very scanty living and who are taxed to pay what I consider high salaries.

One gentleman said that it was unconstitutional to tax this class of people in this way. How long since has it been unconstitutional for the employer to increase or decrease the salaries of his employees? After all, these State officers are employees of the State of Maine, and it is no more unconstitutional to decrease their salary than it is to give them an increase or to create a new job, so I think there is nothing whatever in the argument that it might be unconstitutional. I am not a lawyer, so I have to guess at those things, but every time a lawyer gets up and says a thing is unconstitutional, I do not swallow it whole; I just try to use a little common sense.

There is one other thing: These people are exempt at the present time from paying any income tax. If you and I go out and earn three or four or five thousand dollars, we have to pay an income tax, but these people are exempt from those taxes. So, members, I believe we should reconsider this, so that at least we can have this amendment offered and then talk it over. I hope that the motion to reconsider will prevail.

Mr. MARSHALL of Auburn: Mr. Speaker, I wish to answer the statement made by the gentleman from Caribou, Mr. Brown. The United States Supreme Court, if I understand it correctly, has recently ruled that the salaries of State Officers are subject to income taxes.

Now just a word more about this

situation with regard to State employees. I think, if there is any State employee whose services are not needed in our State, that we have ample machinery available to do away with that particular employee. If that job is filled by the Governor and Council, I believe those gentlemen can also entertain any suggestion as to the unnecessary keeping of that officer or individual. There is a whole lot that could be said. If any of us could go about these departments and inquire about the things that the heads of these departments and other employees necessarily must learn to do, and the knowledge and information they must have, you will find that they are valuable employees, and it is idle talk for a man to say that he can replace a ten dollar man with a two dollar man and get a ten dollar job done.

I simply want to leave it with you, ladies and gentlemen, that an arbitrary slash of the salaries of these people would be an unjustifiable act, and I respectfully say that I hope the motion of the gentleman from Charleston (Mr. Howes) will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Charleston, Mr. Howes, that the House reconsider its action of April 4th whereby it accepted the majority report "Ought not to pass" on Bill "An Act Reducing the Compensation of State Officials and Employees."

Mr. DOW of Norway: Mr. Speaker and members of the House: I did not intend to take any part in this discussion. I hope you will pardon me if I use an expression which some of the members of this House have used frequently, and that is making fish of one thing and fowl of another, but I could not help but notice as I sat here that some who voted in favor of raising salaries of county officials the other day want to make fowl of the other as far as State officials are concerned.

The SPEAKER: Is the House ready for the question?

All those in favor of the motion to reconsider the action of the House in accepting the majority, "Ought not to pass" report will say aye, those opposed no.

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

The Chair lays before the House the tenth item of unfinished business, Majority Report "Ought to pass" and Minority Report "Ought not to pass" of the committee on Legal Affairs on Bill "An Act Relating to Elections in the City of Biddeford" (H. P. 1162) (L. D. 481), tabled on April 6th by Mr. Donahue of Biddeford, pending the motion of Mr. Ford of Saco that the Majority Report be accepted, and the Chair recognizes the gentleman from Biddeford, Mr. Donahue.

Mr. DONAHUE: Mr. Speaker and members of the Eighty-ninth Legislature: Were it not for the fact that a vast majority of the citizens of the city of Biddeford are opposed to this legislation, I might hesitate somewhat in opposing the eight to two report of the committee on Legal Affairs that this bill should pass. However, the member of the committee who signed the report with me is the only member of the committee who was a member of that committee during the regular session and the special session in 1933 when the people of the city of Biddeford came to this Legislature and requested the passage of the legislation which this bill seeks to repeal. And why was it done? You have on your desks a mimeographed copy of the returns of the election held in the city of Biddeford March 13, 1933, where two groups, independent groups, under the style of progressives and non-partisan, polled less than forty per cent of the vote in the city of Biddeford and were elected to office. And what happened as a result of that administration? The result of that administration was that the city of Biddeford was practically forced into bankruptcy, school teachers remained unpaid for over nine months, bonds were defaulted, tax notes unpaid, and, as a result of the abuse of the privilege of independent party designation, the Legislature in 1933 enacted our present primary law. The present primary law gives all parties equal privileges; it gives independent groups no privilege that the primary party does not have.

When the State auditors finished eight months' work in the city, after this group had gone out of office, it was found that there was something over \$340,000 of unpaid bills, bills for which the taxpayers of the city of Biddeford had paid their money into the city treasury and which, under the subsequent ad-

ministration, they were compelled to pay again. At the end of the administration there was no city report; no one knew what the financial condition of the city was. As I said before, it was only as a result of eight months' work by the auditors of the State Auditing Department that the administration was able to determine where the city stood. I say to you that while we will hear the argument that nowhere else in the State of Maine are citizens deprived of the right of independent nominations, I believe the Legislature of 1933, in view of the flagrant abuses of that privilege, were justified in passing the law which they did.

At the present time the citizens of the city of Biddeford enjoy not only a yearly report, but they enjoy a monthly report of the doings of each and every department. No school teacher is obliged to wait nine months, no school teacher waits beyond the day when her pay is due; all bonds are paid, and no tax notes are unpaid. That is the reason that the citizens of Biddeford do not want to go back and permit independent groups to again force the city of Biddeford into bankruptcy. I, therefore, move the indefinite postponement of this bill with the two accompanying reports.

Mr. FORD of Saco: Mr. Speaker, I will not attempt to reply to the flowery remarks of the gentleman from Biddeford, Mr. Donahue, from my sister city. He would lead you to think that I had committed an error in presenting this bill. I am like the gentleman from Belfast, Mr. Buzzell; I only presented this bill by request. I presented it at the request of the Republican Club in that city of Biddeford which numbers—I do not know exactly—but I think around four or five hundred. I think if this favorable report is enacted, that the terms of this bill will not create any damage to any one. I think this bill has a whole lot of merit and I, for one, want to thank the committee for its favorable report, and I hope that the majority report will be accepted.

Mr. DOW of Norway: Mr. Speaker and members of the House: I want to say that the committee on Legal Affairs in considering this bill considered it in the Senate Chamber where full opportunity for discussion was given to both sides and the arguments were well aired.

Apparently in 1933 Chapter 71 of the Private and Special Laws set up a system of elections in the city of Biddeford. It seems that subsequent to that time some changes became necessary and so at a special session in 1933 Chapter 118, Section 1, among other things, was changed considerably.

I would call your attention to the fact that while apparently changes were made so that delegates might be sent to State conventions, this section which we are talking about was changed also. Chapter 118 of 1933—Special Laws—not only was sent back to the people of Biddeford with a referendum but there was an emergency clause. I think I speak for the majority of the committee which was eight to two who signed this report when I state that none of the arguments before the committee convinced us that Biddeford should be given different election laws than the rest of the State, and I do not think that the opponents of the bill would tell you that they should be given any different laws. I hope that the majority report "Ought to pass" will be accepted.

Mr. WEED of Manchester: Mr. Speaker, having lived in Biddeford for a number of years and having noticed conditions there, and having discussed the situation with a number of people, I think that the condition that exists there at the present time is what the majority of the people desire.

Mr. VARNEY of Berwick: Mr. Speaker, I want to take just a few moments to answer to some extent the argument as presented by my good friend, and he is my good friend, the gentleman from Biddeford, Mr. Donahue. He is my good friend in every respect except politics but I haven't gotten him yet to see the light in politics.

This bill has some political significance, but it has only political significance because it so happens that the city of Biddeford is usually predominantly Democratic. I want to try to tell you what this bill really does. The law in the city of Biddeford now is so worded, as I understand it, that no one can run for mayor and some other offices—I know this applies to mayor—unless he be a registered Republican or a registered Democrat. Biddeford being so predominantly Democratic that permits the Democratic machine to run things with a rather high hand. You cannot get on the

ticket unless you play along with the Democratic machine. Unless we Republicans or unless the people of the city of Biddeford can sometimes, when the Democratic machine gets to running things with two high a hand, unless they can get a man who is perhaps a registered Democrat to run for mayor in the city of Biddeford under the banner of a Progressive Republican or what have you, then it means that the old machine can keep things under their thumb and run not only politics but other things in the city of Biddeford. I want to say to my friend, the gentleman from Biddeford, Mr. Donahue, that if he will point out to me any town or city in the State of Maine where they have a similar law which is predominantly Republican, so that we can run things with the same high hand, I will be one to vote for that law in that town or city wherever it is.

Now how did Biddeford get that law? I want to call this to your attention because you may hear the argument presented here that we ought to let Biddeford decide for themselves what they want. If you put a referendum on it you might as well kill the bill. Now the gentleman from Biddeford, Mr. Donahue, referred to the Special Session of 1933. In that Special Session they brought in a bill on which they put an emergency preamble.

I think that bill—I am not sure—I think it was presented by the gentleman from Biddeford, Mr. Donahue, and the emergency preamble recites that “whereas, the amendment to the election laws of the city of Biddeford passed by the Eighty-sixth Legislature did not adequately prepare for the election of delegates to party conventions, and it is now impossible to elect delegates properly; and whereas, the city of Biddeford would not be represented in respective party conventions if the following amendment is not made.” I concede that so far I think that is true. It was necessary to make an amendment to the laws in order that Biddeford might be properly represented at party conventions. With that part of the amendment made in 1933 under the heading of the emergency, I would not quarrel. As I understand it they also in that same act wrote in a little amendment to the law which formerly read as follows: “Candidates for the following offices shall present a petition of at least

the following number of names: for mayor, member of the school board, or police commissioner, 125; for councilman, 50; for warden or clerk, 25.” This is what they inserted, after the word “names”: “of enrolled members of the political party requesting such nomination.” As I understand it it was that little insertion which they put in this emergency act under the supposed banner of providing that the city of Biddeford may be properly represented in the State political conventions—they brought in this article which stopped anyone from running for the offices in Biddeford unless they be members of the enrolled party.

Now the bill you have before you would simply permit in the city of Biddeford something which I understand is permitted in every city in the State, that if you do not want to run as a Republican or a Democrat, you have a right to run as an Independent by getting a certain number of signatures, and I do not think that even my brother can quarrel on that. I simply hope that the majority report of the committee is accepted.

Mr. BELANGER of Biddeford: Mr. Speaker, there have been some remarks made here about people born outside of the State. I was born in the State of Maine. I have lived in Biddeford for 66 years. I was elected as a Representative by the biggest majority that any man ever got out of Biddeford. I am here to tell you that what Biddeford wants is what they have. They don't want this bill. We pay our bills, we pay our county taxes and everything in the city of Biddeford. We enroll as either a Democrat or a Republican. I voted the Republican ticket a good many years and when I changed my mind I enrolled as a Democrat. We do not want anybody digging in on either party and breaking it up. If the people of Biddeford sent me here to represent them, they do not want somebody else telling them what to do. It is none of my job to tell you how to run North Berwick or Waterville, it is none of my job to tell you how to run Augusta or any other town. Our Representatives from Biddeford want to represent Biddeford and three to one we have no use for this bill.

Mr. DONAHUE: Mr. Speaker, I believe that the gentleman from Berwick, Mr. Varney, is slightly in

error when he says that I presented this bill. I first became a member of the Legislature in 1935. In town meeting, as I understand it, you have no independent candidate. In the town of Sanford you have delegates at town meeting and it does not provide for independent nominations. Many of our other municipalities in the State have non-partisan ballots. If this legislation is so desirable I want to ask this House why the agent of the Pepperell Mills, the treasurer of the Saco-Lowell Shops, the First Vice President of the First National Bank of Biddeford, and the chairman of the Board of Directors of the Pepperell Trust Company and 3,500 other citizens of Biddeford do not want this bill to pass?

Mr. McGLAULFIN of Portland: Mr. Speaker, I want to say just a word. This measure is an attempt on the part of a Republican House to force on the Democrats something that they do not want. If the Democrats undertook to do the same thing with us, and they had the power to do it, we would say that it was a dirty deal. I hope that this measure is killed.

The SPEAKER: The question before the House is on the motion of the gentleman from Biddeford, Mr. Donahue, that the two reports of the committee on Legal Affairs on Bill "An Act Relating to Elections in the City of Biddeford" be indefinitely postponed. All those in favor of the motion for indefinite postponement will say aye, those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Thirty-seven having voted in the affirmative and 41 in the negative, the motion did not prevail.

The SPEAKER: The question now before the House is on the motion of the gentleman from Saco, Mr. Ford, that the majority report "Ought to pass" of the committee be accepted. Is this the pleasure of the House. The motion prevailed, and the majority report "Ought to pass" was accepted.

The Chair lays before the House the eleventh item of unfinished business, Bill "An Act Relating to Requisites for Old Age Assistance" (H. P. 286) (L. D. 91). The pending question at the time of adjournment of the House on April 7th being the adoption of House Amendment "B." The Chair rec-

ognizes the gentleman from Lewiston, Mr. Lambert.

Mr. LAMBERT: Mr. Speaker and members of the House: Due to the fact that I have interviewed a great many of the Representatives of the House concerning House Amendment "B" to this bill, I want to make a motion to indefinitely postpone House Amendment "B," with the idea of presenting to you at this time House Amendment "C," which is on your desks.

The SPEAKER: The gentleman from Lewiston, Mr. Lambert, now moves the indefinite postponement of House Amendment "B." Is this the pleasure of the House?

The motion prevailed and House Amendment "B" was indefinitely postponed.

Mr. Lambert then offered House Amendment "C" and moved its adoption.

House Amendment "C" to H. P. 286, L. D. 91, Bill, "An Act Relating to Requisites for Old Age Assistance."

Amend said Bill by adding at the end thereof the following: **'provided, however, that this sub-paragraph shall not apply to aliens who have resided in the United States since July 1, 1919.'**

Mr. LAMBERT: Mr. Speaker and members of the House: Again I am going to appeal to you in regard to this alien bill which was debated by the House last week. It was brought out during the debate that by barring all of the aliens from the pension rolls you were probably barring the old parents of some veterans of the World War who fought for this country, also some old residents of the State of Maine who contributed greatly to the building up of this State by paying their taxes regularly and by working for improvements in the State. Some of the aliens who resided here previous to 1919 might have had some sons who went to the World War. I want this House to remember that back in those days, when those boys were fighting for their country, it did not matter whether their parents were aliens or whether their parents were citizens. They were fighting for one cause, and that cause was for the benefit of our country. Some of them even gave their lives, and today we are here to deny pensions to some of those unfortunate people who would just fall back on our municipalities.

Shortly after this bill was presented last week, you voted practically unanimously to reject the measure which would decrease the burden on our municipalities. This in itself is a bill which will increase to some extent the burden upon our municipalities. I want each and every one of you to think it over. There are only three hundred cases of those seven hundred and eighty that will fall back on your towns.

It so happens that the city of Lewiston is hit hard by this legislation, and I am the one who took it upon myself to defend my city. I have contacted various other representatives from other cities, and I am sure that it is unfair, and they believed that it was unfair to pass legislation where you would eliminate all of them.

Now under House Amendment "C" which I am presenting today, it requires that those who were here July 1, 1919, be not eliminated from the pension rolls. That, I believe, will cover some of the objections which prevailed here last week, and that will protect any of these old mothers and old fathers who had sons in the World War and who have provided for at least twenty years for improvements in this State by paying their taxes.

Now I made this as a third amendment: A definite date, July 1, 1919. That in itself will show you that I am not opposing your action here of last week. That will show you also that fundamentally, as the years roll along, the aliens will eventually be eliminated from your pension rolls, as you wished to do last week. I therefore hope that my motion for the adoption of this amendment will prevail.

Mr. WILLIAMS of Bethel: Mr. Speaker, the gentleman from Lewiston, (Mr. Lambert) has proposed House Amendments "A," "B" and "C" and moved the indefinite postponement of House Amendments "A" and "B," and I concur with him in that motion, but I regret that I cannot concur with him in the motion for the adoption of House Amendment "C."

In that connection, I wish to call the attention of the members of this House to a few facts as to the effects of this amendment. I presumed this amendment was offered, as was House Amendment "B," because of a misunderstanding of some of the remarks I made in regard to

the law in Canada. There seems to be an opinion about this House that the law provides that if you are a British subject or have resided in Canada for twenty years, you can receive old age assistance. That is entirely erroneous. The law of Canada provides — and a great many of these persons concerned come from Canada — that you must be a British subject, that you must have resided there for twenty years and must be seventy years of age.

In regard to the amendment itself, I wish to call attention to the form of the amendment which provides: "that this sub-paragraph shall not apply to aliens who have resided in the United States since July 1, 1919."

I must admit I do not know just what the amendment would do, because, if this amendment is taken literally, an alien who came here five years ago has resided in the United States since that time. It does not say "continuously since that time." There is a grave question in my mind as to whether any aliens would be eliminated by this proposed amendment.

I will say it was stated here that some three hundred and fourteen might be thrown back on the towns. I wish to call attention of the House to the fact that there are now five hundred and fifty-two citizens who are waiting and who are also paupers at the present time, so that the number of citizens who are now waiting and who are paupers is much larger than the number of aliens who are paupers and who are now receiving. It has also been mentioned that the House, a few days ago, rejected a law which, if passed, might impose some additional burden upon the towns and municipalities. I am very glad that was mentioned, for I omitted to mention it myself. That proposed law was tabled at the same time that this present law was tabled, and, as many of the members know, the Maine Municipal Officers' Association, which is a very efficient organization, and very much interested in economy, contacted nearly every member in this body, through their Selectmen, urging them to vote against the passage of that bill.

But this measure, which was placed on the table at the same time, and which certainly could not have escaped the attention of the Maine

Municipal Officers' Association, was not mentioned, and if it was the belief of the Maine Municipal Officers' Association that this imposed an additional burden upon the towns, I feel certain they would have mentioned it, but they failed entirely to mention it in any way whatsoever. I am therefore inclined to think they felt the same as some of us do, that it was entirely proper until such time as we could take care of everyone, that we would take care of our citizens first. If this amendment goes through, it would mean that aliens who came here prior to 1919 are to be exempted from this provision. If that were to be adopted, over ninety per cent of the aliens would be thrown back on the old age assistance rolls. However, it is a fact, I believe, that those who have been here for twenty-five years—that group I should say includes ninety per cent of aliens who are receiving and waiting—and the figures I have here are based on an estimate of the cases now actually receiving. Based on thirty cases taken at random, it appears that ninety per cent of these aliens have lived in the State of Maine or in the United States for over twenty-five years. The figures I have are based on twenty-five years, whereas this bill provides for twenty years. Undoubtedly, because of that fact, the number will be increased who would have been here prior to the time this took effect. In other words, there would be over ninety per cent of these aliens thrown back on old age assistance, so it would take out the vital part of this bill.

Another thing I wish to mention is the fact that it would be practically impossible to enforce this act without a tremendous amount of investigation, for the Department, as I understand it, cannot simply take a man's say-so that he came here over twenty years ago. That requires thorough investigation, and anyone who has had any experience with determining how long a person has resided in a particular town or within the State, realizes that is a very difficult matter and requires a tremendous amount of investigation, so the administration, in addition, would be very difficult.

Therefore, believing that this amendment would entirely void any good effect that might be accomplished by the bill as it now is, I

move the indefinite postponement of House Amendment "C".

Mr. LAMBERT: Mr. Speaker, in reply to the gentleman from Bethel, Mr. Williams, I will admit there has been an error in the drafting of this measure—the word "continually" should have been included in this amendment. Not being a lawyer, I was unable to catch on to that point. On the other hand, the gentleman from Bethel Mr. Williams, told you that we could care for the aliens later on, but that we should take care of our citizens first. I want to refer you back to Legislative Document 91, where it says that this law shall be changed to read that a person be a citizen of the United States. That, therefore, makes it a law that only a citizen will be taken care of, and there is no provision for caring for the aliens later on who contributed their support to this State as well as the citizens. That is one point that I want the members of this Legislature to remember. The Document itself says that they shall be citizens of the United States, and it does not provide for anything to protect your old aliens who helped to build up the State.

Mr. NOYES of Franklin: Mr. Speaker, inasmuch as this bill was discussed at some length a few days ago, and inasmuch as it is evident that if this amendment is adopted, it will destroy the bill, I hope that the motion of the gentleman from Bethel, Mr. Williams, will prevail.

Mr. PAYSON of Portland: Mr. Speaker, the emotional side of this bill has been too thoroughly discussed, but the gentleman from Lewiston, Mr. Lambert, has raised one point which I wish to make clear that he is mistaken in. I think it is perfectly simple that every alien who is taken off the old age assistance roll and becomes a pauper will be offset by a pauper taken off the relief rolls and put on old age assistance, so that there can be no burden put back upon the cities and towns in the long run on this measure. I wish to support the motion of the gentleman from Bethel, Mr. Williams.

The SPEAKER: The question before the House is on the motion of the gentleman from Bethel, Mr. Williams, that House Amendment "C" be indefinitely postponed. All those in favor of the motion will say aye; those opposed no.

Mr. LAMBERT: Mr. Speaker—

The SPEAKER: The Chair will inform the gentleman that he has already spoken twice. Does the gentleman desire to speak a third time?

Mr. LAMBERT: I just wanted to ask for a division, Mr. Speaker.

The SPEAKER: The gentleman from Lewiston, Mr. Lambert, asks for a division. All those in favor of the motion of the gentleman from Bethel, Mr. Williams, that House Amendment "C" be indefinitely postponed will rise and stand in their places until counted and the Monitors will make and return the count.

A division of the House was had.

Seventy-five having voted in the affirmative and 29 in the negative, the motion prevailed and House Amendment "C" was indefinitely postponed.

The SPEAKER: This bill having had its three several readings and having been reported by the Committee on Bills in the Third Reading that no further verbal amendments are necessary, is it now the

pleasure of the House that the bill be passed to be engrossed.

The motion prevailed, the bill was passed to be engrossed and sent up for concurrence.

The Chair lays before the House the first tabled and today assigned matter, House Order Relative to Unassigned Tabled Matters, presented by the gentleman from Berwick, Mr. Varney, on April 7th and laid on the table under Rule 59. The Clerk will read the Order.

ORDERED, that all matters tabled and unassigned shall be taken from the table automatically each day under Orders of the Day.

The SPEAKER: Is it the pleasure of the House that this Order have passage?

The motion prevailed, and the Order received passage.

Mr. VARNEY of Berwick: Mr. Speaker, I move that the House now adjourn.

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