

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Ninth Legislature

OF THE

STATE OF MAINE

1939

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## SENATE

Friday, April 14, 1939.

The Senate was called to order by the President.

Prayer by the Reverend A. B. Bickmore of Augusta.

Journal of yesterday, read and accepted.

### Order (Out of Order)

On motion by Mr. Spear of Cumberland out of order and under suspension of the rules, it was

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, April 17, 1939, at 4:00 o'clock in the afternoon. (S. P. 678)

Which was read and passed.

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, having been read and passed in concurrence.

Mr. HILL of Cumberland: Mr. President, I ask unanimous consent to address the Senate.

The PRESIDENT: The Senator from Cumberland, Senator Hill, asks unanimous consent to address the Senate. Is there any objection? The Chair hears no objection. The Senator may proceed.

Mr. HILL: Mr. President, there was introduced at this session of the legislature a bill entitled An Act Relating to Standards of Employment which bill deals with the subject of wages and hours of employment. This bill was referred to the Committee on Labor. It is an extensive and complex measure regulating the hours and wages of industry within the state.

At the hearing, the proponents of the measure appeared and pointed out to the committee the fact that the constitutionality of the Federal Wage Hour Law has not been determined or established by judicial act and the proponents further pointed out the fact that this measure was of far reaching importance and significance, and expressed their belief that under the existing conditions with respect to federal legislation on this subject that it would be wise and proper for the state of Maine to give further consideration to the subject and before passing such a measure.

The opponents of the bill also assured the committee that they thought that was a sound position to take for the present time and the Committee on Labor was of the opinion that such legislation ought not be enacted until a more thorough and serious study of the question had been conducted.

And so the suggestion was made at the hearing that a recess committee be appointed, created for that purpose. For that reason, the Committee on Labor has reported that that bill and other bills relating to the same general subject be referred to the Ninetieth Legislature, with the thought in mind that a recess committee would have an opportunity to give the matter thorough study before that time.

And so, Mr. President, for the purpose of undertaking to carry into effect those suggestions and that opinion of the Committee on Labor, I ask unanimous consent to present at this time a resolve creating such a recess committee and I may say that the resolve is in the usual form of a resolve creating a recess committee and does not seem to me the sort of measure that would require a public hearing if it be admitted.

And so, Mr. President, I ask unanimous consent to present out of order "Resolve Creating a Recess Committee on Wage and Hour Legislation."

Thereupon, unanimous consent was granted to introduce the bill.

Mr. HILL: Mr. President, I thank the Senate and now present the resolve and move that it be given its first reading without reference to a committee, under suspension of the rules.

Thereupon, "Resolve Creating a Recess Committee on Wage and Hour Legislation" was received and under suspension of the rules was given its first reading without reference to a committee, and was Monday next assigned for second reading.

### From the House:

The Committee of Conference on the disagreeing action of the two branches of the legislature on "Resolve Authorizing Charles A. Darrington to Bring a Suit at Law Against the State of Maine," (H. P. 1425) (L. D. 559) reported that the Committee is unable to agree.

Comes from the House, report read and accepted.

In the Senate, on motion by Mr. Graves of Hancock, the report was read and accepted in concurrence.

From the House:

Bill "An Act Relating to Aid to Libraries, Expenses of State Historian, Topographic Mapping, and Abolishment of Grade Crossings," (S. P. 131) (L. D. 115)

(In the Senate enactment having been reconsidered; engrossing reconsidered, and Senate Amendment "A" read and adopted; the bill as amended by Senate Amendment "A" passed to be engrossed in non-concurrence)

Comes from the House, enactment reconsidered; engrossing reconsidered; Senate Amendment "A" adopted, House Amendment "A" read and adopted, an the bill passed to be engrossed as amended by Senate Amendment "A" and House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Thatcher of Penobscot, that Body voted to reconsider its former action whereby the bill was passed to be engrossed, House Amendment A was read and adopted in concurrence and the bill as amended by Senate Amendment A and House Amendment A was passed to be engrossed in concurrence.

From the House:

"Resolve Relating to Reimbursement of Licensees Whose Licenses Become Inoperative Before the End of the License Period," (H. P. 2127) (L. D. 1161)

(In the Senate on April 13 passed to be engrossed in non-concurrence.)

Comes from the House, that body having insisted on its former action whereby the Minority Report "Ought not to Pass" was accepted, and asking for a Committee of Conference, and the Speaker having appointed as members of such a committee on the part of the House:

Representatives: Good of Monticello, Dow of Norway, Ford of Saco.

In the Senate, on motion by Mr. Littlefield of York, that Body voted to insist and join with the House in a Committee of Conference and the President appointed as members of such committee on the part of the Senate, Senators Littlefield of York, Marden of Kennebec and Hill of Cumberland.

### House Committee Reports

The Committee on Judiciary on bill "An Act Relating to Automobile Junk Yards," (H. P. 243) (L. D. 59) reported that the same ought not to pass.

Which report was read and accepted in concurrence.

The Committee on Pensions on the following Resolves:

S. P. 37 Resolve Providing for a State Pension for Woodbury G. Love, of Southport.

S. P. 63 Resolve Providing for a State Pension for Arthur Nelke, of Lewiston.

S. P. 77 Resolve Providing for a State Pension of Ella P. Furlong, of Winthrop.

S. P. 125 Resolve Providing for a State Pension for Alice M. Gould, of Robbinston.

S. P. 126 Resolve Providing for a State Pension for Joseph Willet, of Augusta.

S. P. 127 Resolve Providing for an Increase in State Pension for Perley A. Haskell, of Augusta.

S. P. 156 Resolve Providing for a State Pension for William O. Aldus, of Belfast.

S. P. 161 Resolve Providing a State Pension for George E. Kittredge, of South Portland.

S. P. 168 Resolve Providing for a State Pension for Elizabeth Merrill, of Augusta.

S. P. 188 Resolve Providing for an Increase in State Pension for Grace E. Taylor, of Augusta.

S. P. 194 Resolve Providing for a State Pension for Sadie J. Hill, of Belfast.

S. P. 225 Resolve Providing for a State Pension for Otis Jacob Bowen, of Newport.

S. P. 266 Resolve Providing for a State Pension for Earl McMillan, of Augusta.

S. P. 267 Resolve Providing for a State Pension for Mary H. Deehan, of Augusta.

S. P. 269 Resolve Providing for a State Pension for Frank Ross, of Vanceboro.

H. P. 80 Resolve Providing for a State Pension for Lura N. West, of Unity.

H. P. 81 Resolve Providing for a State Pension for Irene Forbes, of Brooks.

H. P. 82 Resolve Providing for a State Pension for Edgar Frost, of Unity.

H. P. 132 Resolve Providing for a

State Pension for Clement A. Chase, of Bradford.

H. P. 135 Resolve Providing for a State Pension for Perez G. Townsend, of East Corinth.

H. P. 136 Resolve Providing for a State Pension for Albert Roberts Skolfield, of East Corinth.

H. P. 255 Resolve Providing for a State Pension for Andrew B. Berry, of Camden.

H. P. 264 Resolve Providing for an Increase in State Pension for Anna Lou Hobart, of Farmington.

H. P. 291 Resolve Providing for a State Pension for George U. Fish, of Etna.

H. P. 297 Resolve Providing for an Increase in State Pension for Ada E. Bailey, of Searsport.

H. P. 392 Resolve Providing for an Increase in State Pension for George A. Penney, of Montville.

H. P. 394 Resolve Providing for a State Pension for Everett Earl Rand, of Troy.

H. P. 400 Resolve Providing for an Increase in State Pension for Lottie M. Hobart, of Orono.

H. P. 441 Resolve Providing for a State Pension for Nellie Flanders, of Auburn.

H. P. 442 Resolve Providing for a State Pension for Ralph A. Smith, of Bath.

H. P. 446 Resolve Providing for an Increase in State Pension for George H. Pottle, of Gardiner.

H. P. 449 Resolve Providing for a State Pension for Mildred B. Wadsworth, of Gardiner.

H. P. 450 Resolve Providing for a State Pension for Fred E. Jones, of Washington.

H. P. 451 Resolve Providing for a State Pension for Donald Wilson, of Bath.

H. P. 572 Resolve Providing for a State Pension for Lucina Smith, of Lisbon.

H. P. 574 Resolve Providing for a State Pension for Addie Sargent, of Athens.

H. P. 657 Resolve Providing for a State Pension for Inez M. Dyer, of Carmel.

H. P. 662 Resolve Providing for a State Pension for Eva MacDonald, of Glenburn.

H. P. 665 Resolve Providing for an Increase in State Pension for Edith T. Bowman, of Hollowell.

H. P. 789 Resolve Relating to a Retirement Pension for Wilder F. Creamer, of Northport.

H. P. 790 Resolve Providing for a

State Pension for William Dickinson, of Island Falls.

H. P. 792 Resolve Providing for a State Pension for Mary E. Peavey, of Newport.

H. P. 793 Resolve Providing for a State Pension for Lewis Cowett, of Caribou.

H. P. 796 Resolve Providing for a State Pension for Robert C. Haskell, of Brewer.

H. P. 797 Resolve Providing for a State Pension for George E. John-son, of Machias.

H. P. 808 Resolve Providing for a State Pension for Mattie W. How-ard, of Litchfield.

H. P. 810 Resolve Providing for a State Pension for Maud Strout, of Alexander.

H. P. 816 Resolve Relating to a Retirement Pension for Burleigh E. Bean, of Waite.

H. P. 838 Resolve Providing for a State Pension for William Joseph Fox, of Augusta.

H. P. 839 Resolve Providing for a State Pension for Desiree Pelletier, of Augusta.

H. P. 840 Resolve Providing for an Increase in State Pension for Etta L. Miller, of Waldoboro.

H. P. 1079 Resolve Providing for a State Pension for Colby C. Carl, of Fairfield.

H. P. 1080 Resolve Providing for an Increase in State Pension for Florence E. Colbeth, of Exeter.

H. P. 1081 Resolve Providing for a State Pension for Esther Leath-ers, of Newport.

H. P. 1082 Resolve Providing for an Increase in the State Pension of George L. Harvey, of Belfast.

H. P. 1083 Resolve Providing for a State Pension for William A. Ryan, of Belfast.

H. P. 1084 Resolve Providing for a State Pension for Eunice P. Hig-gins, of Belfast.

H. P. 1086 Resolve Providing for a State Pension for Mary Roxana Keller, of Richmond.

H. P. 1089 Resolve Providing for a State Pension for Leroy W. Gor-don, of Thorndike.

H. P. 1094 Resolve Providing for a State Pension for Herbert Blake-lin, of Charlotte.

H. P. 1097 Resolve Providing for a State Pension for Hattie Sawyer, of South Portland.

H. P. 1099 Resolve Providing for a State Pension for Otis Homsted, of Hermon.

H. P. 1100 Resolve Providing for

an Increase in State Pension for Flora E. Babb, of West Gardiner.

H. P. 1101 Resolve Providing for an Increase in State Pension for Flora E. Babb, of West Gardiner.

H. P. 1101 Resolve Providing for an Increase in State Pension for Frank A. Durgin, of Fairfield.

H. P. 1103 Resolve Providing for a State Pension for Everett Pelkey, of Mapleton.

H. P. 1104 Resolve Providing for a State Pension for George F. Harrington, of Bethel.

H. P. 1192 Resolve Providing for a State Pension for Alden H. Robbins, of Belfast.

H. P. 1193 Resolve Providing for an Increase in State Pension for Iva Hathorn, of Medford.

H. P. 1194 Resolve Providing for a State Pension for Lizzie Kimball, of Hiram.

H. P. 1335 Resolve Providing for a State Pension for Warren Brooker, of Limestone.

H. P. 1452 Resolve Providing for a State Pension for Peter R. Kimball, of Bangor.

H. P. 1522 Resolve Providing for a State Pension for Susie A. Patten, of Newport.

H. P. 1524 Resolve Providing for a State Pension for Raymond Pearson, of Farmington.

H. P. 1528 Resolve Providing for a State Pension for Lena M. Hall, of Norway.

H. P. 1529 Resolve Providing for a State Pension for Sidney E. Kaler, of Washington.

H. P. 1796 Resolve in Favor of Wesley Heal and that the same ought not to pass.

Which report was read and accepted in concurrence.

The Committee on Inland Fisheries and Game on "Resolve for Screening the East Outlet of Gardners Lake in East Machias, in Washington County," (H. P. 475) reported that the same ought not to pass.

The Committee on Judiciary on bill "An Act Relating to Nominations of Independent Candidates," (H. P. 1597) (L. D. 911) reported that the same ought not to pass.

The Committee on Pensions on "Resolve Providing for a State Pension for Perry Grant, of Mapleton," (H. P. 1102) reported that leave be granted to withdraw the same as applicant is dead.

The same Committee on "Resolve Providing for a State Pension for Norman L. Edson of Harrison," (H. P. 813) reported that leave be granted to withdraw.

The Committee on Ways and Bridges on bill "An Act Relative to the Opening of Ways by County Commissioners," (H. P. 1467) (L. D. 571) reported that the same ought not to pass.

The same Committee on "Resolve Relating to Lighting Mount Desert Bridge," (H. P. 1219) (L. D. 427) reported that the same ought not to pass as taken care of in other legislation.

The same Committee on "Resolve Relating to Mount Desert Bridge," (H. P. 726) (L. D. 309) reported that the same ought not to pass as taken care of in other legislation.

The same Committee on Remonstrance of the Maine State Grange, Maine Automobile Association, et als, (H. P. 2162) reported the same in the form of a resolution against diversion or additional appropriation of state highway funds to local roads, and that it be placed on file.

Which reports were severally read and accepted in concurrence.

The Committee on Appropriations and Financial Affairs pursuant to Joint Order ask leave to report a bill under title of bill "An Act Appropriating Moneys for Anticipated Overdrafts in the Department of Health and Welfare," (H. P. 2222) and that it ought to pass.

The same Committee on bill "An Act Relating to the Retirement of the 1936-1937 Deficit," (H. P. 1535) (L. D. 682) reported that the same ought to pass.

The Committee on Counties on bill "An Act Relating to the Compensation of the National Guard," (H. P. 1408) (L. D. 551) reported the same in a new draft (H. P. 2227) (L. D. 1169) under the same title, and that it ought to pass.

The Committee on Judiciary on bill "An Act Relating to Penalty for Operating Motor Vehicle While Under the Influence of Intoxicating Liquor or Drug," (H. P. 1638) (L. D. 920) reported the same in a new draft (H. P. 2224) (L. D. 1166) under the same title and that it ought to pass.

The same Committee on bill "An Act Relating to the Use of the State Seal," (H. P. 386) (L. D. 104) reported the same in a new draft (H. P. 2223) (L. D. 1165) under the

same title, and that it ought to pass.

The same Committee on bill "An Act Relating to Giving False Alarm of Fire," (H. P. 1328) (L. D. 528) reported that the same ought to pass.

The same Committee on bill "An Act Relating to the Interstate Bridge Authority for the Portsmouth-Kittery Bridge and Approaches Thereto," (H. P. 1594) (L. D. 693) reported that the same ought to pass.

The same Committee on bill "An Act Relating to Voters in Civilian Conservation Corps Camps," (H. P. 1623) (L. D. 716) reported that the same ought to pass.

The Committee on Pensions on "Resolve Providing for a State Pension for Artell Cookson of Newcastle," (H. P. 440) reported the same in a new draft (H. P. 2225) (L. D. 1167) under the same title and that it ought to pass.

The Committee on Sea and Shore Fisheries on bill "An Act Relating to a Bounty on Seals," (H. P. 1205) (L. D. 459) reported the same in a new draft (H. P. 2219) (L. D. 1162) under the same title and that it ought to pass.

(On motion by Miss Laughlin, tabled pending acceptance of the report in concurrence.)

The Committee on Ways and Bridges on "Resolve in Favor of the Town of East Machias," (H. P. 601) reported the same in a new draft (H. P. 2235) (L. D. 1178) under a new title "Resolve in Favor of the Towns of Machiasport and East Machias" and that it ought to pass.

The same Committee on bill "An Act Relating to the Expenditures of Highway Funds," (H. P. 1468) (L. D. 572) reported the same in a new draft (H. P. 2234) (L. D. 1179) under the same title, and that it ought to pass.

Which reports were severally read and accepted in concurrence, the bills and resolves read once and Monday next assigned for second reading.

The Committee on Education on bill "An Act to Provide Moral Instruction for Children in Connection with the Public Schools," (H. P. 1312) (L. D. 535) reported that the same ought to pass when amended by committee amendment "A" submitted herewith.

Comes from the House, passed to

be engrossed as amended by Committee Amendment "A."

In the Senate, the report was read and accepted in concurrence and the bill was given its first reading. Committee Amendment A was read and adopted in concurrence and the bill as so amended was Monday next assigned for second reading.

The Committee on Judiciary on bill "An Act Amending the Unemployment Compensation Law Relative to Railway Employment," (H. P. 1322) (L. D. 548) reported the same in a new draft (H. P. 2221) (L. D. 1163) under the same title and that it ought to pass.

Comes from the House, report read and accepted, House Amendment "A" offered and indefinitely postponed; House Amendment "B" offered and adopted, and the bill as amended by House Amendment "B" passed to be engrossed.

In the Senate, the report was read and accepted in concurrence and the bill was given its first reading. On motion by Miss Laughlin of Cumberland, House Amendment A was read and indefinitely postponed in concurrence. House Amendment B was read.

Miss LAUGHLIN: Mr. President, I don't feel that I know fully just the purpose of this amendment but I will move nevertheless that the Senate concur with the House in the adoption of House Amendment B, intending, before we get to the engrossing stage, to look up just exactly what the amendment is. I may say in regard to this bill that in the new draft it had many amendments and in substance it is practically a "must" bill but just what the effect of this amendment is, as I said, before we reach the amendment stage there will be opportunity, of course, to examine and therefore I move the adoption of House Amendment B in concurrence.

Thereupon, House Amendment B was adopted in concurrence, and on further motion by the same Senator, the bill was Monday next assigned for second reading.

The Committee on Public Health on bill "An Act Relating to Pre-marital Examination," (H. P. 1195) (L. D. 471) reported the same in a new draft (H. P. 2230) (L. D. 1170) under a new title bill "An Act Re-

lating to Prenatal Examination," and that it ought to pass.

Comes from the House, passed to be engrossed as amended by House Amendment "A".

In the Senate, the report was read and accepted in concurrence and the bill was given its first reading. House Amendment A was read.

Mr. OWEN of Kennebec: Mr. President, this bill, as many of you know already, was introduced as a pre-marital bill and has been through various stages of controversy and has emerged as a very, very weak pre-natal bill, and this amendment weakens it still more. However, I move that the amendment be adopted in concurrence.

Thereupon, House Amendment A was adopted in concurrence and the bill as so amended was next Monday assigned for second reading.

The Majority of the Committee on Legal Affairs on bill "An Act to Create a State Boxing Commission," (H. P. 1168) (L. D. 749) reported the same in a new draft (H. P. 2168) (L. D. 1143) under the same title, and that it ought to pass.

(Signed) Senators: Chase of Washington, Morse of Waddo, Marden of Kennebec and Representatives: Buzzell of Belfast, Pike of Bridgton, Dwinall of Camden, Donahue of Biddeford.

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(Signed) Representatives: Dow of Norway, Payson of Portland, Shesong of Portland.

Comes from the House, the Majority report read and accepted, and the bill passed to be engrossed.

In the Senate, on motion by Mr. Marden of Kennebec, that Body voted to accept the majority report "Ought to Pass" in concurrence, the bill was given its first reading and Monday next assigned for second reading.

The Majority of the Committee on Judiciary on bill "An Act Relating to Primary Nominations," (H. P. 9) (L. D. 15) reported the same in a new draft (H. P. 2232) (L. D. 1182) under the same title and that it ought to pass.

(Signed) Senators: Laughlin of Cumberland, Hill of Cumberland and Representatives: McGlauffin of Portland, Varney of Berwick, Bird

of Rockland, Hinckley of South Portland.

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(Signed) Senator: Burns of Aroostook and Representatives: Thorne of Madison, Weatherbee of Lincoln, Fellows of Augusta.

Comes from the House, Minority report read and accepted.

In the Senate:

Mr. CHAMBERLAIN of Penobscot: Mr. President, I move that the minority report be accepted in concurrence.

Mr. President, the pith of this bill is a run-off primary. If the economic condition of this state is as has been told, it would seem to me to be folly to incur the expense of from thirty to fifty thousand dollars in order to have a run-off primary. Whether or not the bill itself is good enough I believe it is an inopportune time to pass it.

Miss LAUGHLIN of Cumberland: Mr. President, I had not intended to speak on this bill in view of the situation in the legislative procedure but I would like to answer the Senator from Penobscot (Senator Chamberlain) as to the objection he has raised as, of course, there would be no such expense connected with the run-off primary because this bill covers simply a case where there is no majority in the nomination for Governor, United States Senator, or Representative to Congress, so there would be no long bill for printing or carrying the election and I would say here that the purpose of this bill in no sense weakens the primary nomination law but really strengthens it because we have had a number of cases in primary elections for governor and others—I can't give the number at this moment—where there have been a number of candidates running in primaries and the person getting the highest number of votes was of course nominated, and in some cases that percentage of votes was no greater than twenty-five percent so that the candidates who were nominated for those offices represented a quarter of the voters but because of getting the plurality he became the nominee.

The purpose of this bill was to avoid that situation and it would be effective only when that situation developed. It does not mean



a post primary every time. It would mean a post primary only for those three offices and only in a case where the successful nominee at the primary did not receive a majority, so that the number of cases where there would be a post primary election would be very few. The cost of printing the ballots would be a minimum cost so it would not represent any such cost as the Senator thinks and it would be only in an occasional case that it would be used and solely for the purpose of endeavoring to have the actual candidate who is voted for in the election somebody who was nominated by a majority of the voters instead of by a minority and sometimes a small minority. So I am obliged to oppose the Senator's motion to adopt the minority report.

Mr. CHAMBERLAIN: Mr. President, I admit that there are many good points in this bill. Now, a word as to expenses. As far as the expense to the state itself is concerned it would be small but assuming that there would be those cases that the Senator from Cumberland, Senator Laughlin, says would not often occur it would at least be state wide and I would like to say that any election in the little city of Brewer costs at least \$300. Now, multiply that by the number of municipalities in the state and it brings up the cost.

Mr. SPEAR of Cumberland. Mr. President, when the vote is taken I ask for a division.

Mr. BURNS: Mr. President, I do not quite understand the situation here as it has developed. At one moment I understood that those who signed the majority report, or least one member who signed that report, was not pressing the acceptance of that report but inasmuch as the issue has been raised perhaps some of the members of the Senate are uninformed as to the extent of how much those who did sign the majority report are anxious to have this bill passed.

I want to say that I am definitely opposed to the enactment of such a law as this and I am in accord with the action of the House whereby they accepted the minority report "Ought Not to Pass." I regard it as a direct attack on the primary law. It is an entering wedge. I agree with the Senator from Penobscot, Senator Chamberlain, when he says that it is an ex-

pensive measure and that this is an inopportune time to pass legislation of this nature. You will note that it covers in two instances a state-wide office, that of Governor and that of United States Senator. In case of a run-off primary there you would have to have election clerks, new ballots would have to be printed and I want to say here that I fail to see why we wouldn't have to pretty nearly set up the same machinery in respect to such an election as we would at the primary election in June.

Now, there is some dissatisfaction with the present situation, I will admit, but no law is workable in its entirety. There are bound to be imperfections. I think we had better let well enough alone and let the law as it is now on the statute books remain the law of this state.

Mr. HILL of Cumberland: Mr. President, as my colleague, Senator Laughlin, has indicated this is rather an unanticipated debate that has arisen on this issue this morning because in view of the situation in which the bill now comes to the Senate those who have signed the majority report "Ought to Pass" had not expected to argue the matter but the question raised by the Senator from Penobscot (Senator Chamberlain) as to the expense seems to have put that question in issue here and I want to add a word to what my colleague from Cumberland has already pointed out, and that is that under the provisions of the bill there would not be a run-off primary ordinarily held throughout the state as one might suppose but that it would be held only on such occasions where it was necessary in order to insure that the nominee of the party was to receive a majority vote and that would occur, for instance, perhaps only in one congressional district, if that situation happened to obtain there.

If there be six or seven or more candidates for governor or for representative to congress or for United States Senator and one of those candidates at the regular primary election obtained a majority of the votes cast, that is all there is to it. There is no run-off primary. But if the candidate having a plurality emerges with perhaps twenty-five or thirty or thirty-five per cent of the votes it is only in that case and only in the particular district involved that there would be such an

emergency. It has always been my assumption and understanding that the theory of the direct primary law was based upon the idea that the nominee of the party should be the choice of the people and this bill goes only to confirm that feeling, it is only to assure that the nominee should be the choice of the majority of the people within the ranks of the particular party that might be involved, thereby eliminating the situation in which one candidate might be nominated by a plurality when in fact the majority of the voters in the party might be opposed to that particular candidate.

It is for those reasons, Mr. President, that I signed the majority report "Ought to Pass," and I hope that the motion of the Senator from Penobscot (Senator Chamberlain) will not prevail.

Mr. TOMPKINS of Aroostook: Mr. President, I do not regard this bill so much as an assault on the primary law as I do an assault on the pocketbooks of the candidates. It is a difficult thing now to get men with means qualified to run for office. This places an additional burden upon those men. I am in favor of the minority report.

Mr. CHAMBERLAIN: Mr. President, I am not so much concerned about the pocketbooks of the candidates as I am about the pocketbooks of the people. Unless economic conditions vastly improve in 1941 I should say that we might very likely have a run-off primary as far as the governor is concerned due to the multiplicity of candidates and certainly there would be no inconsiderable expense.

Mr. CONY of Kennebec: Mr. President, I had not intended to participate in this debate but as I sat here I was wondering how many pre-natal candidates there are for congress and governor and the United States Senate, and feeling that I might possibly be one, I feel called upon to speak. Of course if some of us run who have grandiose ideas like that in our minds we would expect to win by such a wide margin that we would not be bothered with run-offs.

On the other hand, I am interested in the statement of Senator Chamberlain that he is thinking of the people. I know that in a presidential year in this city we have a June primary, a September election, a November election and a Decem-

ber election and I know it costs money and I know when those years came around when I happened to be mayor that we had to set up an extra budget of extra expenses on elections. I don't know how they do it in other places but here we have plenty of workers around and dinners to be furnished and it has added quite a substantial amount to the taxes in this city, although I couldn't give you the amount.

I hope the minority report will prevail.

The PRESIDENT: The question before the Senate is on the acceptance of the minority report "Ought Not to Pass" and the Senator from Cumberland, Senator Spear, has asked for a division. Is the Senate ready for the question?

A division of the Senate was had. Twenty-six having voted in the affirmative and four opposed, the minority report "Ought Not to Pass" was accepted in concurrence.

The Majority of the committees on Labor and Judiciary jointly, on bill "An Act Relating to Minimum Fair Wages for Women and Minors," (H. P. 1641) (L. D. 644) reported that the same be referred to the next legislature.

(Signed) Senators: Hill of Cumberland, Burns of Aroostook, Chase of Washington and Representatives: Arzonico of Yarmouth, Marshall of Auburn, Bird of Rockland, Varney of Berwick, Preble of Millinocket, Weatherbee of Lincoln, McGlaflin of Portland, Clough of Bangor, Thorne of Madison, Miller of Bath, Slosberg of Gardiner, Hinckley of South Portland.

The Minority of the same committees on the same subject matter reported that the same ought not to pass.

(Signed) Senator: Laughlin of Cumberland and Representatives: Fellows of Augusta.

Comes from the House, the Majority report read and accepted.

In the Senate, on motion of Mr. Spear of Cumberland, the majority report was read and accepted in concurrence.

The Majority of the Committee on Public Health on Bill "An Act Repealing the Law Relating to the Board of Barber Examiners," (H. P. 1198) (L. D. 474) reported that the same ought to pass.

(Signed) Senators: Elliot of Knox, Friend of Somerset and Rep-

representatives: Palmeto of Charlotte, Downs of Rome, Ramsdell of Dayton, Bowers of Sherman.

The Minority of the same Committee on the same subject matter reported that the same ought not to pass.

(Signed) Senator: Owen of Kennebec and Representatives: Townsend of Bangor, Colby of Paris and (authorized by phone) Everett of Norridgewock.

Comes from the House, the Majority report read and accepted and the bill passed to be engrossed.

In the Senate:

Mr. OWEN of Kennebec: Mr. President, I move that the minority report "Ought Not to Pass" be accepted and I would like to make a very few remarks in support of my motion. This so-called Barbers' Bill went into effect January 1st, 1938. It did not go into effect ninety days after the adjournment of the Eighty-eighth legislature because the effective date was incorporated in the very first line of the act. The inspector of barber shops, however, was not appointed until December 1, 1938, which was about four months ago or one month before the present legislature convened. Previous to the appointment of the inspector the work that was done was carried out through the co-operation of other officials in the Department of Health. In spite of the fact that the law has been effective only a little over a year—the inspector has been appointed only since December 1st.—I would like to mention some of the things which it has accomplished.

Now I have here the record of the accomplishments of the Board and I shall not read the entire record. However the Board sets up the following sanitary rules so that in the towns where the law applies the following rules are effective: That the shops shall have a lavatory, that they shall have hot running water, that they shall have cold running water, that they shall have a dirty towel container, that they shall have means, and use them, for sterilization of instruments, that they shall not use a solid cake of soap so that every customer has the same cake of soap used on his face, that they shall not use a common powder brush, and that they shall not have dirty general conditions.

Now, in spite of the fact that the

law did not go into effect until January 1, 1938 and that the inspector was not appointed until December 1, 1938, four months ago, the following violations have been checked and reported with the following corrections: 61 for having no lavatory, of which 28 were corrected; 52 for having no hot running water, of which 11 were corrected; 15 for having no cold running water, of which 4 were corrected; for those who had no dirty towel container, 728 have been detected and 355 have been corrected; for those who provided for no sterilization of the instruments, 733 detected and 330 have been corrected; for those who used a solid cake of soap, 11 violations were found and 7 were corrected; for those using a common powder brush, 155 were found and 129 have been corrected; for those having dirty general conditions, 63 were found and 14 have been corrected. That means a total number of violations of 1822 of which 885 have been corrected and these figures are corrected up until March 4, 1939.

Now, this law was drawn up as a health measure and not as a union or labor organization bill. There is a barbers' union entirely apart from any provision of this bill and practically the only argument that has been brought to the attention of the committee for the repeal of the law has come second-handed from barbers. Various members of the committee and a few other people said, "I talked with my barber and he said the law wasn't doing any good and he didn't want it any more." This bill was not intended primarily to please the barbers but it is intended to protect the public that patronize the barbers. On the contrary, a great many letters have been received from barbers who have expressed their desire that the law be continued and enforced.

I will read one of them and the reason I read it is because he is the president of the union of barbers:

"12 Monument Sq.  
Portland, Maine  
March 6, 1939

Senator Owen  
Chairman of the Health Committee  
Augusta, Maine

Dear Mr. Owen:

We Union men are taking the liberty of writing you as Chairman of the Committee in regards to what we are much interested in.

We heard that a few days ago three or four men appeared in favor of repealing our barber's law. Now, to us Union men that is the meanest kind of recommendation that could be made by any kind of men.

Every day we are told about health and welfare and we are doing everything we know how to help out, and out of a clear sky come a few men that want to stop what we think is one of the best laws that ever was enacted.

In regard to the public health we know what they think about it. We think these men ought to talk to the health officers and find out for themselves the changes that have been made in the last year and they will find out that the barbers are doing their share.

Mr. Owen, it is the first time that the barbers have had a chance to do something under the law. We journeymen barbers want the law. We heard that a few men appeared against it. We were surprised as we would not imagine anybody being against a law that has accomplished so much good in one year as this barber law has done. We could have had the Statehouse full of men in favor of the present law, but who would ever think of such a thing as interfering with a law of this kind. We know that the public are very much interested in this law and that they do not want to see any change in it. Several states have made new and stronger laws this year but no other state has ever thought of repealing a barber law, and we union barbers honestly hope, Mr. Owen, that we will not be the only state without that law. It has worked out wonderfully. We know we pay our way and leave something for the state. We know that the state needs all the money they can get this year. We think that the income from the barber's law will help out some and we hope we will be allowed to pay it.

Yours very respectfully,  
PETER H. TERRIO,"

Pres. of Union Barbers.

I understand that legislation has been enacted in this session of the legislature which will allow the Governor and Council the privilege of reducing the fees for this Board and other Boards if it is apparent that the fees are larger than the expenses. The fee as in the law is now is \$5.00 for every shop when first registered and \$3.00 a year

from the shop and \$3.00 for each barber.

It seems apparent that it would be perfectly possible to have that fee reduced by the Governor and Council, and the committee considered putting an amendment to the bill which would reduce the fee but that appeared later in the session to be unnecessary on account of the fact that this new law will allow the Governor and Council to take care of those fees.

It seems only fair to give a health measure that has been operative only a year at least two more years trial before ruthlessly abandoning it simply because it doesn't meet the pleasure of every person who may be affected and I hope that the minority report of the committee will be accepted.

Mr. ELLIOTT of Knox: Mr. President, as a member of the public health committee and a signer of the majority report, I would like to state briefly my reasons for signing that report. As a member of the committee I took upon myself the job of going around to the different barber shops every day or every week to find out their attitude in regard to this bill, or this law that has been in effect, and as near as I can find out they figured it was another one of these nuisances. They are bothered continually by inspectors coming in and telling them that they have got to do this thing and that thing and the other. In one of the shops I asked a barber if he had any means there of sterilizing his implements and he said, "Yes, you see that little pink jar over there," and I said, "Yes," and looked at it and he said, "I have to change the water in it once a week and put in a new pill and it sits there day in and day out and I never use it." That covers the law and it also shows the absurdity of the law.

Now, the barbers have built up a fund of between fifteen and sixteen thousand dollars from the license fees collected. And as a matter of economy, and appreciating the fact that this legislature is looking for additional funds to carry on old age assistance and so forth, if this bill were repealed there would immediately become available to the general fund of the state, this fund of fifteen or sixteen thousand dollars. Using that in the terms of old age assistance would mean a fund of

thirty thousand dollars for old age assistance.

I trust that the motion of the Senator from Kennebec (Senator Owen) does not prevail.

Mr. FRIEND of Somerset: Mr. President, I feel that the benefit that has been explained that this law has caused has been grossly exaggerated. In no case have I been able to see where there have been any benefits that one could see from a public health standpoint. Each town has its public health department and public health officers paid by the town whose duty it is to look after such matters as this. Personally I have never seen any reason for the law. I don't think it has worked out well and I hope at this time that this law will be repealed and that the majority report of the committee will be accepted.

Mr. MARDEN of Kennebec: Mr. President, I certainly did not intend to participate in any discussion on this measure. But I feel sincerely that any of us would be remiss in our duty in not giving this measure the consideration which certainly some of us feel it is entitled to.

As I recall it, two years ago in the last session there was some discussion of this nature relative to the bill and in all fairness to the opponents of the idea at that time, and apparently the opponents to the idea at the present time, they represented, shall we say, the part time barber in the smaller places of the state where it is true it is many times difficult to comply with the requirements of the Board of Inspection. And I suppose we must recognize that fact, but the fact that it is difficult for some of us to comply with a certain law does not alter the value of the law and many times bespeaks nothing else than the very reason for its retention.

This matter of barbers and barber shops is not particularly close to some of us by choice but I certainly know that the members of that trade or profession in the place from which I come are very enthusiastic about its operation and retention and while if you or I in going into a shop for a few minutes to secure the service which that shop provides come and go in a few minutes, it is difficult to appreciate perhaps the real value of

this measure but if we were to sit down in a barber shop for an hour or two or for half a day and see the clientele which comes and goes — and I don't mean to be facetious — and then stop to think that the same instruments, even though they be combs and brushes and certainly as to razors, are used on every individual customer without any precaution from the standpoint of protective measure, it is difficult to see how any group of people could differ on the subject.

I feel very definitely that we would be not only remiss in our duties as members of this Senate to go along with the repeal of this measure but we would also be remiss in not extending every bit of influence that we have outside of this room to see that it is retained.

I appreciate that in these closing days of this legislature all of us, shall we say, are apt to give matters less consideration than we would earlier in the session but certainly we should not go home and leave this measure in a state of repeal.

I hope very sincerely that this Body will retain the law and do everything we can outside of this room to retain it.

Mr. CHAMBERLAIN: Mr. President, in view of what has been said here in regard to the amount of money that has been collected or that we have on hand from these fees and as the bill has only been in use a year, it seems to me very unfair to repeal this bill and not return a portion at least of that money to those who paid it in, deducting, of course, the expenses.

It seems a very unfair thing no matter what the money is applied to in coming into state funds.

Miss LAUGHLIN: Mr. President, as the Senators from Kennebec have both said this is preeminently a health measure. In view of what seemed to me the very able arguments and figures given by them perhaps it is entirely unnecessary to say anything further and I am reminded at this time of a case where a speaker got up on a subject that had been sufficiently covered, as in this case, and said, "I hardly know what to say." And a voice from the back of the room said, "Say, Amen, and sit down." So it may be that I have nothing further to add but I want to say

a very emphatic Amen to what the Senators from Kennebec have said.

The Senator from Penobscot referred to the fact that this bill has been in effect for a year. Of course in substance it has been in effect longer than that. I think it was passed in 1931 originally. It came to this legislature originally in 1927 and was later passed. I suppose there is no one particular source where disease was spread more widely than in the barber shop previous to the passage of this law and that spreading of disease in a way has been very much curtailed through this law.

There may be some features in it about fees that I might not agree with but the main purpose and the main results in the way of preventing the spread of infectious diseases supersede all of that.

Of course it has a greater effect in the larger places and yet I haven't been greatly impressed by those who have been opposed to it because of the smaller places. A member of this legislature, not a member of the Senate, was very indignant to me in reference to keeping this law because it interfered with some old man in his town cutting hair in his own kitchen. Well, I wasn't greatly impressed with that as an argument against this bill, but in reference to barber shops in larger towns and cities, as I said, previous to the enactment of this law—in 1931, I think—disease did spread through barber shops and has been effectively minimized through this law.

I therefore hope that the motion of the Senator from Kennebec that the minority report be accepted will pass.

Mr. OWEN: Mr. President, pardon me for speaking a second time but the remarks of one of those who opposed my motion bear out quite fully, I think, the contention that I made that the arguments against the bill come from the barbers who do not care to have their business interfered with and I would like to say that I have here this document which, as I said before, contains the names of the different towns and cities in the state which are affected by this law and the names of the barbers and the instances found of the breaking of the code and the number of times it was necessary to call in order to get them to correct it, and if any of you are in-

terested at any time in looking this over, you will find it right here.

Mr. SPEAR: When the vote is taken, Mr. President, I ask for a division.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Kennebec, Senator Owen, that the minority report "Ought Not to Pass" be accepted and the Senator from Cumberland, Senator Spear, has asked for a division.

A division of the Senate was had. Nineteen having voted in the affirmative and seven opposed, the minority report "Ought Not to Pass" was accepted in non-concurrence.

Sent down for concurrence.

The Majority of the committees on Labor and Judiciary jointly on Bill "An Act for Minimum Wage for Women and Minors," (H. P. 1426) (L. D. 599) reported the same in a new draft (H. P. 2231) (L. D. 1181) under a new title, Bill "An Act to Protect the Industry of Packing of Fish and Fish Products and to Establish a Minimum Wage for Women and Minors Employed Therein," and that it ought to pass.

(Signed) Senators: Hill of Cumberland, Burns of Aroostook, Chase of Washington and Representatives: Marshall of Auburn, Arzonico of Yarmouth, Bird of Rockland, McGlauffin of Portland, Clough of Bangor, Preble of Millinocket, Slossberg of Gardiner, Weatherbee of Lincoln, Thorne of Madison, Varney of Berwick, Hinkley of South Portland, Miller of Bath.

The Minority of the same Committees on the same subject matter reported that the same ought not to pass.

(Signed) Senator: Laughlin of Cumberland and Representative: Fellows of Augusta.

Comes from the House, the Majority report read and accepted, and the bill passed to be engrossed.

In the Senate, on motion by Miss Laughlin of Cumberland, tabled pending acceptance of either report and next Tuesday assigned for consideration.

### Order

Mr. Chamberlain of Penobscot presented the following order and moved its passage:

ORDERED, the House concurring that Senate Paper 361, Legislative Document 767 entitled An Act Classifying Certain Fur-bearing Animals

as Domestic Animals and Protecting Property Rights Therein shall be returned from the files to the Senate for further action thereon."

Mr. CHAMBERLAIN: Mr. President, the proponents of this bill have requested me to ask that it come back into the Senate and the legislature in that it was a good bill for them.

Whether that is true or not and whether the Senate desires to do so is for them to say. The bill simply places silver foxes and black foxes in the category of domestic animals and the proponents are owners of fox farms.

Mr. BOOTHBY of York: Mr. President, as a member of the committee which had this bill before it previously and owing to the lateness of the session, I think we all accept the fact that we will be here only a few days more, and I really do not see that we can do anything if the bill is recommitteed and I am against the motion.

Mr. SPEAR: Mr. President, when the vote is taken, I ask for a division.

A division of the Senate was had.

Four having voted in the affirmative and fifteen opposed the order failed of passage.

Mr. Lewis from the Committee on Sea and Shore Fisheries in behalf of that committee submitted its Final Report.

Mr. Spear from the Committee on Mercantile Affairs and Insurance, in behalf of that committee submitted its Final Report.

Which were severally read and accepted.

Sent down for concurrence.

Mr. Wentworth from the Committee on Appropriations and Financial Affairs on bill "An Act to Appropriate Money for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1940 and June 30, 1941," (S. P. 122) reported the same in a new draft (S. P. 679) under the same title and that it ought to pass.

(On motion by Mr. Wentworth of York, tabled pending acceptance of the report and 500 copies were ordered printed.)

Miss Laughlin from the Committee on Judiciary on "Resolve Relating to the Appointment of a Committee to Investigate Maine Coast

Fisheries, Incorporated, and Fishermen's Relief Corporation," (S. P. 375) (L. D. 795) reported the same in a new draft (S. P. 680) under a new title "Resolve Relating to the Use of Public Funds Advanced to Fishermen's Relief Corporation, and Maine Coast Fisheries, Incorporated, for Relief of Needy Fishermen in Maine," and that it ought to pass.

Which report was read and accepted and on motion by Mr. Cony of Kennebec the resolve was laid upon the table pending first reading and 500 copies were ordered printed.

Mr. Dorr from the Committee on Ways and Bridges on Bill "An Act Relating to Erection and Equipment of a State Police Barrack in Thomaston," (S. P. 233) (L. D. 273) reported the same in a new draft (S. P. 681) under the same title and that it ought to pass.

Which report was read and accepted, and the Bill laid upon the table for printing under the joint rules.

The Majority of the Committee on Judiciary on "Memorial to the Honorable Franklin Delano Roosevelt, President of the United States, Requesting Federal Prosecution of Certain Persons," (S. P. 442) reported the same in a new draft, (S. P. 682) under the same title and that it ought to be adopted.

(Signed)

Senators: Laughlin of Cumberland, Hill of Cumberland and Representatives: Weatherbee of Lincoln, Thorne of Madison, Varney of Berwick, Bird of Rockland, Hinckley of South Portland and Fellows of Augusta.

The Minority of the same Committee on the same subject matter reported that it ought not to be adopted.

(Signed) Representative: McGlaflin of Portland.

On motion by Miss Laughlin of Cumberland, the majority report was accepted and the memorial was adopted.

Sent down for concurrence.

#### Passed to be Engrossed

Bill "An Act to Amend the Law Relative to Commitment of the Insane," (H. P. 1325) (L. D. 546)

Bill "An Act Relating to the Registration and Licensing of Dogs

and to the Duties of the Sheep Specialist." (H. P. 2054) (L. D. 1090)

Which bills were severally read a second time and passed to be engrossed in concurrence.

Bill "An Act Relating to the Making of Certain Reports by State Officers." (S. P. 376) (L. D. 794)

Bill "An Act Relating to the State Police." (S. P. 625) (L. D. 1177)

"Resolve in Favor of the Maine Division of the Women's Field Army of the American Society for Control of Cancer." (S. P. 665) (L. D. 1171)

Bill "An Act Relating to the Commitment of the Insane; Penalty for False Testimony." (S. P. 667) (L. D. 1173)

Bill "An Act Relating to Ali-mony." (S. P. 668) (L. D. 1174)

Which bills were severally read a second time and passed to be engrossed. Sent down for concurrence.

Bill "An Act Relating to the Registration and Operation of Motor Vehicles by Non-residents." (S. P. 669) (L. D. 1175)

Mr. BECKETT of Washington: Mr. President, I offer Senate Amendment A and move its adoption:

"Senate Amendment A to Senate Paper 669, Legislative Document 1175 bill, An Act Relating to the Registration and Operation of Motor Vehicles by Non-residents. Amend said bill by striking out in the third line the words 'for profit or hire.'"

The motion prevailed and Senate Amendment A was adopted.

Mr. SANBORN of Cumberland: Mr. President, I find myself wholly in sympathy with the purpose of this measure, but there are serious doubts expressed as to the constitutionality of the act. It is feared it might be unconstitutional in view of the fact that it relates to relations with only a single state and might be held to be discriminatory and unconstitutional. In order that the matter may be fairly canvassed, I move the bill be laid upon the table.

The motion prevailed and the bill as amended by Senate Amendment A was laid upon the table pending passage to be engrossed.

"Resolve Providing Pensions for Certain Soldiers and Sailors and Dependents." (S. P. 670) (L. D. 1176)

Which resolve was severally read a second time and passed to be engrossed.

Sent down for concurrence.

From the House, out of order and under suspension of the rules:—

The Committee on Temperance on bill "An Act Relating to Granting Part-time Malt Liquor Licenses to Hotels," (H. P. 1747) (L. D. 850) reported the same in a new draft (H. P. 2233) (L. D. 1180) under a new title, bill "An Act to Authorize the Liquor Commission to Grant Part-time Liquor Licenses to Summer Hotels," and that it ought to pass.

Comes from the House, report read and accepted, and subsequently the bill indefinitely postponed.

In the Senate, on motion by Miss Laughlin of Cumberland, tabled pending acceptance of the report in concurrence.

#### Passed to Be Enacted

An Act Defining and Prohibiting Unfair Sales Practices. (S. P. 324) (L. D. 577)

(On motion by Mr. Spear of Cumberland, tabled pending passage to be enacted.)

An Act Relative to Hunting and Fishing Licenses; Revocation of. (S. P. 574) (L. D. 1106)

An Act Relating to the State Police. (S. P. 623) (L. D. 1124)

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

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

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

Resolve Relative to the Trapping of Muskrats. (S. P. 630) (L. D. 1144)

An Act Relating to Selling or Giving Liquor to Indians. (H. P. 1150) (L. D. 467)

An Act Relating to Guaranty of Titles of Motor Vehicles and to the Facilitation of the Recovery of Stolen Motor Vehicles. (H. P. 2135) (L. D. 1123)

(On motion by Mr. Chamberlain, tabled pending passage to be enacted.)

An Act Relative to Fishing in Fishways. (H. P. 2151) (L. D. 1128)

An Act Relative to Transportation



of Deer within State. (H. P. 2152) (L. D. 1129)

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

### Finally Passed

Resolve Relative to the Trapping of Muskrats.

### Emergency Measures

"Resolve, Relating to the Construction of a Dormitory at the Prison Farm." (S. P. 552) (L. D. 1078)

Which resolve being an emergency measure, and having received the affirmative vote of 27 members of the Senate, and none opposed, was finally passed.

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

Which bill being an emergency measure, and having received the affirmative vote of 27 members of the Senate, and none opposed was passed to be enacted.

### Orders of the Day

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table, Senate Report from the Committee on Legal Affairs "Ought to Pass when amended by Committee Amendment 'A' submitted herewith" on Bill, An Act Relating to the Port of Northeast Harbor Authority (S. P. 261) (L. D. 445) tabled by that Senator on March 23rd pending acceptance of the report; and on further motion by the same Senator, the report of the committee was accepted, and the bill was given its first reading. Committee Amendment "A" was read and adopted and the bill as so amended was Monday assigned for second reading.

Mr. ELLIOT of Knox: Mr. President, I ask unanimous consent to address the Senate.

The PRESIDENT: The Senator from Knox, Senator Elliot, asks unanimous consent to address the Senate. The Chair hears no objection and the Senator may proceed.

Mr. ELLIOT: Mr. President and Members of the Senate, I want to apologize for my unavoidable absence yesterday afternoon when the vote was taken on the chain store

bill. Circumstances beyond my control prevented my attendance. I appreciate the fact that the deliberations of this body were held up for some time in the expectation that I would return. I want to state now that had I been here to vote I would have voted "No". Thank you.

Mr. OWEN of Kennebec: Mr. President, although I have not heard any malicious rumors about the senate chamber, I appreciate that there might be some thought that our colleague (Senator Elliot) was ducking the issue, when as a matter of fact he was watching the ducks down to Wiscasset and had a flat tire on his plane and could not get back, while the rest of us lame ducks were listening to debate. I move we take a rising vote of confidence in Senator Elliot.

The motion prevailed and Senator Elliot was given a rising vote of confidence by the members of the Senate.

The PRESIDENT: At this time the Chair will announce the members on the part of the Senate of the Committee on Conference on Legislative Document 1094, An Act Regulating the Operation of Motor Vehicles: The Senator from Washington, Senator Beckett; the Senator from Penobscot, Senator Thatcher; the Senator from Knox, Senator Elliot.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table, Senate Report from the Committee on Judiciary "Ought Not to Pass" on An Act Relating to Vital Statistics (S. P. 370) (L. D. 812) tabled by that Senator on April 3rd pending acceptance of the report; and that Senator yielded to the Senator from Cumberland, Senator Laughlin.

Miss LAUGHLIN: Mr. President, this is rather a surprise but I am very glad to speak on this bill. This bill, An Act Relating to Vital Statistics is a bill making a committee of five with reference to gathering vital statistics rather than by the librarian, as has been the case since the passing of the law. Five would constitute the committee which would consist of the Commissioner of Education, the State Librarian, the State Historian, and the President of the Maine Historical Society and the President of the Maine Bar Association. It seemed to the committee in hearing

the bill that there seemed no particular reason for making a committee of five which, of course, in the way of travel would add some expense. At the present time, as I said, the librarian has the power to determine what records shall be purchased, and then authorize the President of the Maine Historical Society. At the present time, two of the proposed committee come into it. It didn't seem to the committee at all necessary to multiply the number of persons because of course the librarian is perfectly capable and has always done this and it doesn't seem to me a matter in which there should be a divided responsibility. I move the acceptance of the "ought not to pass" report.

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

Sent down for concurrence.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table, An Act Relating to Holidays (H. P. 1430) (L. D. 631) tabled by that Senator on April 7th pending first reading.

Miss LAUGHLIN: Mr. President, I move the bill be indefinitely postponed.

Mr. BURNS of Aroostook: Mr. President, I waited until perhaps some member of the committee would arise in defence of their committee report as I thought they should take precedence over any remarks I had in mind in relation to this bill. It was not before the Judiciary Committee and it is with some trepidation that I dare speak on any bill which isn't a committee report from the Judiciary Committee.

This bill, as the members of the Senate know, was conceived in the fertile and liberal and progressive mind of our good friend, the representative from Kennebunk, Joy Dow. He has been vitally interested in this bill from the outset of the legislature and several years ago spoke to me in behalf of the bill. I know he has probably spoken to every other member of the Senate so I do not consider that I was essentially distinguished by the fact that he spoke to me. When he mentioned the subject the first time it didn't appeal to me at all, but he asked me to examine into it and I did, and first of all I read an article that appeared in the Reader's

Digest which has been placed on the desks of the members of the Senate, and the more I examined into it the more I thought our fears were unfounded and I have finally become convinced that it is a matter deserving serious consideration, and by that I do not mean this is important legislation because it is not. Whether this bill becomes a law or not will not affect the destiny of the state of Maine. I say that it will do no harm to try it two years. There is no money involved and that is one good feature of the bill.

To meet the objection of some of those who opposed making certain holidays become celebrated on the following Monday, the bill does not, as now amended by House Amendment "A" which deletes the Fourth of July, make all holidays celebrated on the following Monday. In its amended form the bill provides that Washington's Birthday will be celebrated on the fourth Monday of February. Patriot's Day will be celebrated on the third Monday of April, Decoration or Memorial Day will be celebrated on the last Monday of May. Columbus Day, which is only a school holiday and not a legal holiday, will be celebrated on the second Monday of October, and Armistice Day on the second Monday of November. I am frank to say I have some doubt about making Armistice Day come within the provisions of this bill. However, I will not offer an amendment to delete it from the bill.

I want to bring to the attention of the Senate that some very distinguished people have studied this matter and endorse its contents. I will read the names of some of these celebrated people who I think you will agree with me are most outstanding inhabitants of the country. James Truslow Adams, Bruce Barton, Walter Damrosch, Dorothy Canfield Fisher, Harry Emerson Fosdick, Mrs. Ogden Reed, Booth Tarkington, Deems Taylor, Lowell Thomas, Dorothy Thompson and William Allen White.

Another sentence that appealed to me in this Reader's Digest is this, "The English, wiser than we in the art of living, have arranged matters so all holidays except Christmas and Boxing Day which immediately follows it, come on a Monday." So we are not pioneers in this movement.

I was interested to observe in the Press Herald on its editorial page last week a statement to the effect they felt this was a good bill and that Maine should take the lead and that soon the other states in the country would fall in line.

As I say, this is not serious legislation and I can see where no real harm can come from testing the measure, and if it is found to be undesirable by the public in the state it can be repealed two years hence.

Miss LAUGHLIN: Mr. President, when this bill was first mentioned to me I didn't take it seriously as I supposed it was just one of the freak things to talk about and it didn't occur to me that anyone would take it seriously. Something has been said about bank holidays in England. They do have bank holidays in England on Monday every so often, but they do not attempt to substitute them for the celebration of their great historical events such as Empire Day which comes on the 24th of May and is still a holiday. It seems to me what we need in this country at the present time above everything else, is to emphasize the knowledge and reverence of those days that stand for something real in the history of this country. The 19th of April, the date of the Battle of Concord, is certainly an outstanding event which should be celebrated.

I was told somewhere that this was amended to exempt the Fourth of July but as we have the document here it does not show that, but if it has not been amended certainly I cannot imagine anything more tragic than to say we would cease to celebrate the anniversary of the proclamation of the Declaration of Independence. We have too little thought now of these great events. They should be made more emphatic instead of less so.

This bill emanated from a publicity idea. It doesn't seem to me publicity should be the aim and end of life, and certainly some publicity had better not be had. If you commit a murder you get all the headlines. That is a fact. And the more sadistic facts you get with it, the more headlines you get, but it doesn't add to your standing in the community.

Maine has stood up against other states for its principles and as I have traveled about the country I

have found that those states which voted entirely contrary to these principles still have a tremendous respect for Maine and the fact that it stands by its principles. But any publicity of this sort which I think is a sort of crack-pot kind of publicity will not add to the standing or reputation of the state of Maine. I talked with the author of this bill and I said, "I suppose you are going to celebrate your own birthday the next Monday following it?" That didn't seem to appeal to him, but I thought it was just as important to celebrate the birthday of George Washington on the proper date as to celebrate the birthday of the author of this bill on the proper date.

I think the same thing applies to Armistice Day, which is the anniversary of the signing of the armistice to the World War, something we should emphasize and not put in the discard.

If it is just more holidays we want, we can pick out certain Mondays and make them holidays, but I certainly do not believe we should do anything to change the celebration and recognition of the anniversaries of the days which have been a great force in the making of this country. As I say, we need to emphasize rather than minimize. If we want holidays we can pick out some holidays if we want them and put them on Monday so that they can have three days together, but it should be kept entirely separate from any question about celebrating the historical events in the history of our country.

Mr. CHAMBERLAIN of Penobscot: Mr. President, many people would like to have holidays on Monday. Many who have employed labor and those who now employ labor rather dislike the holiday in the middle of the week. It disturbs the whole continuance of the labor going on. Nevertheless, the tradition surrounding this is so strong it seems to me that except for one or two, public opinion has not been developed enough to change it.

Mr. BECKETT of Washington: Mr. President, as a member of the committee who reported this bill favorably, I feel I should say something in favor of it. I hesitated somewhat, looking over the calendar and realizing the reception that one or two bills which I have on the

table and which I am interested in,—I didn't think it would help the matter any if I spoke on it.

We had the hearing and had many proponents and no opponents to the measure. I think the committee felt that even though it was a revolutionary bill, it was a progressive bill and there were certain provisions that justified a favorable report by the committee. In the first place, the interest in holidays as far as sentiment and one thing or another is concerned, apparently has been losing ground in the state of Maine. It was brought out in the hearing that the birthday of George Washington was celebrated originally on a day other than that we celebrate at the present time. We didn't feel any great sentiment was exercised in the celebration of these patriotic days but I agree that we should be more sentimental regarding them.

I think perhaps the committee did decide the issue upon the basis of publicity, as the Senator from Cumberland, Senator Laughlin, has stated. I think the desire on the part of the proponents in the first place, was that if holidays were celebrated on Mondays, it would give state of Maine people an opportunity to have a longer week-end for rest and recreation, and in the event that Maine led and other states followed, it would be a decided commercial advantage because of the increase of out-of-state visitors into the state over the long week-end holidays. I think perhaps that was the basis this issue was decided upon by the committee. It is just a question of whether we are going to be progressive and accept a bill that is perhaps a little revolutionary, or let the holidays be celebrated on the same old days with perhaps not the degree of sentiment that should be attached, being exercised. I think it may be a little revolutionary but I think it would do no harm and I therefore favor the passage of the bill.

Miss LAUGHLIN: Mr. President, one thing I forgot to say, which was called to my attention by the Commander of the American Legion of the state and by the Vice Commander in the country, that Armistice Day is even an international day. It is so recognized by other countries so it makes it all the more ridiculous for Maine to be celebrat-

ing it on some Monday or other, somewhere near Armistice Day, when even other countries are concerned in this.

Mr. SPEAR of Cumberland: Mr. President, I ask for a division.

The PRESIDENT: The question is on the indefinite postponement of the bill and the Senator from Cumberland, Senator Spear has asked for a division.

A division of the Senate was had. Eight having voted in the affirmative and nineteen opposed, the motion to indefinitely postpone did not prevail.

Thereupon, the bill was given its first reading and Monday next assigned for second reading.

On motion by Mr. Sanborn of Cumberland, the Senate voted to take from the table, Senate Report from Committee created by Joint Order (S. P. 61) Relative to Retirement System of Maine; Communication and Accompanying Resolve under title of "Resolve Authorizing the Appointment of a Committee to Study the Advisability of a Contributory Retirement System for Maine" (S. P. 672), tabled by that Senator on April 13th pending acceptance of the report; and on further motion by the same Senator, the report of the committee was accepted and the communication was placed on file. Under suspension of the rules the resolve was then given its first reading, and Monday next assigned for second reading.

On motion by Mr. Marden of Kennebec, the Senate voted to take from the table, House Report from the Committee on Salaries and Fees; Majority Report "Ought to Pass"; Minority Report, "Ought Not to Pass" on Consolidated Bill under title of An Act Relating to Salaries in Certain Counties (H. P. 2073) (L. D. 1100), tabled by that Senator on April 11th pending acceptance of the majority report.

Mr. MARDEN of Kennebec: Mr. President and members of the Senate, it is frequently heard here that a person rising to the floor expresses himself as hesitating to comment on some matter before this branch of the legislature, and I am sincere in saying in relation to this measure that I hesitate to comment on it. But because the principle involved in this measure as well as the measure tabled under the title of the 18th tabled matter is the same,

I would like to call the Senate's attention to one consideration at least, on both these and possibly other measures that may come before us. I want to assure you that while this measure has to do, I believe, with salaries in two of the counties of the state, that such comment as I make is certainly not aimed at the counties named in that measure or to any specific county, but solely on the principle involved.

Up to this time we have had, I believe, a very cooperative atmosphere in this branch. It seems as if we had accomplished the matters that have been given us to be accomplished, with a great deal of cooperation and I suppose it is only natural that toward the end of the session matters should come to our attention perhaps only for the first time, which have a bearing on the subject matter here and which quite naturally bring out sectional interests.

A few minutes ago I took the liberty to suggest that in making this general comment on this bill I am not speaking for Kennebec County as against any other named county in the State but I wish merely to remind the Senate, and I think it is proper, that after all we are not here as the Senate in the sole interests of Kennebec, Hancock, York or Aroostook County, and while this measure and the eighteenth tabled matter which sooner or later will be before this body for discussion deal with certain counties, the principle involved is exactly the same.

Whether we say the increase in salaries called for by these measures is to be paid by the county named or paid by the state, the money for the payment of the salaries comes from the same place. It comes from the people. When these various officers sought the offices concerned, they must have known the salary which the office paid and they asked for the office and received it, and it is difficult to understand why three months later, in some instances, or why a year and three months later the duties involved seemed to justify a request for the doubling of the salary.

I think, too, we ought to consider in all our county offices these offices are housed under the same roof. In our shire towns in most instances certainly, our register of deeds, probate court, county treasurer and clerk of courts are all housed in the same building. After serving in those offices any time at

all, the group becomes well acquainted with one another and it resolves itself into a small, congenial group of people, and if the clerk of courts goes to the county commissioners and asks for an increase in salary it is extremely difficult for the county commissioners to turn down the request, and so on all along the line. So, to take the responsibility from the county commissioners, they come to the legislature and toss the buck to us to grant those requests because in many instances the individuals involved have not the stamina to say "No."

While I appreciate that the gist of these remarks is against perhaps the majority report of this measure, I offer the remarks solely to the Senate to remind ourselves that we are here, not to promote the interests solely of Kennebec County or any single county, but the state as a whole, and whether the state pays the bill or whether they say it is paid by the county and "we merely want the legislature's approval," the money comes from the same place.

I am perfectly willing to grant there are exceptions to all rules and perhaps I am unfair in making this comment upon the provisions of these two measures, but I feel that particular end of it should be considered and not be fooling ourselves when these counties say that all they want is our technical approval and that the counties will pay the freight. And so I say for the third time, at the risk of being boring, that the money comes from the same place.

Mr. HILL of Cumberland: Mr. President, when the vote is taken I ask for a division.

The PRESIDENT: The question is on the acceptance of the majority report, in concurrence. The Senator from Cumberland, Senator Hill, has asked for a division.

A division of the Senate was had.

Fifteen having voted in the affirmative and nine opposed, the majority report "ought to pass" was accepted in concurrence.

Thereupon, the bill was given its first reading and Monday assigned for second reading.

On motion by Mr. Cony of Kennebec, the Senate voted to take from the table, House Report from the Committee on Salaries and Fees; Majority Report "Ought to Pass"; Minority Report "Ought Not to Pass" on Consolidated Bill under

the title of An Act Relating to Clerk Hire in Certain Counties (H. P. 2072) (L. D. 1099) tabled by that Senator on April 11th pending acceptance of the majority report "ought to pass."

Mr. CONY: Mr. President, at the time I tabled this bill which is very similar to the one that my colleague, Senator Marden tabled, I was actuated perhaps by the same thought that he has already expressed. It isn't a thing of joy, to attack or criticise a committee's work, and that is not my intention, most certainly, but in my participation in this legislature which is nearing its end, I wanted to be consistent in one thing, if my career had no other merit.

In my own county I was approached by officials and asked to introduce bills for increases in salaries, but I told them that I felt it was not a time for that sort of that thing to be done and I did not think any of our citizens were in favor of any increases of salaries at a time when we are living under the critical conditions which now prevail. I therefore, did not introduce such a bill. My position was not because of any superior morality on my part, but rather it was my interpretation of the conditions, the financial conditions of our people. We can walk in here and those of us who do not have to worry about

where our next meal is coming from, and we walk on nice thick plush carpets which cost someone a great deal of money and we can make ourselves believe everybody is happy. I believe the majority of the people of the state are poor, desperately poor. I believe the condition of the state is more critical than many of us have ever seen it. Therefore, I felt I did want to say this word in explanation of my position and if I interpret the recent vote I think perhaps I should ask for a division or undertake to embrace my views in an amendment, but I won't do that, but I want my record to be that I have done my best to save every penny I can for the taxpayers of this state.

The PRESIDENT: The question is on the acceptance of the majority report "ought to pass".

Thereupon, the majority report "ought to pass" was accepted in concurrence and the bill was given its first reading and Monday assigned for second reading.

The PRESIDENT: Is there further business to come before the Senate?

On motion by Mr. Harkins of Androscoggin

Adjourned until next Monday afternoon, April 17th, at four o'clock.