

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-first Legislature

OF THE

STATE OF MAINE



1943

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Friday, March 26, 1943.

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

Prayer by the Rev. Emmet W. Rankin, a member of the House.

Journal of previous session read and approved.

Papers from the Senate Senate Reports of Committees Place On File

Report of the Committee on Appropriations and Financial Affairs on Communication entitled "Statutory Interest Rates on Certain Trust Funds" (S. P. 312) reporting that it be placed on file.

Report of same Committee reporting same on Communications entitled "Impounded Bank Accounts—State Trust Funds" (S. P. 311)

Came from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Leave to Withdraw

Report of the Committee on Judiciary on Bill "An Act relating to the Number of Justices of the Supreme Court" (S. P. 354) (L. D. 648) reporting leave to withdraw.

Report of the Committee on Ways and Bridges reporting same on Bill "An Act to Provide for the Reconstruction or Enlargement of the International Bridge at Calais in the county of Washington, known as the Ferry Point Bridge" (S. P. 66)

Came from the Senate, Reports read and accepted.

In the House, read and accepted in concurrence.

Ought Not to Pass

Tabled and Specially Assigned

Report of the Committee on Appropriations and Financial Affairs reporting "Ought not to pass" on Resolve providing for the Publication of Georgetown Vital Records (S. P. 386) (L. D. 678)

THE SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Murchie.

MR. MURCHIE: Mr. Speaker, word has just come to me that there

has been some error in the understanding on the part of the Appropriations Committee in this matter. The thought was that the money necessary for such things was included in the appropriation for the Library. For the reason there was a little bit of a mix-up I am going to ask that this be tabled and specially assigned early in next week—Tuesday.

THE SPEAKER: The gentleman from Calais, Mr. Murchie, moves that the Report, with accompanying papers, be tabled pending acceptance, and specially assigned for next Tuesday, March 30th. Is this the pleasure of the House?

The motion so prevailed and the matter was so tabled and so assigned.

Report of the Committee on Indian Affairs reporting "Ought not to pass" on Bill "An Act relating to Agents for the Indian Tribes" (S. P. 88) (L. D. 15)

Report of same Committee reporting same on Bill "An Act relating to Health Officers for the Indian Tribes" (S. P. 87) (L. D. 14)

Report of the Committee on Judiciary reporting same on Bill "An Act to Simplify the Absent Voting Law" (S. P. 338) (L. D. 512)

Report of the Committee on Legal Affairs reporting same on Bill "An Act relating to Surplus of Port of Portland Authority" (S. P. 293) (L. D. 445)

Report of the Committee on Salaries and Fees reporting same on Bill "An Act relating to the Salary of the Secretary of State" (S. P. 395) (L. D. 677)

Report of same Committee reporting same on Bill "An Act relating to the Salary of the Attorney-general" (S. P. 396) (L. D. 676)

Report of same Committee reporting same on Bill "An Act relating to the Compensation of the Justices of the Supreme and Superior Courts" (S. P. 375) (L. D. 629)

Report of the Committee on Taxation reporting same on Bill "An Act relating to the Inheritance Tax Law" (S. P. 306) (L. D. 431)

Came from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Final Report

Final Report of the Committee on Mines and Mining.

Came from the Senate, read and accepted.

In the House, read and accepted in concurrence.

Ought to Pass

Report of the Committee on Claims reporting "Ought to Pass" on Resolve in favor of Kennebec Journal Print Shop (S. P. 208) (L. D. 321)

Report of the Committee on Indian Affairs reporting same on Bill "An Act relating to Acquiring Membership in Indian Tribes" (S. P. 90) (L. D. 17)

Report of same Committee reporting same on Bill "An Act Defining an Indian" (S. P. 86) (L. D. 13)

Report of the Committee on Taxation reporting same on Bill "An Act Amending the Inheritance and Estate Tax Law" (S. P. 307) (L. D. 430)

Report of the Committee on Ways and Bridges reporting same on Bill "An Act relating to Highway Bridges" (S. P. 153) (L. D. 151)

Came from the Senate, the Reports read and accepted and the Bills and Resolve passed to be engrossed.

In the House, Reports were read and accepted in concurrence, the Bills read twice, the Resolve read once, and assigned the next legislative day.

Ought to Pass With Committee Amendment

Report of the Committee on Insane Hospitals on Bill "An Act relating to the Discharge of Persons Committed to Insane Hospitals" (S. P. 319) (L. D. 523) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate, Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, Report read and accepted in concurrence and the Bill was read twice.

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

Committee Amendment "A" to S. P. 319, L. D. 523, Bill "An Act Relating to the Discharge of Persons Committed to Insane Hospitals."

Amend said Bill by adding after the 18th line of the 2nd paragraph of said Bill the following underlined words: "This section shall not apply to towns having less than 200 inhabitants."

Committee Amendment "A" was adopted in concurrence, and the Bill was assigned for third reading the next legislative day.

Report of the Committee on Judiciary on Bill "An Act relating to the Terms of County Commissioners" (S. P. 391) (L. D. 681) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate, Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, Report read and accepted in concurrence and the Bill was read twice.

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

Committee Amendment "A" to S. P. 391, L. D. 681, Bill "An Act Relating to the Terms of County Commissioners."

Amend said bill by striking out everything after the 1st sentence of the 2nd paragraph of the bill and adding the following:

'Where but one county commissioner is so to be elected, the nomination papers and official ballot shall specify simply the office of county commissioner. When, however, two or more county commissioners are so to be elected, the nomination papers and ballots shall by apt words designate the respective terms for which they are to be nominated or elected.'

Committee Amendment "A" was adopted in concurrence, and the Bill was assigned for third reading the next legislative day.

Report of the Committee on Judiciary on Bill "An Act relating to Fines, Costs, and Forfeitures" (S. P. 334) (L. D. 508) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate, Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, Report read and accepted in concurrence and the Bill was read twice.

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

Committee Amendment "A" to S. P. 334, L. D. 508, Bill "An Act Relating to Fines, Costs, and Forfeitures."

Amend section 3 of said bill by striking out in that part of said section designated as "Sec. 123" all of the underlined words and inserting in place thereof the following underlined words:

'As arresting officers, or aids, or witnesses in any criminal case, they shall be entitled to the same fees as any sheriff or deputy. Such fees shall be taxed on a Bill of costs and shall accrue to the treasurer of state.'

Committee Amendment "A" was adopted in concurrence, and the Bill was assigned for third reading the next legislative day.

Report of the Committee on Salaries and Fees on Bill "An Act relating to the Salary of the Reporter of Decisions" (S. P. 268) (L. D. 458) reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Came from the Senate, Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A".

In the House, Report read and accepted in concurrence and the Bill was read twice.

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

Committee Amendment "A" to S. P. 268, L. D. 458, Bill "An Act Relating to the Salary of the Reporter of Decisions."

Amend said Bill by striking out the underlined words **"twenty-five hundred dollars"** in the 5th and 6th lines of section 1 thereof, and inserting in place thereof the underlined figures **"\$2,000."**

Committee Amendment "A" was adopted in concurrence, and the Bill was assigned for third reading the next legislative day.

Non-Concurrent Matter

From the Senate: Bill "An Act relating to the Age of Children At-

tending School" (H. P. 535) (L. D. 307) which was passed to be engrossed in the House on March 3rd.

Came from the Senate, passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

In the House, on motion by Mr. Sayward of Kennebunk, under suspension of the rules, the House voted to reconsider its former action whereby this Bill was passed to be engrossed.

Senate Amendment "A" read by the Clerk as follows:

Senate Amendment "A" to H. P. 535, L. D. 307, Bill "An Act Relating to the Age of Children Attending School."

Amend said bill by striking out the underlined words **"their 6th birthday"** in the 8th line of the 2nd paragraph thereof and inserting in place thereof the underlined words **'six years of age'.**

Further amend said bill by striking out the underlined words **"31st of December"** in the 8th and 9th lines of said 2nd paragraph and inserting in place thereof the underlined words **'last day of February'.**

Thereupon, Senate Amendment "A" was adopted, and the Bill was passed to be engrossed as amended by Senate Amendment "A" in concurrence.

Non-Concurrent Matter

From the Senate: Resolve Proposing a Constitutional Amendment Changing the Times of Meetings of the Legislature (H. P. 1243) (L. D. 743) which was referred to the 92nd Legislature in the House on March 24th.

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

In the House, on motion by Mr. Rollins of Greenville, the House voted to insist on its former action whereby this Resolve was referred to the 92nd Legislature, and ask for a Committee of Conference.

On motion by Mrs. Leidy of Fort Kent, House Rule 25 was suspended for the remainder of today's session, in order to permit smoking. (Applause)

Orders

On motion by Mr. Sleeper of Rockland, it was

ORDERED, that the Clerk of the House be directed to enter in Ap-

pendix B of the House Journal, which shall be a part of the Journal, the time Bills and Resolves are presented to the Governor after enactment by both branches as communicated to the House by the Secretary of the Senate.

House Reports of Committees Divided Report Recommitted

Report A of the Committee on Ways and Bridges reporting "Ought not to pass" on Bill "An Act relating to Third Class Highways, Designated for Improvement, being Reclassified as State Aid Highways and Providing for their Construction and Maintenance" (H. P. 1246) (L. D. 745)

Report "A" was signed by the following members:

Messrs. HALL of Franklin
DORR of Oxford
—of the Senate.

LACKEE of Addison
MacLEOD of Bar Harbor
DEAN of So. Portland
—of the House.

Report "B" of same Committee on same Bill reporting "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was signed by the following members:

Messrs. BROWN of Aroostook
—of the Senate
CROSS of Augusta
AYER of Cornish
McINTIRE of Phippsburg
OSGOOD of Bradford
—of the House.

The SPEAKER: The Chair recognizes the gentleman from Bar Harbor, Mr. McLeod.

Mr. McLEOD: Mr. Speaker, most of the committee were under the impression that this matter was going to be recommitted to us as they were not satisfied with it as it is now, so I move that the two reports be recommitted to the Committee on Ways and Bridges.

The SPEAKER: The gentleman from Bar Harbor, Mr. McLeod, moves that the two reports, with accompanying papers, be recommitted to the Committee on Ways and Bridges. Is this the pleasure of the House?

The motion prevailed, and the two reports, with accompanying pa-

pers, were recommitted to the Committee on Ways and Bridges, and sent up for concurrence.

Divided Report

Tabled and Specially Assigned

Majority Report of the Committee on Ways and Bridges reported "Ought not to pass" on Bill "An Act to Create a Fund known as 'Town Road Maintenance and Improvement Fund'" (H. P. 1229) (L. D. 715)

Report was signed by the following members:

Messrs. BROWN of Aroostook
DORR of Oxford
HALL of Franklin
—of the Senate.

LACKEE of Addison
DEAN of So. Portland
McINTIRE of Phippsburg
MacLEOD of Bar Harbor
OSGOOD of Bradford
AYER of Cornish
—of the House.

Minority Report of same Committee reporting "Ought to pass" on the same bill.

Report was signed by the following member:

Mr. CROSS of Augusta
—of the House.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Cross.

Mr. CROSS: Mr. Speaker, this measure is of considerable importance regardless of the fact that it is a nine to one report. It would merit considerable discussion, and I would ask the indulgence of the House that it might be tabled until next week and that it would be specially assigned for Tuesday, March 30th.

The SPEAKER: The gentleman from Augusta, Mr. Cross, moves that the two reports, with accompanying papers, be tabled pending acceptance of either report, and specially assigned for next Tuesday, March 30th. Is this the pleasure of the House?

The motion prevailed, and the two reports, with accompanying papers, were so tabled and so assigned.

Ought to Pass in New Draft

Mr. Goldsmith from the Committee on Salaries and Fees on Bill "An Act relating to Salaries of Andros-

coggin County Officials and Clerks" (H. P. 1224) (L. D. 711) reported same in a new draft (H. P. 1318) under title of "An Act relating to Salaries of Androscoggin County Clerks" and that it "Ought to pass"

Mr. Smith from same Committee on Bill "An Act to Increase the Salary of the Recorder of the Waldo County Municipal Court and to Provide for Clerk Hire" (H. P. 576) (L. D. 343) reported same in a new draft (H. P. 1319) under same title and that it "Ought to pass"

Mr. Lackee from the Committee on Ways and Bridges on Bill "An Act providing for the Maintenance of the Road Leading to Baxter State Park" (H. P. 40) (L. D. 29) reported same in a new draft (H. P. 1320) under same title and that it "Ought to pass"

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

Ought to Pass

Mr. Knight from the Committee on Claims reported "Ought to pass" on Resolve in favor of the town of Bethel (H. P. 1083)

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

Mr. Jones from the Committee on Salaries and Fees reported "Ought to pass" on Bill "An Act relating to the Compensation of the State Personnel Board" (H. P. 343) (L. D. 220)

Report read and accepted and this being a printed bill, was read twice under suspension of the rules, and assigned for third reading the next legislative day.

Tabled and Specially Assigned

Mr. Sanborn from the Committee on Salaries and Fees reported "Ought to pass" on Bill "An Act relating to the Salary of the Recorder of the Bath Municipal Court" (H. P. 342) (L. D. 202)

(Report of the Committee was accepted, and on motion by Miss Deering of Bath, tabled pending first reading and specially assigned for Monday, March 29th)

Mr. Sanborn from the Committee on Salaries and Fees reported "Ought to pass" on Bill "An Act relating to Clerk Hire for Clerk of Courts in Androscoggin County" (H. P. 600) (L. D. 369)

Same gentleman from same Committee reported same on Bill "An Act Granting Increase in Salary for Clerks in the Office of Register of Probate in Androscoggin County" (H. P. 832) (L. D. 399)

Mr. Smith from same Committee reported same on Bill "An Act relating to Clerk Hire in Probation Office in Androscoggin County" (H. P. 1160) (L. D. 615)

Reports were read and accepted and the Bills having already been printed were read twice under suspension of the rules and assigned for third reading the next legislative day.

Ought to Pass with Committee Amendment

Mr. Pearson from the Committee on Agriculture on Bill "An Act relating to Dairy, Breeding, and Show Cattle" (H. P. 924) (L. D. 478) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report of the Committee was accepted, and this being a printed Bill, under suspension of the rules, the Bill had its two several readings.

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

Committee Amendment "A" to H. P. 924, L. D. 478, Bill "An Act Relating to Dairy, Breeding, and Show Cattle."

Amend said bill by taking out the underlined word "state" in the 6th line thereof.

Further amend said bill by adding after the underlined word "show" in the 6th line thereof, the following underlined words: "with-in the state"

Committee Amendment "A" was adopted and the Bill was assigned for third reading the next legislative day.

Mr. Jones from the Committee on Salaries and Fees on Bill "An Act to Create the Office of Clerk in the Office of the Treasurer of Androscoggin County" (H. P. 1232) (L. D. 730) reported "Ought to pass" as amended by Committee Amendment "A" submitted therewith.

Report was read and accepted, and the Bill, having already been printed, was read twice under suspension of the rules.

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

Committee Amendment "A" to H. P. 1232, L. D. 730, Bill "An Act to Create the Office of Clerk in the Office of the Treasurer of Androscoggin County."

Amend said Bill by striking out the underlined words "for clerks in the office of county treasurer," in the 7th and 8th lines of the 2nd paragraph thereof, and inserting in the place thereof the following:

'for Clerk Hire in the Office of County Treasurer and County Commissioners.'

Committee Amendment "A" was adopted, and the Bill was assigned for third reading the next legislative day.

Mr. Jordan from the Committee on Salaries and Fees on Bill "An Act relating to the Salary of the Register of Probate of Sagadahoc County" (H. P. 118) (L. D. 72) reported "Ought to pass" as amended by Committee Amendment "B" submitted therewith.

The SPEAKER: The Chair recognizes the gentleman from Phippsburg, Mr. McIntire.

Mr. McINTIRE: Mr. Speaker, I move we accept the "Ought to pass" report as amended by Committee Amendment "B".

The SPEAKER: The gentleman from Phippsburg, Mr. McIntire, moves acceptance of the "Ought to pass" report of the committee as amended by Committee Amendment "B".

The Chair recognizes the gentleman from Bath, Miss Deering.

Miss DEERING: Mr. Speaker and Members of the House: I feel that in order for a person to thoroughly enjoy and appreciate a story they should hear all of it. With your indulgence, I will try to explain the story of this bill.

Early in the session my fellow members from Sagadahoc received one of these pleas for a raise in salary. They did a good job and carried out their duty. Then the folks at home heard about it. But I am the member who goes home over the weekend, and I was the one who got the phone calls.

At the first hearing on this bill, two men came up to oppose it. One

stayed, and the other one was sick and had to go home. At that hearing, the man involved, the Register of Probate, presented his case. When he was questioned, he admitted that he was receiving \$1200, working two days a month but on call. He did not continue the whole story through and say that whenever he did receive a call and had work outside he received extra compensation. That was on his own admission.

Well, I did not make the hearing, but I did move that it be indefinitely postponed. It was reconsidered and recommitting; but, when it came up the second time the bill was not advertised so that the people at home knew that it was coming up. I did not know until the noon of the day it was to be reheard. In fact, the first I knew of it was when I met the Register and his lawyer downstairs. Whizzing around, I heard that it was to be reheard that day. I hunted for some of my other fellow members from Sagadahoc and I could not find them; they were off on various duties. I went to the hearing. The only one who spoke besides the man who presented the bill was the lawyer of the man who was to receive the increase. When I tried to question the Register of Probate pertaining to things, his lawyer, being a good lawyer, just answered the questions and the man involved did not arise to answer them. I did not realize that this would cause quite so much disturbance and anxiety at home, but I have been hearing it ever since.

Now probably there is no rule stating that when a bill is recommitting that it has to be readvertised, but that is one of those things where the folks at home say "Well, there ought to be a law saying that we can go up again." They feel that this is very unfair.

This man is receiving \$50 a day now when he works. This increase would be \$6.25 more. One lawyer told me that if I should say that he received \$400 a year for those on-call duties I would be putting it at a very modest sum. Therefore, in fairness to the people who are involved and so interested in this, I move the indefinite postponement of this bill. I realize that it probably came out, in view of all the evidence that was presented, as

more or less of a joke from the committee. I thank you.

The SPEAKER: The gentlewoman from Bath, Miss Deering moves indefinite postponement of the bill. The Chair recognizes the gentleman from Phippsburg, Mr. McIntire.

Mr. MCINTIRE: Mr. Speaker and Members of the House: You all know that the gentlewoman from Bath (Miss Deering) directed her remarks towards me. Opposition to this bill is no more than a matter of personal prejudice against me and this Register. There is not a lawyer in this House but who knows the Recorder of the Probate Court puts in more time than she states.

Two years ago they came in here with a bill to raise the salary of Judge Deering of Bath. I never opposed that. The man deserved the raise the same as this man deserves this raise.

This man does not live in Bath; he lives in the town of Topsham. That is one of the prejudices against him. The County Commissioners, two of them, live in the City of Bath. They opposed it. There is nothing the matter with the whole bill but personal prejudice. The Committee has had the bill before it twice and those men have given it plenty of consideration, and I think we should stand by this committee's report. From all the rest of the State we have had bills similar to this which have gone through without a word of debate whatever. I think we have put in too much time on this bill. I hope the motion of the gentlewoman from Bath (Miss Deering) does not prevail.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Bath, Miss Deering, for the indefinite postponement of the bill.

The Chair recognizes the gentleman from Chelsea, Mr. Thompson.

Mr. THOMPSON: Mr. Speaker and Members of the House: This is not in my county, but I happened to meet up with one of the County Commissioners from Sagadahoc a short time ago and I asked him about this particular case, and he substantiated Miss Deering's statement to me that this man was receiving fifty dollars a day; that he had a very good insurance business

and that this was a very good salary, and he wished I would express my opinion in this House against increasing this man's salary.

The SPEAKER: The Chair recognizes the gentleman from Richmond, Mr. McFee.

Mr. McFEE: Mr. Speaker and Members of the House: I never like to see a matter of this kind develop into personalities. As you realize, I supported the gentlewoman from Bath, Miss Deering, in this question when it came up before.

My opposition to this bill is substantially unchanged. Now, I want to definitely state that I have no personal prejudice in this matter, for or against anyone else who is involved in it.

As the gentlewoman from Bath, Miss Deering, has said, she goes home week-ends. I live even nearer to this State House and I go home every night, and I have not been approached by one single person in my district to support this measure, and I know that this body, only a day or so ago, gave some consideration to, and supported, a plea to back the County Commissioners in their stand and in their judgment of what was best for their county.

I know that the County Commissioners of Sagadahoc County are opposed to this increase. I personally believe that the gentleman is adequately compensated for his services. I am, furthermore, convinced beyond any doubt that there are adequate and capable men or women who can fill this position, if this particular gentleman does not want it at the salary he is receiving.

Now I will not burden you any more. I am supporting the position of the gentlewoman from Bath. I talked with a County Commissioner no later than this morning. He said they had provided no additional funds in their county estimates.

I do not believe it would be working any hardship on anyone. I will substantiate the statement of the other gentleman that the present Register of Probate does enjoy a reasonably prosperous insurance business, and I understand he has an office in the City of Bath, although he is a resident of Topsham, and that he maintains in that office a full-time clerk, as the representative of the Prudential Life Insurance Company. In addition to that, he carries some county fire insurance,—so I have been informed.

I do not feel that a county the size of Sagadahoc, which if I were to attempt to describe the size of it to you, I might best describe it in this way—that one medium sized draft board comprises the entire county.

I do not think that any thinking citizen of Sagadahoc County would expect the salary of one of its county officers to be sufficient to entirely support any office holder.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Bath, Miss Deering, for indefinite postponement.

The Chair recognizes the gentleman from Orono, Mr. Goldsmith.

Mr. GOLDSMITH: Mr. Speaker, as a member of the Salaries and Fees Committee, I feel that I should say just a word in defense of our action in this matter.

I, personally, as you know, come from Penobscot County, not from Sagadahoc. We tried, as members of this Committee, to give both sides—the proponents and the opponents—of this particular request for an increase in salary, a fair hearing. The committee which the Speaker appointed came from various parts of the State, and I believe that he appointed a good committee,—not because I am on it, but these gentlemen have worked day and night. They have had eighty-odd bills to consider—perhaps more bills this year than any other year in the history of the State. They have burned the midnight oil after midnight on two occasions, trying to deliberate some of these requests for increases in salaries, and there was a remark just made that I personally resent, and that was that this matter was treated more or less as a joke.

This is too serious to let go by, with reference to such a matter. You have more bills to consider from time to time that are coming out on your calendar and I want you to know, ladies and gentlemen of this assembly, that each of these received very fair consideration, and it would be difficult for any one of them to come in there and turn out reports much different from what we have done. In no case have we tried to railroad any measure. Many an afternoon—even yesterday afternoon—we reconsidered, and reconsidered carefully, all these different reports that we are turning out to you, this matter, in particular, re-

lated to Sagadahoc County; and there is no personal feeling involved so far as I am concerned.

I hope that at this time, Mr. Speaker and Members of the House, that we will accept the "Ought to pass" Report with Committee Amendment "B" submitted therewith.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Bath, Miss Deering, for indefinite postponement of the bill.

The Chair recognizes the gentleman from Falmouth, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: This is also outside of my county, but I feel that we come here not wholly as county or town representatives but as representatives of the State. Personally, and for, I think, the majority of my constituents, I have opposed salary increases at this time unless I felt that they were thoroughly justified by the circumstances. From listening to the debate on this bill, I am convinced that the increase is not justified. I hope the motion of the gentlewoman from Bath, Miss Deering, will prevail, and when the vote is taken I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Rome, Mr. Downs.

Mr. DOWNS: Mr. Speaker and Members of the House: I somehow have a habit recently, as I remarked the other day, of being out of the House when I should be in, so I did not hear the first part of this debate. I only heard the finishing remarks of the gentleman from Orono (Mr. Goldsmith).

Personally, no member of your committee has any personal interest in the affairs of Sagadahoc County. They are interested only that justice be done. I want to say to you that no measure which has come before that committee during the present session has been treated as a joke; neither has there been any trading done. We are not interested in the political situation in any county. We are interested that every measure that comes before us shall have just treatment. We have labored on these matters faithfully; we have worked and burned considerable midnight oil, if you will pardon the term, in trying to get at the meat of these several matters, and, if our decision has been

wrong, it has been through a misunderstanding rather than an intention. We considered this matter the same as every other, and I believe from what information was presented to that committee that we made a faithful and fair decision. Therefore, I hope that the motion of the gentlewoman from Bath, Miss Deering, will not prevail.

The SPEAKER: The question before the House is on the motion of the gentlewoman from Bath, Miss Deering, for indefinite postponement. The gentleman from Falmouth, Mr. Dow, asks for a division.

All those in favor of the motion to indefinitely postpone will rise and stand in their places until counted and the monitors have made and returned the count.

A division of the House was had.

Twenty-nine having voted in the affirmative and 44 in the negative, the motion to indefinitely postpone did not prevail.

The "Ought to pass" as amended by Committee Amendment "B" report of the committee was then accepted.

The SPEAKER: This bill has already been read. The Clerk will read Committee Amendment "B".

Committee Amendment "B" read by the Clerk as follows:

Committee Amendment "B" to H. P. 118, L. D. 72, Bill "An Act Relating to the Salary of the Register of Probate of Sagadahoc County."

Amend said Bill by striking out the figures "\$1500 in the second line thereof, and inserting in place thereof the figures '\$1350.'

Further Amend said Bill by inserting after the enacting clause "Sec. 1."

Further amend said Bill by adding at the end thereof the following paragraph:

'Sec. 2. Limitation of act. This act shall remain in force for a period of 2 years only. It is the intent of the legislature to change the present statute for a period of 2 years only, after which period the present statute shall return to full force and effect.'

Committee Amendment "B" was adopted and the bill was assigned for third reading the next legislative day.

The SPEAKER: The Chair has in its possession an additional pa-

per from the Senate. Is it the pleasure of the House to take the same up out of order? The Chair hears no objection.

From the Senate: The following Order:

ORDERED, that when the Senate and House adjourn at the close of this week's session, they adjourn to meet on the forenoon of Monday, March 29, 1943 at 11.30 o'clock (S. P. 475)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

The SPEAKER: At this time the Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins, and appoints him Speaker pro tem and requests the Sergeant-at-Arms to conduct him to the rostrum.

Thereupon, the Sergeant-at-Arms conducted the gentleman from Boothbay Harbor, Mr. Perkins, to the rostrum, where he assumed the Chair, amid the applause of the House, the members rising, and Speaker Richardson retired.

First Reading of Printed Bills and Resolves

Bill "An Act relating to Tuition for State Wards" (H. P. 1310) (L. D. 839)

Bill "An Act relating to Employment of Females and Minors" (H. P. 1311) (L. D. 840)

Bill "An Act relating to the Choice of Assessors and Compensation of Town Officers" (H. P. 1312) (L. D. 841)

Bill "An Act relating to Malt Beverage Taxes on Government Reservations" (H. P. 1313) (L. D. 842)

Bill "An Act Prohibiting Throwing of Bottles, Etc. on the Highways" (H. P. 1314) (L. D. 843)

Bill "An Act relating to Appropriations for Private and Public Hospitals for Medical Treatment" (H. P. 1315) (L. D. 845)

Bill "An Act relating to Jurisdiction of Trial Justices in certain parts of Aroostook County" (H. P. 1316) (L. D. 846)

Bill "An Act relating to Conduct of Persons who have Communicable Diseases" (H. P. 1317) (L. D. 844)

Resolve Granting his Soldier's Bonus to Frank W. Hughes of East Machias (H. P. 1197) (L. D. 848)

Resolve in favor of Central Maine Sanatorium at Fairfield (H. P. 1309) (L. D. 847)

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

Passed to be Engrossed

Bill "An Act relating to Sessions of Boards of Registration in Cities" (S. P. 163) (L. D. 178)

Bill "An Act to Make Uniform the Law of Transfer of Shares of Stock in Corporations" (S. P. 287) (L. D. 450)

Bill "An Act relating to Commitment of Persons of Unsound Mind to the State Hospitals for Observation" (S. P. 320) (L. D. 524)

Bill "An Act relating to Commitment of the Insane" (S. P. 321) (L. D. 525)

Bill "An Act relating to Procuring or Attempting to Procure Abortion or a Miscarriage" (S. P. 457) (L. D. 805)

Bill "An Act relating to the Method of Computation of the Expense of the Education of the Penobscot and Passamaquoddy Indian Children" (H. P. 240) (L. D. 159)

Bill "An Act relating to Representation of Indian Tribes at the Legislature" (H. P. 539) (L. D. 309)

Bill "An Act relating to Allocations of Unappropriated Surplus Account" (H. P. 928) (L. D. 546)

Bill "An Act relating to Compensation for Members of the Parole Board" (H. P. 968) (L. D. 532)

Bill "An Act relating to Fees of Trust and Banking Companies" (H. P. 1073) (L. D. 562)

Bill "An Act relating to Payments to Franklin County Law Library" (H. P. 1177) (L. D. 655)

Bill "An Act to Create a Board of Fire Commissioners for the town of Sanford" (H. P. 1302) (L. D. 831)

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

Bill Tabled

Bill "An Act relating to Bonds to be Furnished by State Officials

and Employees" (H. P. 1304) (L. D. 832)

(Was reported by the Committee on Bills in the Third reading, and on motion by Mr. Bowker of Portland, tabled pending third reading)

Bill "An Act relating to Compensation of Employees who have received Prior Injuries" (H. P. 1305) (L. D. 833)

Resolve relating to Fire Protection for Baxter State Park (S. P. 377) (L. D. 803)

Resolve in favor of a Bridge across the Allagash River (S. P. 456) (L. D. 804)

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

Amended Bills

Bill "An Act relating to Bonds of Probation Officers" (S. P. 141) (L. D. 145)

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

Bill "An Act relating to the Signature of the Treasurer of State and Endorsement of Bonds in the State Treasury" (S. P. 294) (L. D. 443)

Bill "An Act relating to the Salary of the Recorder of Rockland Municipal Court" (H. P. 575) (L. D. 342)

Bill "An Act Increasing the Compensation of the Judge of Probate of Knox County" (H. P. 599) (L. D. 355)

Bill "An Act relating to Pre-marital Medical Examinations" (H. P. 632) (L. D. 357)

Bill "An Act relating to the Pennell Institute in the town of Gray" (H. P. 1132) (L. D. 553)

Bill "An Act Authorizing the Creation of Housing Authorities in the Several Cities and Towns" (H. P. 1134) (L. D. 598)

Bill "An Act relating to Fees of Sheriffs and their Deputies" (H. P. 1187) (L. D. 664)

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

At this point Speaker Richardson resumed the Chair, and the gentleman from Boothbay Harbor, Mr. Perkins, was escorted by the Sergeant-at-Arms to his seat on the floor of the House, the members rising and applauding.

On motion by Mr. Payson of Portland, under suspension of the rules, the House took up, out of order, the seventh tabled and today assigned matter, House Order Requesting an Opinion of the Supreme Judicial Court Relative to the Constitutionality of "An Act Relating to Alternative Method of Enforcement of Tax Liens", tabled by that gentleman on March 25th, pending passage; and on further motion by the same gentleman, the Order received passage.

Passed to be Enacted

An Act to Provide a Town Manager Form of Government for the town of Brunswick (H. P. 187) (L. D. 129)

An Act relating to Municipal Planning and Zoning (H. P. 190) (L. D. 127)

An Act relative to Hunting Foxes with Hounds in the County of Franklin (H. P. 241) (L. D. 160)

An Act relating to Members of Teachers' Retirement System in Military Service (H. P. 549) (L. D. 311)

An Act to Clarify the Laws relating to Paroles and Good Time Allowances to Convicts in State Prison (H. P. 796) (L. D. 379)

An Act relating to Investment of Teachers' Retirement Fund (H. P. 1275) (L. D. 795)

An Act relating to the Protection of Bees (H. P. 1282) (L. D. 797)

An Act relating to the Bank Commissioner's Office (H. P. 1284) (L. D. 799)

Finally Passed

Resolve relating to Old Legislative Publications (S. P. 322) (L. D. 787)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, Bills passed to be enacted, Resolve finally passed, all signed by the Speaker and sent to the Senate.

Orders of the Day

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Barnes.

Mr. BARNES: Mr. Speaker, it is my purpose at this time to make a motion that the House reconsider its action of yesterday on Legislative Document No. 356, Bill "An Act Relating to Compensation of Department Heads." At that time we voted to recommit the matter to the Committee on Salaries and Fees, and if that had gone along on its course it would have had to go to the Senate and be heard and would have taken up two or three days. The error in the bill which was noted by the gentleman from Saco, Mr. Jordan, was a clerical error, and it is my purpose to offer a House amendment which would do the same thing that the committee would have done.

I therefore move that we reconsider our action whereby we recommit Legislative Document No. 356 Bill "An Act Relating to Compensation of Department Heads" to the Committee on Salaries and Fees.

The SPEAKER: The gentleman from Houlton, Mr. Barnes, moves that the House reconsider its action of yesterday whereby it voted to recommit Reports "A" and "B" on Bill "An Act Relating to Compensation of Department Heads" to the Committee on Salaries and Fees. Is this the pleasure of the House?

The Chair recognizes the gentleman from Houlton, Mr. Barnes.

Mr. BARNES: Mr. Speaker, before recommitment it had reached the stage that I had made a motion that this House accept the Committee Report "A" "Ought to Pass" on this bill. I would like to renew that motion at this time, and a little later offer the amendment if the committee wants it.

The SPEAKER: The question before the House is on the motion of the gentleman from Houlton, Mr. Barnes, for acceptance of Report "A" "Ought to Pass." Is this the pleasure of the House?

The Chair recognizes the gentleman from Clifton, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, if this is the beginning of the debate on this subject, I believe there are some members of the committee who would like to be recognized.

The SPEAKER: The matter is up for debate.

The Chair recognizes the gentleman from Clifton, Mr. Williams.

Mr. WILLIAMS: Mr. Speaker, may I have the privilege of facing the House?

The SPEAKER: The gentleman may have that privilege.

Mr. WILLIAMS: Mr. Speaker and Members of the House: In the early days of this session, we had a great American who spoke in the hall of this House, Hon. Roane Waring, National Commander of the American Legion. I believe in his closing remarks he charged this House to be careful of our actions at this time; to be careful that we were not carried away under the war emergency to enact legislation that would remove rights which this body—that this legislative branch, has at the present time; that we should be careful that under the war emergency we did not give up any of the powers which we, as members of the Legislature, the elected representatives of the people, now have.

Now, under this bill of our good friend, the gentleman from Houlton, Mr. Barnes, we are asked to do just that. It may sound very good; it may sound necessary at this time; but it is up to you and me who have that trust to determine whether or not we shall turn over the rights of the Legislature to the executive branch. That is the question before the House. It is not a question of salary increases. If it were, it could be settled in another way.

I, for one, favor increasing of the salaries and the adjustment of the salaries for some of the heads of the departments but not under a blanket order.

I do not take this stand—I do not believe the other members who voted as I did on this issue took it because we fear the present Governor. Far from it. He has proven to us he is a safe man to have extraordinary powers; but we take this stand because we realize that when we enacted this law that it goes along for years to come.

We have an amendment here which is very good but it is a joke. It ends in two years, which would be some time in July, unless we in the next session, or someone in the 92nd Legislature, removes this act from the books.

Now, it is not conceivable to think that after the heads of departments have been advanced in salary—and this Committee on Salaries and

Fees was assured by His Excellency, that if this act were passed, we could rest assured that the heads of departments would be advanced—it is absurd to think that upon July we will drop back to the old status and that their salaries will automatically drop back. Is not that a slap in the face of the heads of departments? I can hear what will be said at the next session of the Legislature. They will say: "Two years ago we gave the Governor this power"; and no doubt it would work all right under the present Governor. It might be the present Governor who in two years from now would ask to have those powers extended; or it might be some other man, whose friends would ask this House or this Legislature, "Do you not consider him, maybe, just as fair a man as Governor Sewall?" No doubt his friends would feel the same as I do today about the present Governor. But there it would go on, and there is the possibility that we might have a Governor in a few years who would think it was a nice opportunity to bring in his political friends and put them in the position of heads of departments; that has been done in the government of the State of Maine.

We might have a condition in a few years where a Governor and a Governor's Council would be dickering over appointments, and they might also dicker over salary increases. It was not so many years ago in the government of Maine when that condition was a fact. Those things can happen again, and that is what we are allowing to happen, if this act is passed. Now, as far as increasing the salaries of the heads of departments, if it is necessary—and, no doubt there should be some adjustments—there are many ways to do it. In one respect, if you want to give the Governor some lee-way—and it is probably desirable at this time—you could allow him to increase salaries between certain limits; you could say that the salary of the Attorney General could be from five thousand to six thousand dollars and let the Governor dicker on that. Why not give him that, if he needs that power? It might be desirable now—or a percentage of increase, but something definite. It is the opinion of those members of your Committee that signed Report "B" "Ought not to pass" that the Legislature should still keep

some check upon the salaries of heads of departments; that the Legislature should not give up its power. This is the first time it has come on the floor of the House for debate in this session; whether or not we wish to surrender the powers of the legislative branch to the executive branch of this government.

I believe that we have, maybe, worked somewhat peculiarly in this matter of salaries. We have been assured by many of the men who know about the finances of the State, as I spoke to you yesterday, that the low salaried man would be taken care of, they said, but they did not wish any legislation along that line.

As far as our men whom we elect in this branch of the Legislature are concerned, we have reported and have passed out to you reports, and I believe that in every case the report has now been accepted by this House that they "Ought not to pass" any bills increasing the salaries of any of the employees that we elect. That might have been a wise move, but if it was wise not to increase the salary of the Secretary of State or of the Commissioner of Agriculture, men who are performing their duties in a very capable manner and who are having many additional duties thrust upon them due to the war emergency, then I say that the heads of departments do not need an increase—the heads of the departments which the Governor appoints. It is as fair one way as it is another. Our appointees need increases, if the appointees of the Governor need increases.

Members of this House, I believe there is just one question to decide here today—whether or not we wish to turn over to the executive branch the power of the legislative branch.

The SPEAKER: The Chair recognizes the gentleman from Rome, Mr. Downs.

Mr. DOWNS: Mr. Speaker and Members of the House: I realize only too painfully that I cannot approach this question with a trained legal mind. I must approach it only as a humble citizen of the State of Maine, and in my feeble way I will attempt to tell you why I signed Report "B" and why I believe that Report "A" should not be accepted.

This matter, as the members of this House can readily perceive, was a rather sensitive matter, because it affects the powers of the Chief Executive, and there is no man or woman within the sound of my voice who has a higher esteem for our present Chief Executive than myself; but there will be an amendment presented to this bill which is a safeguard to it. Perhaps it is only fair to say that, as I understand it, that amendment will say that this law shall be operative for only two years. There is a ray of sunshine in that amendment, because you will recall that most of the measures which have come out of that committee, of which I have the honor to be a member, have borne this same clause, and I think it was the sense and reasoning of that committee that in two years we would be past the emergency.

Now, I feel this morning that with this amendment we know that in two years we are going to be out of the emergency, but if it were within my power to gaze into the crystal this morning, and say to you what the conditions might be in two years, my attitude on this measure might be very different than it is this morning.

I am not deeply concerned over the question of salary adjustments, but I am chiefly concerned in regard to taking a power out of the hands of the Legislature and reposing that power in the hands of any one man, regardless of who he may be. It was well referred to in yesterday's debate that the State of Maine was a great corporation. I, too, like to think of it as a great corporation with about 840,000 stockholders. I like to think of it as that, and think of the members of the Legislature as being the Directors of that great corporation, who are mindful of the wishes of the stockholders. I believe in their wisdom that those representatives of the people, the members of the Legislature who passed this particular piece of legislation, had in mind the wishes of the stockholders in that vast corporation. I do not want to be a party to taking the power away from the Legislature, which we are attempting under this bill to do today. I do not profess to be a prophet, but it seems to me that I can visualize a situation where the very people whom this bill seeks to

assist would regret, or might regret, most deeply, that the power of fixing their salary had been taken from the Legislature and placed in the hands of the Governor.

This House has made no provision for State employees, but I think it would be only fair along that line to say that the salary of the employees is proposed to be fixed by the Personnel Board, and without doubt adjustments will be made.

The amendment to which I alluded says simply this, if I am correct, that this law shall cease to exist in two years. In other words, that it shall be for two years only. I leave it with the judgment of this Legislature, if once enacted, when will it cease to be effective. In any event, it cannot become operative until after ninety days after the adjournment of the Legislature, unless an emergency clause is carried, and I have not heard any suggestion of an emergency clause. If it holds in force for two years from that day, I cannot fail to see why it does not project itself into the next biennium.

It is not within my power to predict to you what the conditions will be in this State at that time. I cannot prophesy to you what changes might take place, structurally or politically. That is for you in your wisdom to determine.

I want to say this, that the plea for this bill is the emergency which exists. I have no doubt that we have heads of departments—in fact I sincerely believe that we have some, whose salaries need adjusting, and I submit to you that if there was danger of the State of Maine losing that man, it would not be absolutely necessary to have this law enacted, because I believe that the Governor and the Council could find means of meeting the monetary demand which that official might ask, and, as a precedent, I think it is entirely within the memory of this Legislature that a retiring Governor fixed the salary of many heads of departments in this State in the retiring hours of his regime, and up to now I have never heard the legality of that action questioned.

I am not going to transgress on your good nature with any further remarks. I have tried to explain my position to you, why I signed

the Report "B" and why I believe that Report "A" should not be accepted.

The SPEAKER: The question before the House is on the motion of the gentleman from Houlton, Mr. Barnes, that Report "A" "Ought to pass" be accepted.

The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker, I confess to this House that up to the moment I am not sure as to just how the gentleman from Rome, Mr. Downs, stands on this issue. I feel that with the amendment suggested this measure ought to have passage.

We have a very efficient man at the head of the affairs of the State of Maine: one who submitted to you a sound, honest and substantial program, and if we cannot go along with it one hundred per cent, why not try and go along with it ninety or ninety-five per cent?

There is a cockeyed situation in the State of Maine pertaining to this particular subject. The Governor and his Council are privileged to appoint certain individuals and they have no power to set the salaries. We, in the Legislature, on the other hand, are privileged to appoint certain individuals and we can set salaries. I say it is a cockeyed situation. While I do not know that there is any way the thing can be improved upon at the present time, I do believe that under the present emergency situation that we ought to give this particular power to the head of our State.

I believe it is possible that under the emergency powers vested in the Governor that he could adjust salaries at any rate; but we have a man here who has real difficulties of his own; one of his real difficulties is to be sure to keep proper and efficient heads of departments on the job, and it seems to me in these times he should have those emergency powers. This is purely a matter of confidence in the present group. I believe that this bill should have passage.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: It has been suggested that if this bill were not passed we might lose a man from some department who is an indispensable man, but if there is one of those in

the country today he is occupying a position where he would not be available to the State of Maine.

As I look around this House, I think I can see men who could acceptably and capably fill any of our departmental positions, and I have no doubt should such positions become vacant some of them might be prevailed upon to graciously accept those positions. I believe that the matter of determining salaries should remain in the Legislature.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Jordan.

Mr. JORDAN: Mr. Speaker, I would like first of all to pay a compliment to my good friend, the gentleman from Rome, Mr. Downs. I think that was about the fairest proposition he put up, and just because I disagree with him in certain aspects it does not make any difference. I will say right here I would not vote for that measure without the two-year clause. He thinks the two-year clause will work. I think it will. He thinks there is no emergency. I think there is. I think the coming two years will be entirely different than peacetime. I feel with him if this measure should be enacted and the power taken away from the Legislature it should be decided in peacetime. I do not think there is any argument about that question. I believe that the labor market is like the rationing program today. I do not believe that two years ago anyone in this House thought we would be rationed on sugar or salt or anything else. With the labor market as it is today, and business being pushed to the limit, the labor market is just the same as the state, and I believe the man who is responsible for securing employees and running the state to the best of his ability would have a hard time finding men in these two years. And so, with that two-year clause in it, I hope this bill has a passage.

The SPEAKER: The question before the House is on the motion of the gentleman from Houlton, Mr. Barnes, that Report "A" "Ought to pass" be accepted.

The Chair recognizes the gentleman from Houlton, Mr. Barnes.

Mr. BARNES: Mr. Speaker, I feel like apologizing for again speaking to this House on this bill, but where the debate is divided into two days I feel that perhaps I am justified.

I would also like to answer some of the insinuations made by those who are in opposition to this bill.

Now you need not worry at all about abrogating the rights to the executive, because the gentleman from Clifton, Mr. Williams, knows as well as I do that this Legislature cannot bind any future Legislature.

The situation which calls for this bill was brought on by the war. I know up in our district when the Draft Board first started to operate in trying to get men excused to stay there for farm labor they were more or less laughed at. They said there was plenty of labor. But they are having a situation up there now so drastic that they are calling men from the shipyards and putting them back to work on the farm. Probably every member of the Legislature knows what the situation is in his own town relative to securing teachers in this crisis.

This bill was asked for and was placed in the hopper of this House only after it was discussed quite thoroughly with several members of this House. I was a new man here and I did not know many of the committee members, but I did discuss it with those I knew and they did agree that in the emergency it was justified.

When you talk about the stockholders of this great corporation of ours—and we are all proud of it—I want you to remember for a moment that they elected our present Governor on the basis that he would give this State a good, sound business administration. He was elected by a large majority, and he has done a good job for us and I have not heard any criticism of that angle. He now simply asks that in the matter of the department heads whom he is to appoint he be allowed to set their salaries.

I was rather disappointed in the remarks of the gentleman from Rome, Mr. Downs, in that he did not reveal to this House what the committee has known all along, because the adjustments that were proposed were before this committee and no member of the committee had any fault to find with any of them.

We have a situation in this State with respect to one department head, the Adjutant General, who is getting about one-half what his predecessor got, because his predecessor got money from the United States Government and had the National

Guard at the same time. Our present man had to go in and set up an entirely new system, the State Guard, because the National Guard was called to war, and he is getting about half as much as his predecessor got.

I do not see any danger in this bill. It looks like a good, sound business proposition. We are not abrogating any of our rights and we cannot bind future legislatures. As far as my proposed amendment is concerned, I will say for the information of the House that it puts a two-year limitation on this proposition. I hope that the members of the House, when they come to vote on this proposition, will not get carried away with the idea you are taking away power, because you are not except for the emergency, and there is a real need for it. I hope that the Committee Report "A" "Ought to pass" will be accepted.

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Smith.

Mr. SMITH: Mr. Speaker, I signed this measure because I thought that we were just lending our powers to the Governor for two years. If you do not want to lend those powers, that is up to you.

The SPEAKER: The Chair recognizes the gentleman from China, Mr. Jones.

Mr. JONES: Mr. Speaker, I signed the "Ought not to pass" report because I do not believe in passing along powers which the State has had and got along with them very well all this time. We have been in the war for more than a year and the State has not been wrecked yet, and the Governor still has powers if anything should come along. I think this is just an entering wedge and that sooner or later the Governor will have all these powers.

Another thing I never realized before, and that is I think we must have reached a peak of getting good men into office. In every county and for every office it seems every man is indispensable, and if anything should happen to them I do not know but what the State would collapse. It does not seem as though it speaks very well for the rest of the men we have got in the State of Maine. I signed the "Ought not to pass" report because I did not believe in it at the time—that we should pass it along—and I do not believe in it now.

The SPEAKER: The Chair recognizes the gentleman from Greenville, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker and Members of this House: I thoroughly agree with my able colleague, Mr. Barnes of Houlton, that no Legislature can bind the following Legislature. Nevertheless, I think many of you will agree with me that an act that this Legislature passes has a great influence upon following Legislatures.

I will cite to you a case of the Fish and Game law. We passed a law here some years ago to register non-resident hunters with twenty-five cent licenses, just for registration, and there was no question, as we of the north wilderness talked to our representative. In all sincerity he said: "That is all; it is just for registration so they can tell a non-resident from a resident." That man, I have no doubt, was sincere. I think that every man in the House who passed that bill was sincere. But, members, it was but an opening wedge, and in the next succeeding Legislature and in succeeding ones since, they have increased, increased, increased from that.

This, members, is the same move. The next Legislature would very easily follow in our footsteps.

There is just a thought I would like to leave with you. As you all know, some few years ago we had quite a question with our State Police head, quite a little chewing. I mention that because I believe all our department heads are working for the people of the State of Maine, not for the Governor, they are working for the people of the State of Maine. I want to bring to your attention a little affair that happened right over in the City of Bangor last week, or early this week—I guess it was Monday. We have a council over there, and they apparently ganged up, five of them. We have one member in this House who was in a minority. There was nothing he could do about it because those five got together and put things just as they wanted them, and they cut the salary of the City Manager from \$7500 to \$6000. Of course I suppose they figured that the cost of living had not gone up. I don't know whether it was their hope.

What is to stop the same thing from happening here? I speak of the police head. He is one of the important department heads. Say he does

something to step on the toes of one or two people in doing his duty for the people of the State of Maine, where could they eliminate him any easier than by cutting his salary? This law does not say the Governor may only raise salaries; it also authorizes him to cut them.

I hope, ladies and gentlemen, that the motion of the gentleman from Houlton (Mr. Barnes) will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Houlton, Mr. Barnes, that Report "A" "Ought to pass" be accepted.

The Chair recognizes the gentleman from Rome, Mr. Downs.

Mr. DOWNS: Mr. Speaker and Members of the House: I hesitate to again arise on this measure. In reply to the gentleman from Houlton, Mr. Barnes, I want to say that I intended to state things fairly as I saw them. Your committee did fully understand this matter, and I believe it was a matter that each spent more time on than any other one, and we came out, as you know, divided five to five.

The gentleman has referred to scarcity of help, and we are all suffering from it, but, in my shortsighted vision, I cannot see where this particular piece of legislation is going to guarantee any more help. In conversation with one of the gentlemen who has supported the acceptance of Report "A" recently, and in direct reply to my question as to whether or not it was within the province of the Governor to increase a man's salary if he thought it was necessary, I understood him to say "Yes." I understand that funds have been set up in the budget for all these proposed increases, and in many cases I believe that the increases are justified; but, at the same time, I believe there is an orderly procedure for getting those advances in salary and not taking any power away from the Legislature. I leave this with you for you to consider: If His Excellency should submit to this Legislature today or tomorrow a list of salary adjustments with the feeling on his part we were going to lose a valuable department head if they did not have them, I leave it for you to say—wouldn't we grant that increase? But we would be doing that and we would not destroy the provi-

sions and the privileges which the Legislature now has, which this bill seeks to destroy.

The SPEAKER: The question before the House is on the motion of the gentleman from Houlton, Mr. Barnes, that Report "A" "Ought to pass" be accepted.

All those in favor will say aye; those opposed no.

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

On motion by Mr. Downs of Rome, Report "B" "Ought not to pass" was accepted and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Miss Deering.

Miss DEERING: Mr. Speaker, I believe that the House acted rather hastily on a measure yesterday, and, in fairness to the people who are very much interested in this bill and who have no other chance to explain their side of it, I move that we reconsider our action whereby we passed to be enacted S. P. 241, L. D. 361, "An Act Permitting the Pembroke Trotting Association to Conduct Amateur Races on Sunday."

The SPEAKER: The gentlewoman from Bath, Miss Deering, moves that the House reconsider its action of yesterday whereby it passed to be enacted S. P. 241, L. D. 361, Bill "An Act Permitting the Pembroke Trotting Association to Conduct Amateur Races on Sunday." Is this the pleasure of the House? (Cries of "No," "No.")

The SPEAKER: All those in favor will rise and stand until counted and the monitors have made and returned the count.

A division of the House was had.

Ten having voted in the affirmative and 55 in the negative, the motion to reconsider did not prevail.

The SPEAKER: The Chair lays before the House the first matter of unfinished business House Report "Ought not to pass" of the Committee on Taxation on Bill "An Act Providing for Funds for Homestead Taxation Relief, and Imposing a Gross Sales Tax Therefor." (H. P. 1167) (L. D. 622) pending acceptance of Report, during

consideration of which the House adjourned.

The Chair recognizes the gentleman from Winter Harbor, Mr. Morrison.

Mr. MORRISON: Mr. Speaker, I move that the House accept the Committee Report "Ought not to pass."

The SPEAKER: The question before the House is on the motion of the gentleman from Winter Harbor, Mr. Morrison, that the House accept the "Ought not to pass" Report of the committee. All those in favor will say aye; those opposed, no.

A viva voce vote being doubted,

A division of the House was had.

Eighty-two having voted in the affirmative and twenty-two in the negative, the motion prevailed, and the "Ought not to pass" Report was accepted and sent up for concurrence.

The SPEAKER: The Chair now lays before the House the second matter of tabled and unfinished business House Report "Ought not to pass" of the Committee on Legal Affairs on Bill "An Act to Provide for the Speedy and Inexpensive Adjudication of Small Claims" (H. P. 565) (L. D. 314) tabled by Mr. Sleeper of Rockland on March 23rd, pending acceptance of Report.

The Chair recognizes the gentleman from Rockland, Mr. Sleeper.

Mr. SLEEPER: Mr. Speaker and Members of the House: At last we arrive at what is turning out to be a very controversial bill—Bill "An Act to Provide for the Speedy and Inexpensive Adjudication of Small Claims." (H. P. 565) (L. D. 314)

When I introduced this bill I did not realize that I was going to inject myself into such a storm of controversial questions. As I have have walked through the corridors, and as I have walked down the street and met people—one party might say, "Do you really want that bill to pass, Sleeper?" "Do you want to jail people for \$5.00?" "Do you want to jail them for \$10.00?" "Are you really sincere in that bill, Sleeper?" And I laugh, because I am not very sensitive. But then I go further along, and then another person will say, "Sleeper, are you going to let those boys trim you out

of the only decent bill that has been introduced here this winter?" I will admit I am a little bit lost myself. I do not know just what to do. (Laughter)

I introduced this bill in good faith because a similar bill has been enacted in five other New England states, and twenty states of the United States. I submit perhaps it might not be an argument for the passage of this bill that twenty other states in the Union have it. Of course it might not be any reason that we should have it.

It was my privilege two years ago to introduce this same measure at the request of the State Merchants Association, and other organizations of the same nature. I did study the bill then, and I found out something about it. The bill, two years ago, was given a good hearing before the Committee on Judiciary, and we got a divided report on that. Three of the attorneys voted for the passage of the act.

Now, I could be vicious, and go back to the record of 1919, where an esteemed member from Lincoln County divided attorneys into two classes. He was speaking on a similar measure and he said, "There are two kinds of attorneys; there are full grown and well-fed ones; and there are hungry and underfed ones." (Laughter) Now, I am not going to be sarcastic—of course I could be—but I am trying to be fair in this thing because I have been abused on this bill. I do not like to be abused too much because I cannot stand abuse. I personally do not care whether this bill passes, or not. I am a retail coal dealer, and I do a strictly cash business. The bill would not help or hinder me in any way, but I do feel that this bill would do a lot more good than damage. I admit that this bill, if passed, would temporarily seem to hinder the collection activities of certain attorneys, but it would not. This bill operates in New Hampshire, and a little later on—I am not going to talk too long, because I know what happens to long talkers—I am going to read to you some letters showing how attorneys in other states feel about the small claims court.

The small claims court bill always devolves into just one thing—it helps one person, and that is

the debtor. If he owes ten dollars on a claim, he is going to pay just ten dollars; he is not going to pay ten dollars, plus seven dollars, for various costs, finally paying twenty or twenty-five dollars on a ten dollar claim, and the creditor gets about five of the original ten dollars—and the lawyers are not to blame for that because all courts have costs and all things of that sort; the lawyers are not to blame, and I do not blame them for opposing this bill. It would look to be a dangerous bill as regards their collection activities. Of course a young lawyer does have to have this subsidy in his business, as he jumps from ambulance gong to ambulance gong. (Laughter)

I really have got a lot of respect for the Attorneys of this House, all of them, but I am quite sure that while they oppose this bill in principle, I believe, if this bill should pass—and I am not deluding myself it has a good chance of passage, but it has a chance—I know that in two years they will all be for it. There is merit in this bill; I have told you various things that there are in it.

The principal opposition would, of course, come mostly from attorneys, who probably feel that the bill is a bad thing, and they will barrage this House with a verbal barrage of facts and figures, saying: "Impious; preposterous; nefarious!" It will all boil down to just one thing: You are treading on our collection business, and we do not like it.

There is one thing in this collection business that I would like to eliminate, and that is this collection racket. The worst part of our business scheme of things is the credit system and collection rackets. The worst violators in the collection racket are these collection concerns. Some of the letters they send out would nauseate a person—and I have got them. (Laughter) I feel this would eliminate these collection agencies, and put the collection of bills right where it belongs, right into the hands of the merchants themselves, or into the hands of a reputable attorney. You must remember, brother attorneys (laughter) in all of these cases that the Judge is an attorney, and he will watch out for your interests. If a merchant brings that bill to be collected, I venture to say the Judge will find something wrong with those bills, and eventually

take a way out, as they do in New Hampshire, and hand these bills over to an attorney to attend to their collection—the usual procedure in a small claims court. Again I say that the only man who will benefit by this is the debtor. It will not hurt you very much. It will help the merchant. It will help the debtor.

There must be something to this bill if every State in New England has adopted it except Maine. I am apt to ramble on, but to sum up my case I will read a couple of pages so that you will know in a concise way what I am going to say. I am frank to say that I would like this bill to proceed to its third reading, in order that I may present at the proper time an amendment to this bill, copies of which you have before you.

That has been the one part of this bill to which there has been real valid objection. The original bill which I presented before the committee was copied on the Massachusetts act, which did have the contempt clause in it, by which the judge, if he wished, could imprison a man, if he thought that man showed contempt for the court. I visited two courts in Massachusetts and talked with attorneys who appeared before them and with the judges, and although they had that power, there never had been—and never would be—a man imprisoned for contempt in a small claims court in Massachusetts. Not any of you attorneys can bring in one instance where any man was put in prison for a five dollar claim; if you could bring in one single instance, I would gladly make a motion to indefinitely postpone the bill. However, I did not like the fact that a Judge could ever, if he wished, imprison a man for that, so I eliminated that by an amendment. The first part of the amendment says: "Amend said bill by striking out the words 'that failure to comply with such order may be treated as a contempt and subject you to punishment.'" That is out. And the law is now similar to that in effect in New Hampshire and Connecticut and Rhode Island. There is no imprisonment clause in it, so don't you be told that under this bill a man can be imprisoned. It cannot hurt the debtor. The only thing it will do to the debtor is to help him, because he can settle his bill in an orderly and just manner and will not have his wages at-

tached, or the other methods that are used now, the present methods of collection.

Now the reasons for the small claims court — I do not know whether any of you people have been collected from by certain persons, but some people have—but the present method can easily be corrected, and this bill will do it.

Small claims procedure grew out of a wide-spread demand for a type of judicial machinery that would secure justice to the small citizen, be he a merchant or workman; a machinery that would be swift in action, that would reduce costs to a minimum by eliminating fictitious costs and by utilizing service by mail, that would provide a procedure so simple that parties could, if they wished, conduct their own cases.

And that applies to the debtor again. As I said before, the merchant will always employ a lawyer to handle his end of it.

In line with this trend, the first small claims procedure was adopted in Cleveland in 1913. Since that time some form of small claims procedure has been established in 20 states and the District of Columbia, including five New England states. In Maine a bill of similar tenor to this one was introduced in the Legislature in 1927, favorably reported by the committee, but defeated in the House. Two years ago I introduced this bill into the Legislature. Most of you know that it was overwhelmingly passed by the House but later narrowly defeated in the Senate.

Before introducing the bill, I traveled to Boston and studied the Small Claims Division of the Boston Municipal Court. I talked with one of the judges and the clerk. I became convinced that the small claims procedure was a boon to the man with a small claim whether he be plaintiff or defendant. This procedure, Members of the House, has grown out of a wide-spread demand for a type of judicial machinery that would secure justice to the small citizen, whether a merchant or workman, without unnecessary costs and delay.

I heard three cases in Boston one morning. One case was a small, independent painter who was attempting to secure his wages for a job on which he had done some

work. It involved \$18.00 in back wages, and he got \$18.00, and did not have to pay nine dollars of it to somebody else, to help him get \$18.00.

The other claim I heard there was a fellow who was getting a case brought by a tire and battery dealer for tires, involving \$17.00. The Judge told him to pay, and he paid. The third claim was of a similar nature.

I did not see Filene's or Jordan Marsh or any of those big companies packing the courts with claims, and they do not. They still handle their claims as they always have. These courts are always used by the small merchant and the small debtor and not by the big merchant. It has been said that the biggest benefactors are Sears Roebuck and Montgomery Ward. Of course that is absurd; of course it is the small creditor who will use the small claims court — the small merchant and the corner grocer. Most big concerns will do as they always have.

The bill which I first introduced is similar to that provided in the Massachusetts Law and Rules of Court. It contains a provision allowing the court to fine or imprison for contempt of its orders. There has arisen this year, especially among the disciples of Blackstone, a great deal of indignation and criticism of the placing of such power in a municipal judge. There has also been a good deal of uncertainty in some of you laymen's minds as to the advisability of this clause. Although strongly believing that the bill as drawn provides a just and simple procedure, with ample protection for the debtor, and if carefully studied is not such a monstrosity as it has been pictured, yet feeling the need of this bill is so great and the results to be accomplished by it so worthwhile, and not wishing to jeopardize its passage, I have, under competent advice, prepared an amendment to the bill eliminating the contempt provisions.

Removing the contempt provision of course takes some of the power from the bill, but I believe it is, as amended, a simple and effective procedure for the adjudication of small claims. As amended, it is similar to bills now in effect in New Hampshire and Connecticut, where they have proved popular

and successful. Such a bill would be a progressive step in Maine judicial history.

How does this bill operate to the benefit of a plaintiff? In the first place, he can go in before the judge or recorder of a municipal court and state his case in ordinary, everyday language, and that starts the case. No complicated rules of pleading need be observed; it is not necessary to hire an attorney either to start the case or to try it. The plaintiff may still employ an attorney, however, if he sees fit. So long as the case is not contested, the original entry fee of \$1.85 is all that is required to take the case to judgment. This method of service has proven effective and fair in the many states in which it has been tried. A small plaintiff may thus get into court without the present expense which makes collection of small claims a hardship on him.

In the second place the plaintiff gets a speedy hearing on the return day of the notice sent to the defendant. There are no delays while the defendant enters an appearance, employs an attorney or gets a date set for hearing. In other states municipal courts set aside one day a week for hearing small claims. Few of them come to trial. Either they are speedily settled before the day of hearing or the debtor appears, admits he owes and asks for time to pay, and the court so orders. Further proceedings are necessary only in cases where the debtor doesn't propose to pay, although able. The plaintiff and defendant both thus get a speedy decision on the merits. The wage-earner or small businessman is thus enabled to collect his wages or small accounts which he needs to support his family or business without delay.

This procedure also benefits the defendant. It was primarily designed as a method of helping poor debtors. It gives them an opportunity to appear themselves and be heard not only on the merits, but also on the question of their ability to pay.

A debtor will know that he can appear and defend his own case even though he doesn't know the rules of evidence. He knows that excessive costs will not be charged against him. He knows further that he can ask to pay by installments or on a date certain, and that meanwhile an execution will not be

hanging over him, with the possibility of a disclosure subpoena being served. For under the proposed amendment to the bill, the judge may stay the issuance of the execution pending compliance with the order to pay by installments. If the debtor complies, no execution issues; if he fails, the execution will be issued against him.

If he elects, he may insist on his right to trial by jury and remove the case to the Superior Court, but if he chooses to go to trial in the municipal court, he waives his right of appeal. This provision is necessary for speed and effectiveness. All of us know that almost all of the cases appealed from the municipal courts today are appealed not on the merits, but solely for the purpose of stalling and delay, and very seldom are tried in the Superior Court. And, in answer to the ridicule that has been and will be directed at the thought of a man demanding trial by jury on a \$5 or \$10 claim, all of us know any bill absolutely depriving a person of that right would be unconstitutional. We know further that once a cause is removed to the Superior Court it does not absolutely mean a trial by jury. Any person may there waive the trial by jury and be heard by the court. Such a provision in other states has proved effective in eliminating appeals for stalling and delay.

Members of the House, no one is hurt by this bill. The operating costs are provided for, and provision made for adding \$1.00 of the entry fee to the salaries of the judges and recorders.

There has been some opposition to this bill, in addition to the attorneys; considerable opposition by judges and recorders. I cannot understand it. Our recorders and judges are paid fairly well, but even under the original seventy cents—if they had 20 cases a week, that is \$14.00 a week, and \$14.00 a week to me is a pretty good substantial addition to any pay I might get. So I cannot see why the judge or recorder would object to having \$14.00 a week or maybe more added to his salary.

The bill has been, and will be, attacked by some attorneys who can tear to pieces any bill, no matter how well drawn or for what good purpose. Amongst other things they

have said it will hurt the collection attorneys and the young lawyer just commencing practice. In answer to this—I hope I am not talking too long, but I am most done—I would like to read a letter from Jeremy R. Waldron, now Judge of the Portsmouth Municipal Court, formerly Attorney General of New Hampshire, and a former President of the State Bar Association, who at one time bitterly opposed the Small Claims Court on the grounds it would make the courts collection agencies:

“Dear Mr. Sleeper:

I am enthusiastically in favor of the Small Claims Court.

The experience of the Portsmouth Municipal Court shows that approximately 80% of the small claims filed in that Court have been settled before the date of hearing was reached. Of the remaining 20%, more than half were paid after the hearing, either by full payment immediately or by weekly installments ordered. Of the other half, executions were taken out in about 10 cases, so that a percentage tabulation would show. **Settled before trial, 80%; paid at court or partial payment, 10%; unaccounted for 10%.**

The above are the claims actually filed in Court.

I am informed that many merchants have successfully collected claims on threat of resorting to the Small Claims Court. It is, however, impossible to estimate the results accomplished by such threats because there is no means of discovering the number of merchants or number of claims in which this procedure was resorted to. I do know that prior to the Small Claims Court, many creditors crossed off small claims because the expense of collection was so great and in turn, many debtors knowing this, capitalized on the fact. I have talked with several of the larger concerns which have made regular use of the Small Claims Court and they are enthusiastic over the results they have accomplished. The lawyers who do the larger part of the collection business in this City also are keen on the court because the procedure is simple and the costs small.

If I can give you any further information, I shall be glad to do so.

Very truly yours,

(Signed) Jeremy R. Waldron”

Along that same line I quote from a letter from the Judge of the court in Rhode Island:

“Dear Mr. Sleeper:

Your inquiry regarding the small claims court has been handed me for reply. Our court exists in each one of the 12 judicial districts in the state. As I call that calendar in this court, perhaps I can advise you accurately on observations I have made.

Limited strictly to book account actions, I believe that the small claims court is very useful to merchants and individuals and has been an effective means of collecting bills at small cost. Lawyers very often use this side of the court in book accounts of \$50 or under. See General Laws Rhode Island, Ch. 592 (1938) for the Act. Incidentally I believe that this court has been welcomed by the lawyers rather than opposed.”

Members of the House, I wonder if the opponents of this bill are not refusing to look ahead. Would not this bill do much to increase respect for our courts by giving to the average citizen, in the words of our Maine Constitution: “right and justice—freely and without sale, completely and without denial, promptly and without delay”?

The SPEAKER: The question before the House is on the acceptance of the Committee Report “Ought not to pass.”

The Chair recognizes the gentleman from Rockland, Mr. Sleeper.

Mr. SLEEPER: Mr. Speaker, I was so carried away by my own eloquence (laughter) that I forgot to make my motion which is I now move that the bill be substituted for the “Ought not to pass” report of the committee.

The SPEAKER: The question before the House is on the motion of the gentleman from Rockland, Mr. Sleeper that the bill be substituted for the “Ought not to pass” Report of the Committee.

The Chair recognizes the gentleman from Portland, Mr. Haskell.

Mr. HASKELL: Mr. Speaker and Members of the House: In view of the eloquence and subsequent motion of the gentleman from Rockland (Mr. Sleeper) I can well imagine that some of you are wondering how in the world the Committee on Legal Affairs ever brought

in such a report as they did, a unanimous "Ought not to pass" report on this measure.

There are many issues involved on this particular bill. I do not propose to discuss with you and take the time to go over all of them.

I imagine there are other members who will desire to take up other portions that I will not now mention.

I would like to call your attention specifically to Section 5 of this bill. The gentleman from Rockland (Mr. Sleeper) has pointed out that it is his contention that this measure will be a very great benefit to the poor debtor. Now let us see for a moment how much benefit Section 5 of this act would be for the poor debtor. In the first place, the proposed measure says that the defendant automatically waives his right to appeal from any decision to be rendered by the judge of the municipal court unless he comes in ahead of time and goes through a rather complicated procedure.

Now this, ladies and gentleman, is entirely contrary to all the rules of procedure that now exist in the courts of the State of Maine. I for one believe that the right of trial by jury and the right of appeal is a very fundamental issue, something that should not be thrown out or disregarded without due consideration.

Under this proposed measure, if the defendant for any reason wants to have a jury trial or wants to have a right of appeal, even before he goes into court, before he is notified to appear, he has to go down and plead, file specifications, and, above all, must state that such trial is intended in good faith. And then he has to pay a fee to transfer the matter to the Superior Court. After that, the plaintiff can step forward and say "Before you get upstairs into the Superior Court you have got to file a bond."

Now I do not believe that is proper procedure. I do not think it is fair to a defendant; I think it takes an unjust advantage of him. Further, along those lines, as a practical measure, I submit to you members that if you were summoned in as a defendant, that before you waived all of your rights to a trial by jury I think you would give it careful consideration. You might hesitate, you might think twice. In doing so, you would say "I want to reserve my right to ap-

peal." Whereupon you go through this procedure and take your case to the Superior Court. Now as a matter of fact in the State of Maine there are counties where the Superior Court sits only twice a year—and our good friend from Rockland (Mr. Sleeper) suggests to us among other things that this measure provides for a speedy adjudication of claims. Your defendant just wants to protect his rights, and he goes through the procedure. He may wait five months in certain counties before his case is heard upstairs, and all the time he is under bond, because this trial is intended in good faith. I do not believe that is of particular benefit to any debtor.

I would like to take just a moment on Section 6—and I assure you I am not going through this bill section by section, but in Section 6 there is a little phrase in the last part which says: "Demurrers, dilatory pleas, and the answer of general denial are prohibited." It sounds innocent enough on the face of it. As a matter of fact, however, it is one of the most radical changes we could possibly put into our system of jurisprudence. As an example, we know from time immemorial the law has protected the minor, and there is nothing in this that gives him any protection whatsoever. Under our present law a minor may come into court and say "I am an infant"—all he has to do is make a special plea and the Court will consider that. Under this, members, there is no such defense; a minor cannot plead his own infancy. And the same applies to other special things. The defendant might have gone through bankruptcy. Under this procedure we cannot set that fact up. I feel that is dangerous jurisprudence, and I do not believe in it.

Now to digress for a moment, perhaps in a lighter vein, on something which was not read to us but which I think might be of interest to you members: Section 18 relates to disposition of entry fee. As has already been stated, the fee involves \$1.85, "of which the sum of 85 cents shall be for the use of the town, city or county which maintains the court, and the sum of one dollar from the entry fee shall be paid to the town, city or county treasurer, and shall be by him paid out as additional salary to the judge in a

court having no recorder and, in courts having both a judge and a recorder, it shall be divided by him in the same proportion that the present salary of the recorder and, in that proportion, added to and paid out as additional salary to each."

Let us assume for a moment that in your town or community you have both a recorder and a judge, the judge, being the higher official, we will say is receiving a salary of \$2000 and the recorder is receiving a salary of \$1500 a year. Under this small claims act that court hears a total of three hundred and fifty cases in the course of a year, whereon, under the terms of this act, the judge receives additional pay of two hundred dollars and the recorder additional pay of \$150. So far, so good. But now let us look at the practical point. The judge and recorder work under our system of law as an integrated body with the judge sitting the majority of the time and the recorder keeping the records, filling in whenever necessary. Now that means exactly this under the terms of this bill: that any judge, if he saw fit, could say to the recorder: "I will handle the routine business, you handle these small claims." The poor recorder will hear three hundred and fifty cases, and at the end of the year the judge will come around and say, "I want my two hundred dollars, or three hundred, or three hundred and fifty," and he may not have done a single thing. I do not like that position and I do not think you do.

Just one more thing I would like to say and I am glad that the gentleman from Rockland (Mr. Sleeper) brought it up: He has intimated and stated that the majority of those opposed to this particular measure are lawyers. To save you asking me the question, I will state right now that I am a lawyer. I do not hold any brief for lawyers; I think they are capable of defending themselves anytime. But I do want to say this: I sat on that committee; we had a full and fair hearing, an interesting hearing; it was well attended, and I would like to tell you ladies and gentlemen that among the people who appeared there in opposition to this act there were present eleven judges and recorders including the head of the Association of

Municipal Court Judges and Recorders, who were unanimous in their opposition to the passage of this measure.

The gentleman from Rockland (Mr. Sleeper) has quoted to you from at least two letters of judges outside the State. He submitted to the committee any number of letters. But I want you members to know that neither at the hearing personally nor by letter was there a single judge, recorder, former judge or former recorder in the State of Maine who was in favor of the proposal.

In addition, the legislative agent registered here in Augusta of one of our labor unions stated he felt the act would not be of benefit to the workingman and wanted to register his opposition to the same.

The President of the Association of Sheriffs of the State of Maine appeared personally in behalf of his association as opposed to this measure.

Although I do not believe the gentleman who appeared as a County Commissioner professed to act for other County Commissioners, the fact was there was one of our County Commissioners present who was definitely opposed to the measure. I therefore submit to you ladies and gentlemen there are others besides lawyers who are opposed to this proposition.

For these reasons, among many others which I could give to you, I trust that the motion of the gentleman from Rockland (Mr. Sleeper) to substitute the bill for the report of the committee will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Rockland, Mr. Sleeper, that the bill be substituted for the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Biddeford, Mr. Donahue.

Mr. DONAHUE: Mr. Speaker and Members of the 91st Legislature: When I first saw this bill, it was two years ago. This is the same bill—and I am referring to the bill in its original form—that was presented to the Legislature two years ago. The argument of the proponents at that time was that the costs that were incurred in the collecting of a bill were disproportionate to

the amount of the bill. Now this Legislature has control of what the amount of those costs shall be. Those costs are fixed by the Legislature, and if this Legislature believes that they are too high, then it is the duty of this Legislature to change them.

The principal argument they had related to disclosure costs, and they told about the expense of these disclosure hearings. Now by their amendment they still provide for disclosure proceedings after original judgment, and this bill is not going to eliminate any disclosure costs, so we do not have any argument here today on that.

If this bill is a good bill, then why the limitation in Section 17? Section 17 says: "No person shall be permitted to enter in any one court more than 5 small claims in any 1 week nor more than 20 small claims in any 1 month." Now, if this is a good measure, why not let him put all his small claims' business in the small claims court? Why should the small claims court take part of the business and then say: "You can not go any further; you have got to resort to other procedure of law to collect the rest of your claims in excess of five a week or twenty in one month." I say that provision alone showed the committee this was not a good bill.

Now we were told before the committee that it was the duty of the judge to advise the defendant as to what his legal rights were. It was always my conception of the duty of a judge to act as a fair and impartial arbiter of the law and the fact, not to act as advocate for either party, yet the proponents of this bill tell us it is the duty of the judge under this bill to advise the defendant what his rights are.

Under ordinary procedure, a summons is issued to a person to appear in court. He is entitled, under our present law, to at least seven days' notice. Under this bill the judge has a right to issue a two days' notice; and we are told this is a bill for the benefit of the debtor.

After the notice is issued, the debtor is required to write to either the judge or the recorder or to travel from his home to the court, not on the return day but two days before the return day, so they will

know whether he wants to try the case or not; and, if he wants to try his case, he has to come back on the return day and try his case. Where is that any benefit to the debtor?

Now my brother from Portland has referred to a provision whereby they attempt to abolish all pleadings. I believe the State of New York was the first state in the Union to do that, and they inserted in their law a very simple sentence: "There shall be no more pleadings in the State of New York." Lo and behold, the day after the law went into effect there was not a lawyer who knew how to get into court, because the only way he knew how to get into court was by pleadings and there were not any. And so the Legislature was called back into session to take out that provision so the judiciary in the State of New York could function. And that is what they say is to be accomplished by this bill. I say it is not possible, it cannot be done. When you go in and state your claim by letter or state it orally, you are pleading in a court. They say there shall be no general denial. You say to me, "You owe a bill." I say, "I don't owe it." That is all there is to a general denial. But I am forbidden under this bill from coming before the small claims judge and saying I do not owe that bill, because the law says there shall be no general denial, and it means exactly what it says.

Those are only a few of the reasons why I am opposed to this bill. I hope that the motion of the gentleman from Rockland, Mr. Sleeper, will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Rockland, Mr. Sleeper, that the bill be substituted for the "Ought not to pass" report of the Committee.

The Chair recognizes the gentleman from Livermore Falls, Mr. Grua.

Mr. GRUA: Mr. Speaker, I opposed this bill two years ago and I am still opposed to it, much more so since I have had a chance to look over this proposed amendment. If there were any virtue in this bill as it was drawn, it was in the fact that the merchant would be able to get a recalcitrant debtor to pay

something on the bill. Now with the amendment they propose to take that completely out, and if the debtor does not appear voluntarily and agree to pay the bill, all that happens is that the creditor gets judgment.

I wanted to call that to your attention because it seems to me that this is an attempt on the part of the proponents to get some skeleton of a small claims court on our statute books so that by another term of the Legislature they may come in and fill in the necessary machinery. In other words, it is an effort on their part to hoodwink the members of this Legislature. I do not like that. I think they should come in and ask for what they want and let the bill stand on its own two feet.

Now we have here a suggestion that they have cut out the right of a judge to commit for contempt. We have quite a number of lawyers in this House, and I would suggest to you that no lawyer will tell you that if a court has a right to order a man to pay by installments, and the man does not obey its order, no lawyer will tell you that the court has not the inherent right to punish by contempt proceedings or any other proceedings necessary to compel obedience to its orders. The power to compel obedience to its orders is necessary to the very existence of the court, so when they tell you that by taking out this contempt provision they have taken out the right of the judge to commit for contempt, I say to you they have not done so. It is still there by the very nature of the court itself.

I want to call your attention to this: If you have any idea of the time it would take for the judge and the recorder to go through this process, and then figure their split and divide the fee between them, you would find they were probably getting less than ten cents an hour for their time.

I have talked to a great many different judges on this very bill, and they assure me they think it will take between twenty-five and thirty-three per cent more of their time to handle this sort of thing if it were put through. Now, members, that means either that the judges will refuse to act as municipal court judges or they will come back to us and ask for an in-

crease in pay. I do not believe it is fair for us to saddle this additional burden upon these judges of our court without also in the same bill providing a means whereby they may be paid. It does not look to me like a good, fair plan.

Now I fear this bill for another reason. As the matter stands today, when a merchant wants to sell a man a bill of consumer's goods on credit he is very apt to call up some attorney or some prominent man in that section and ask him if he can be trusted or not, whether he pays his bills or not, or if he has got property. I submit that if all they have to do under this bill is to turn it over to the judge to collect it for nothing, there will be a tremendous increase in installment business and merchants will be willing to sell on installments to anybody who will buy, and most of us will agree, I think, that the installment business is a pretty bad business anyhow.

It has been said here it is only the hungry, small lawyer who is opposed to this. I have yet to find a single lawyer, hungry or otherwise, in the State of Maine who is in favor of this. They say there were some before our committee last year, but, as far as I know, they changed their minds afterwards.

What happens in the ordinary court on collections? In ninety-nine per cent of the cases the bill is presented to the attorney and he sends a notice to the debtor. Seventy-five per cent, I venture to say, of all the claims are settled on that first notice. What happens to the other 25 per cent? The attorney, without any trouble on the part of the court, issues a writ summoning the debtor into court. I will say on the average—and I think attorneys will back me up—that 75 per cent of the fellows that have a writ served on them come to the attorney and make arrangements to pay on installments, and as long as they pay nobody is troubled and the court's time is not called upon. The other small percentage that go into court do cause us trouble and sometimes the costs of court are somewhat heavy if they cause a great deal of trouble.

Now let us look at it from the expense of the creditor. They have told you this was going to be a great deal cheaper for the creditor. Is it? What does it cost the creditor in actual dollars and cents to get judgment

today in municipal court? They haven't told you, have they? Ordinarily \$1.95 money paid out. That is the sheriff's fee, the entry fee, the taxation of costs and the execution. That is all, but they tell you otherwise.

The attorney takes most of these things on a commission basis; if he collects he gets something and if he does not collect he does not get anything. What does he pay under this bill? \$1.85—ten cents difference.

I want to call your attention to another thing: This bill would give the creditor the right to summons the debtor from any place in the State of Maine to any court, to be acted upon there. I have searched the bill through, and I can find no limitation as to where the debtor has to reside. It is a very dangerous bill. Why should a man in Livermore Falls have to go to Lisbon Falls to answer to a creditor who happens to live down there? Would you like it? I wouldn't. Who is going to benefit?

The gentleman from Biddeford, Mr. Donahue, spoke in regard to this limitation on the number of claims which may be entered in a certain period. Do you know why that limitation is in there? I think I do. They know that the collection agencies instead of chasing around trying to collect bills they are hired to collect will simply pass them over to the court, and they will charge their clients the same amount but let the judges do the collection. For fear of that, they have limited it to five in a week or twenty in a month. It is the collection agencies that are going to benefit by this, not so much your storekeepers as the collection agencies to whom they turn these bills over to collect.

I believe this is a bad bill. I won't take up any more time. I believe it will increase the work of our courts twenty-five per cent and that they will ask us for more pay. I think it is for the benefit of the collection agencies mainly. I believe it will increase the bad system of installment buying to the detriment of debtors.

I know in our state our municipal courts are not so crowded but what they are perfectly able to handle all these collection accounts now. As far as the lawyers are concerned, most of us had rather not bother with these little things, but we are interested to see that the courts function in a proper and intelligent manner.

Then I believe there is this danger to the debtor: I believe under the bill as amended they can be sent to jail, and I do not believe that is fair to them.

In addition to these other things I have pointed out, I believe the bill is very detrimental to the poor debtor. But, if we are to pass the bill at all, by all means pass the bill as originally drawn and do not pass it with these amendments that are going to take the whole virtue of the bill right out of it, because you have nothing left.

The SPEAKER: The question before the House is on the motion of the gentleman from Rockland, Mr. Sleeper, that the bill be substituted for the "Ought not to pass" Report.

The Chair recognizes the gentleman from Auburn, Mr. Jacobs.

Mr. JACOBS: Mr. Speaker and Members of the House: I feel that this small claims court bill is just, notwithstanding the barrage of argument against it from the legal fraternity. I believe that if it operates successfully in other states along these same lines, that it would operate in Maine. I know that I have several small claims bills against debtors, against people who have come to my store and asked for credit. I have sincerely believed them when they have told me they would pay the bill. They have not done so. No matter where they may be, I believe that these people who have come to my store and to your place of business, wherever you may be, when you conscientiously sell them the merchandise, I believe that these men,—or women, if they are women—should pay these just bills. I realize, too, as you all do, that the members of the legal fraternity stand together. This was proposed before the Legal Affairs Committee, composed all of lawyers. I respect the office of lawyer as a profession, but I believe that we common people have some rights, and I believe that we should exert these rights. If this bill as drawn is not proper, why do other states operate under the same system? I believe that we should have a chance to go to the court on these small claims at a small fee and get our money that rightfully belongs to us.

These debtors came to us and promised us that they would pay the bill in due time, and they have not done so. I believe we have rights

here in this business of collecting bills on a small scale. I believe I have at least three thousand dollars of small bills.

The men in our legal fraternity in the City of Auburn do not want to be bothered with it. If it is a large bill, they will take it, but ordinarily they take half or two-thirds of the claim. They are in the business to live. I want to live and let live. I do not want an attorney to take practically all of my claim and let the debtor suffer in consequence. I had rather give it to him in the first place.

I say that if this has successfully operated in other states, why not give it a chance in the State of Maine?

Right here in Section 13, it says: "If the court finds that the debtor is unable to pay his judgment in full, or by installments, it shall enter the finding in the record, and dismiss the proceedings." I think the judges of our municipal courts are fair men, wherever they may be in the State of Maine. And if they find that the debtor cannot pay the bill, they can dismiss it.

I believe that this bill has merit, and I hope that the motion of the gentleman from Rockland (Mr. Sleeper) will prevail.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Rockland, Mr. Sleeper, that the bill be substituted for the "Ought not to Pass" report of the Committee.

The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. **MURCHIE**: Mr. Speaker and Members of the Legislature: I am confessing to you I know comparatively little about the issue, but I feel we would like to go along with the suggestion of the gentleman from Rockland (Mr. Sleeper), because not only is it his suggestion but we have been urged in letters from hundreds of small merchants over the State of Maine. We are at a disadvantage because of a small minority group who are opposed to the bill. They have much more in the way of ability to present their case than we. The point I am making, and why I feel I would like to go along with the gentleman from Rockland, is that if this thing were left to a referendum, out of 850,000 people in the State of Maine I be-

lieve 800,000 would vote for this bill.

The **SPEAKER**: The question before the House is on the motion of the gentleman from Rockland, Mr. Sleeper, that the bill be substituted for the "Ought not to pass" report of the committee.

The Chair recognizes the gentleman from Portland, Mr. Bartlett.

Mr. **BARTLETT**: Mr. Speaker and Members of the House: When the roll is called up yonder I imagine all the lawyers will be standing on their feet against this bill. I want to add just a few words. You know I am a lawyer, and as a lawyer I am against this bill.

The gentleman from Auburn, Mr. Jacobs, just quoted to you from Section 13. I want to quote to you from Filing No. 133. It says: "Further amend said bill by striking out all of Section 13." There are a lot of other things in this amendment that ought to be brought to the attention of the House.

The gentleman from Rockland, Mr. Sleeper, indicated in a mild fashion that in his amendment he was doing away with the right to lock a man up fourteen days on a five dollar bill. But look at the amendment. What does it do? Is that what it does? It starts out and says: "Amend said bill by striking out the words 'that failure to comply with such order may be treated as a contempt***', and then it says, "Further amend said bill by striking out all of section 5 of said bill and inserting in place thereof a new section to read as follows:" In the next paragraph it says, "Further amend said bill by inserting after the word 'notice'****" and then the next paragraph says, "Further amend said Bill by striking out the figures '\$20' *****", and the next paragraph says, "Further amend said bill by striking out all of section 12 *****" and the next paragraph says, "Further amend said bill by striking out all of sections 13, 14 and 15*****" and then the next paragraph says, "Further amend said bill by adding thereto a new section***."

Now gentlemen and ladies of this House, this bill is a very technical bill. It may be true that under the circumstances the only ones who can properly argue against this bill are those who appreciate the

technicalities involved, those of us who have made a study of them.

I want to assure you that this bill is just as vital to the courts of our State as a bill, for example, to make it unlawful for doctors to use ether as an anaesthetic would be to the medical profession, and if such a bill were before this House I couldn't stand before you and tell you that bill should not be passed, but I would say that certainly a proper hearing should be given to any such bill before some committee and the medical profession should be allowed to come in and tell their views.

Now the gentleman from Rockland, for whom I have the utmost regard and respect, tried to laugh us out of court before he started, and perhaps he could with his personality and eloquence. Perhaps he could laugh through this House a bill that would prohibit dentists from using novocain in the extraction of teeth, and in that case he could call all of them a bunch of quacks, and say that none of them knew what they were doing, anyway, and in that way oppose it, and in that way try to take some of the wind from our sails before we stood up.

You say: "We lawyers will stick together." Have we stuck together in this House? You have seen the divided reports that have come out of the Judiciary Committee. I ask you in all fairness: Have we stuck together on any issue just because we were attorneys? You know that is not so. But on something that strikes at the very vital elements of our profession it so happens we do all stick together.

I will corroborate the remarks of the gentleman from Livermore Falls (Mr. Grua). I know of no attorney in this hall or in the city of my residence, or any judge or any recorder with whom I have come in contact since the beginning of this Legislature—I know of none who favor this bill.

I know of two attorneys who appeared before our Legal Affairs Committee and expounded the so-called merits of the bill, I also know that those two attorneys know that this bill is not right, but as attorneys, working on the theory we do, that even a known murderer is entitled to a fair trial, is entitled to his day in court—those two attorneys, in the course of their profes-

sion, appeared before our committee and pointed out the highlights of the bill, but they did not fool us, ladies and gentlemen. We knew that when they stood up there and talked, they did not mean what they were saying, just as surely as you do know that I mean what I am saying,—and not because I am an attorney. I am not opposing this thing purely because I am an attorney. My opposition goes much deeper than that.

I do object to the manner that is being resorted to to get this bill before this House. The effect of this amendment is practically to offer at this time a new bill. All that they have got left is the title,—and they are trying to offer a new bill without a hearing. Why? Because they saw the opposition which showed up at the hearing. Sincere men traveled long distances, from the courts of Presque Isle, from Van Buren, and from the other portion of our State—the southern part of our State,—men who had no personal reasons, judges who presumably would receive additional pay if this bill went through. They would get whatever amount was coming to them. Their pay might even be increased; but they got on the train, and they came up here and appeared before our committee to register their objection to what they knew was fundamentally unsound. The proponents of the bill knew what was the matter with the bill when they brought it in to us early in the Legislature. It was one of our early hearings. The gentleman from Rockland, in his opening remarks before our committee, jocularly remarked: "Of course all you fellows are attorneys and I know what your answer is going to be to this." Yes, he knew what was wrong. He could guess what our answer was going to be to this. He knew what it was going to be. And then he put our unanimous report on the table and there it lay, week after week, after week. Now, in the closing days, perhaps, of the Legislature, he is trying to substitute a new bill, a very technical bill, and by a lot of jocular remarks he is trying to crowd it through.

Now, I have taken a lot of good-natured kidding around here because I am an attorney. I have taken it good-naturedly, because it was offered good-naturedly, but I say to you this—if we attorneys are what we have been held up to be, why abolish our fees? Why not come

out and abolish the attorneys? Why should you not just be able to go into court and serve as your own attorney, if you have got a \$35.00 bill to collect? Why do you not go in and get yourself a divorce, if you think you are entitled to one? Why don't you appear in any matter? Why limit it to the collection of bills to the amount of \$35.00? Why not go in and collect a bill for one thousand dollars, if that is due you? There is a good reason why. There is an old adage: "He who acts as his own attorney has a fool for a client." The gentleman from Rockland is not as big a fool as he is trying to make out to us. He is trying to put something over in this amendment.

Now, attorneys get in trouble once in a while. Did it ever occur to you that when we do that we always have another attorney to defend us? Why is that? What about the famous surgeon whose wife is stricken with appendicitis? Will he operate on her? No. Why? Because he is too close to his own problem; he cannot see it. He knows he cannot do his best work.

Now, this bill invites small businessmen ostensibly to go into these courts and act as their own attorneys. Do you think that is a good bill? If you do, why not encourage them to act as their own doctors?

Now, it has been mentioned that it would be the collection agencies that would use the small claims courts to a great extent.

I want to read to you a letter that came into my possession, to give you an idea of what some of these collectors or agencies are doing,—the activities which sometimes reflect upon our attorneys—and usually we sit by and we do not do anything about it. We laugh and pass it off, but here is a letter. It starts out with the name of a large mail order house in Chicago. It says up in the corner "Field Legal Department."

"Portland, Maine, August 19, 1942.

"As a member of the Field Legal Department of (Blank) I have just arrived in Maine to liquidate our delinquent accounts here."

Well, the Field Legal Department—there are no lawyers there. I know the set-up. The man who writes that letter is not a lawyer. There are no lawyers in this so-called Legal Department. "All of the original records and contracts

concerning your account have been transferred from Chicago to Portland with explicit instructions for me to close them out within a specified time, regardless of the methods I choose to use in liquidating them.

"In the past the Company employed local collectors in each county, to try to collect these accounts, thinking that you would cooperate, by being allowed the privilege of making small weekly payments without hardship or expense. The fact that the accounts are still unpaid, proves that this method is ineffective. Under present conditions, this is impossible.

* * * * *

"We are working in cooperation with the government of the United States in an effort to encourage our debtors to pay their delinquent accounts. If we cannot get your cooperation, we will use other means of doing this. There are two ways to settle your account. One, the costly way, involving court costs, attorney's fees, mileage for the sheriff to serve the papers, loss of personal property or judgment and disclosure proceedings, in contempt of which, possible imprisonment. The other and by far the easier and cheaper way is to cooperate with me in the following manner.

"On October 13, 1941, you sent your last order by mail to (Blank). You have not made a payment since. There is a balance of"—this will make you laugh—"\$.790 owing. To this amount (Blank) could, according to the terms of your contract, add collection charges and interest at the rate of 6% per year, and from the date of your last order, and we will do so if you do not follow the instructions below.

"I am enclosing an envelope for you to use in sending me your payment. I must receive a money order for \$.790 made payable to (Blank) in this envelope, to reach me on or before Wednesday, August 26, 1942. It is important that you use this particular envelope, because as I stated before, I have all of the records from Chicago right here in Portland."

The inside dope on that was that if they didn't use that particular envelope the man that wrote this letter would not get any commission, it would go straight to the main office.

"Should you decide that this is just another letter to add to the collection you have received in the past, ignore it, and you will soon realize your mistake. This is FINAL. Unless I receive your payment as specified above, I shall immediately start legal action through our local attorney to trustee your wages, and attach your personal property. On every account I will obtain judgment if necessary and then have a disclosure proceeding in which case you will not have the privilege of owning anything unless you pay. (Blank) means business this time, regardless of how lenient they may have been in the past."

Well, (Blank) tried to get me to collect their bills for them, but they didn't like the kind of letters I wrote.

My letter said: "Dear Mr. So and So: Your account with (Blank) has been placed in my hands for collection. If you would avoid the expense and inconvenience of legal action in this matter, I would suggest that you get in touch with me at your early convenience."

They did not like the language of that letter; it did not appeal to them. They wanted to have a letter such as this. And that is the man who is asking you gentlemen for permission to go in and follow up. He is posing as a lawyer right now, and if you choose to pass this small claims court bill he can go in there and collect that \$7.90, but I do not think you are going to let him.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Harvey.

Mr. HARVEY: I move the previous question.

The SPEAKER: The gentleman from Sangerville, Mr. Harvey, moves the previous question. In order for the Chair to entertain the motion for the previous question it requires the consent of one-third of the members present. All those in favor of the Chair entertaining the motion for the previous question will rise and stand in their places until counted and the monitors have made and returned the count.

Obviously more than one-third of the members present having arisen, the motion for the previous question is 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 question before the House is on the motion of the gentleman from Rockland, Mr. Sleeper, that the bill be substituted for the "Ought not to pass" report of the committee. All those in favor will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Sixty-one having voted in the affirmative and 45 in the negative, the motion prevailed, and the bill was substituted for the "Ought not to pass" report of the committee.

Thereupon, under suspension of rules, the bill was given its two several readings.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Sleeper.

Mr. SLEEPER: Mr. Speaker, several opponents of this measure have said that the bill is not as good with the amendment. Now, I would like to call their bluff. If they really mean that, I will not offer the amendment. (Laughter)

Thereupon the Bill was assigned for third reading the next legislative day.

The SPEAKER: The Chair now lays before the House the third matter of unfinished business Majority Report "Ought to pass" and Minority Report "Ought not to pass" of the Committee on Judiciary on "Resolve Proposing an Amendment to the Constitution Clarifying the Apportionment of Representatives to the Legislature," (H. P. 186) (L. D. 136) tabled by the gentleman from Gray, Mr. Doughty, on March 24, pending the motion of Mr. Williams of Auburn to accept the Majority Report.

The Chair recognizes the gentleman from Gray, Mr. Doughty.

Mr. DOUGHTY: Mr. Speaker, owing to the lateness of the hour, I think we had better adjourn. I move the House do now adjourn.

The SPEAKER: The gentleman from Gray, Mr. Doughty, moves that the House do now adjourn. All those in favor will say aye; those opposed no.

A viva voce vote being taken the motion prevailed, and the House adjourned until Monday, March 29th, at 11.30 o'clock in the forenoon.