

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Seventh Legislature

OF THE

STATE OF MAINE

1915

SENATE.

Friday, March 12, 1915.

Senate called to order by the President.

Prayer by Rev. J. Langdon Quimby of Gardiner.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Joint order requiring the commissioner of inland fisheries and game to have compiled twenty thousand copies of the Inland Fish and Game Laws.

In the House this order was given a passage.

Mr. BOYNTON of Lincoln: Mr. President, just what on earth the State of Maine wants twenty thousand copies of the Law of the Inland Fish and Game Department, I do not know. In order that I may have an opportunity to find out I move that the order lie on the table.

Mr. ALLEN of Kennebec: Mr. President, I would like to ask the Senator from Lincoln to set a time when he will take this order from the table. I do not think it would take long for anyone to explain the necessity for that number of copies.

Mr. BOYNTON: Mr. President, if the Senator from Kennebec, Senator Allen, can give the Senate any explanation at this time I should be glad to hear it.

Mr. ALLEN: Mr. President, I am not really prepared to make an explanation because I was not aware that this order was coming in.

I can say from my own experience that it is only a few years ago I called for some copies of the Fish and Game Laws and was informed by the department that they could not furnish me any until they had more printed, as the first allotment had been used up.

When the Senator from Lincoln considers that practically every fisherman that comes in here from out of the State calls for one of these copies, and every hunter that comes in from out of the state calls for one of these copies, and in fact with the multitude of general and special laws we have

been obliged to pass, it is necessary for every inhabitant of our State to have one in his pocket, I do not know why it would be amiss to print 20,000 copies, and I think they would be exhausted and more asked for.

On motion by Mr. Weld of Penobscot the order was given a passage in concurrence with the House.

From the House: Resolve in favor of Gorham P. Grant for refund of money in lieu of military service in the late War of the Rebellion.

In the Senate this resolve was passed to be engrossed. In the House it was indefinitely postponed in nonconcurrence.

On motion by Mr. Murphy of Cumberland the Senate insisted upon its former action and asked for a committee of conference. The President appointed as such committee on the part of the Senate, Messrs. Conant, Murphy and Bartlett.

From the House: An Act to equalize the salaries of county treasurers.

In the Senate on its passage to be engrossed the bill was amended by the adoption of Senate Amendment A.

The House nonconcurred in the adoption of Senate Amendment A and passed the bill to be engrossed.

On motion by Mr. Murphy of Cumberland the vote was reconsidered whereby this bill was passed to be engrossed, and on further motion by the same Senator the vote was reconsidered whereby Senate Amendment A was adopted.

The bill was then passed to be engrossed in concurrence.

House Bills in First Reading.

House 553. An Act to prevent milk-borne outbreaks of infectious diseases. (Tabled on motion by Mr. Murphy of Cumberland and assigned for next Thursday.)

House 407. An Act to amend Section 10 of Chapter 12 of the Revised Statutes, for the benefit of County Libraries.

House 410. An Act to amend Section 5 of Chapter 12 of the Revised Statutes, relating to the office of county treasurer.

House 405. An Act to amend Section 69 of Chapter 29 of the Revised

Statutes, relating to the remuneration of deputy sheriffs.

House 371. An Act to fix the salary of the Governor.

House 548. An Act to amend Section 69 of Chapter 83 of the Revised Statutes relating to the Duration of Attachments.

House 550. An Act to amend Section 33 of Chapter 84 of the Revised Statutes relating to proceedings on demurrers.

House 551. An Act to amend Section 23 of Chapter 18 of the Revised Statutes as amended by Chapter 26 of the Public Laws of 1907 and Chapter 40 of the Public Laws of 1913, relating to the State Laboratory of Hygiene.

House 552. An Act to amend Section 7 of Chapter 211 of the Public Laws of 1913, regulating the sale of morphine and other hypnotic or narcotic drugs.

House 554. An Act to authorize the removal of bodies of deceased persons from the Guilford cemetery on the highway leading from Guilford village to Foxcroft, in the town of Guilford.

House 555. Resolve providing for an epidemic or emergency fund.

House 556. An Act to extend the charter of the Brewer Water Company, as amended by Chapter 170 of the Public Laws of 1913.

House 557. An Act to extend the charter of the Corinna Water Company.

House 559. An Act to extend the charter of the Bluehill Water Company.

House 560. An Act to amend the charter of the Peoples' Ferry Company.

House 561. An Act to amend Section two of Chapter twenty of the Private and Special Laws of nineteen hundred and thirteen, entitled "An Act Authorizing the town of Caribou to accept a certain Legacy."

House 562. An Act to authorize the town of Millinocket to own and maintain an Electric Lighting and Power Plant.

House 563. An Act additional to Chapter thirty-two of the Revised Statutes, as amended by Chapter two hundred and six of the Public Laws of nineteen hundred and thirteen, relating to fishing in Bent's pond, so called, in the town of New Sharon, in Franklin County, and in the town of Vienna, in Kennebec County.

House 564. An Act additional to Chapter thirty-two of the Revised Statutes, as amended by Chapter two hundred and six of the Public Laws of nineteen hundred and thirteen, relating to the use of firearms upon Megunticook Lake and adjacent waters and tributaries thereof, in Knox and Waldo Counties, and upon the shores thereof.

House 565. Resolve authorizing the State Treasurer to procure a Temporary Loan for the year nineteen hundred and fifteen.

House 566. Resolve authorizing the State Treasurer to procure a Temporary Loan for the year nineteen hundred and sixteen.

House 567. An Act to amend Chapter 32 of the Revised Statutes, as amended by Chapter 26 of the Public Laws of 1913, relating to fishing in the Davis ponds, in Guilford and Willimantic, in the county of Piscataquis.

House 568. Resolve in favor of the Maine School for the Deaf.

House 569. An Act additional to Chapter thirty-two of the Revised Statutes, as amended by Chapter two hundred and six of the Public Laws of nineteen hundred and thirteen, relating to fishing in certain waters in Oxford County.

House 570. Resolve in favor of the Bath Military and Naval Orphan Asylum of Bath, Maine.

House 571. An Act relating to the Payment of Legacies.

House 572. An Act to punish criminals escaping from jail.

House 573. An Act to amend Section fourteen of Chapter eighty-nine of the Revised Statutes as amended by Section one of Chapter one hundred and eighty-six of the Public Laws of nineteen hundred and seven and by Chapter twenty-two of the Public Laws of nineteen hundred and thirteen, relating to the Presentation of Claims Against Estates.

House 574. An Act making it unlawful for persons to falsely represent themselves as deaf, dumb, blind, crippled or otherwise defective.

House 576. An Act to amend Section 10 of Chapter 116 of the Revised Statutes relating to Compensations of Fish Wardens.

House 577. An Act to amend Section 1 of Chapter 380 of the Private and Spec-

ial Laws of 1909, relating to the taking of lobsters and setting lobster traps in the waters of Gouldsboro and other towns.

House 578: An Act establishing a close time on Lobsters in certain Waters of Hancock County.

House 579: An Act to repeal Special Law 1895, Chapter 283, entitled "An Act relating to the use of Purse and Drag Seines in the Georges River.

House 580: An Act to amend Section twenty-five of Chapter forty-seven of the Revised Statutes relating to returns of lists of stockholders in banks to the Secretary of State.

House 581: An Act to repeal Chapter sixty-three of the Public Laws of nine-hundred and seven, providing for filing lists of heirs in the registry of deeds.

House 582: An Act relating to crossings of right of way of railroads organized under Chapter fifty-three of the Revised Statutes.

House 584: An Act to amend Section one of Chapter nineteen of the Public Laws of nineteen hundred and thirteen relating to obstruction of the drainage of public ways.

From the House: Report of the committee on railroads and expresses, "ought not to pass", on An Act to provide for the convenience of travellers upon electric roads.

In the House the bill was substituted for the report and passed to be engrossed as amended by House Amendment A.

Mr. SWIFT of Kennebec: Mr. President, I move that we nonconcur with the House and that the bill be indefinitely postponed.

Mr. WELD of Penobscot: I ask that a day be assigned for a hearing upon this bill.

Mr. FLAHERTY of Cumberland: Mr. President, This is the first time we have been called upon to substitute a bill for the unanimous report of a committee, which has given it all the consideration that is necessary. I understand that this is nothing more than a "joke bill", coming from the House up here, and I really believe the Senate is ready to vote on the matter now. I second the motion of the Senator from Kennebec, Senator Swift.

The question being on the motion of

Senator from Kennebec, that the substituting the bill for the report, the motion was adopted.

The question being on the adoption of the motion of the Senator from Kennebec that the bill be indefinitely postponed.

Mr. WELD: Mr. President, is the bill now open for debate?

The PRESIDENT: It is. This bill is House Bill 477. Does the Senator from Penobscot wish to discuss the bill?

Mr. WELD: I wish to make a few remarks. I will read the bill:

"Section 1. Every street car company or corporation operating any line of street cars in this State shall provide a toilet on every car that runs for the carrying of passengers wherever passages are carried 10 miles or more to their destination.

Sec. 2. Any street car company or corporation failing to comply with the above section shall be fined \$500 for each day it neglects or refuses to provide said toilet for each car after this act is in force, which penalty shall be enforced by indictment.

Sec. 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Sec. 4. This act shall take effect Sept. 1, 1915.

AMENDMENT A.

"House Amendment A to Bill No. 311 amending Section 1 by adding after the word 'destination' in the last line of Section 1, the following: 'providing that this section shall not apply to open cars and also providing that the toilet shall be kept locked while going through cities and villages,' so that it shall read:

'Section 1. Every street car company or corporation operating any line of street cars in this State shall provide a toilet for each sex at waiting rooms and on every car that runs for the carrying of passengers wherever passengers are carried 10 miles or more to their destination, providing that this section shall not apply to open cars and also providing that the toilet shall be kept locked while going through cities and villages.'

Every physician of any experience knows the great physical inconvenience resulting from cystitis, due to retention of the urine, and as a physician in this body I cannot see but what it is a consistent bill. I do not think there is a physician in this body but will agree with me that the electric cars should have some retiring room, especially for the ladies, where they run any distance and there is no chance to stop. I stand upon that one fact and I bring it to the attention of the physicians of this body that no bill should be turned down that provides for the comfort of the traveling public and is not inconsistent with our provisions.

Mr. SWIFT: Mr. President, I think that this bill has been given so much publicity—and it was shown perhaps in discussion that it was unnecessary—but as a member of the committee I wish to say that this was one of the first bills that was reported by the committee, and has been upon the calendar of the House ever since it was reported.

In the House it has been considered more or less of a joke, but now it comes down with this amendment, and in glancing over the amendment I can see no logical argument or reason why it is necessary to provide toilets in closed cars that would not be necessary to provide in open cars.

Your committee gave this bill a very careful hearing, and there was but one man appeared in its favor. He presented his case very nicely and made every point in its favor possible, which your committee considered very carefully. But upon investigating the situation we found so many things against it we deemed it unwise to recommend the passage of the bill.

Your committee learned that on the road from Bath to Brunswick toilets were installed. The road runs over a private way and after the toilets had been used a little it became necessary from the sanitary point of view to remove them.

This amendment provides that toilets shall be locked while cars are within the limits of the cities, and that will remove some of the objections, but it was found by your com-

mittee that nearly all the trolley lines run parallel to the highways, and if no one else objected there would be an objection from the stand point of the public health.

If there are any reasons for legislation along this line it can be properly taken care of by the public utility commission, whom if I understand correctly, are obliged to grant a hearing upon the petition of ten responsible persons.

I sincerely hope that the motion to indefinitely postpone will prevail.

Mr. GARCELON of Androscoggin: Mr. President, I have been waiting and hoping I might hear some argument in favor of the report of the committee.

I had the privilege some years back when the matter of vestibules on the street cars of this state was reported adversely by a committee of the legislature—and it is not a very difficult thing to get such a report, especially in connection with a corporation which is well protected by attorneys and lobbyists—but who do you think in the State of Maine will come forward and advocate this bill? It is our duty to give this bill a candid and fair consideration.

These electric car lines now stretch clear across our state and I maintain that it is not a hardship to put in toilets any more than it was a hardship to inclose the vestibules for the motor-men, and yet the report of the committee was against that proposition and now it is against this most sensible proposition.

It is not a great hardship, but it might deprive the corporation of seats for two people. It is not asked of the electric roads any more than it is of the steam roads to grant this to the people of this State.

I hope that we shall concur with the action of the House. They made this a joke in the House but the vote was overwhelming despite the report of the committee.

Mr. FULTON of Aroostook: Mr. President, I wish to state my position of this bill being a member of the committee that reported it. I dislike to disagree with my brothers in the medical profession, but after looking the

bill over carefully we could not see that it had sufficient merit to make a favorable report upon it.

I have the misfortune to live in a country district, and I am well convinced that if any such provision as is named in that bill was carried out on the electric cars passing through even small towns we would soon have complaints from the boards of health in those towns to prevent such a nuisance.

While there are many things, perhaps, that are favorable about, or arguments that might be produced yet we on the committee, and I think another physician on the committee, we could not see our way clear to do anything but make the report we did. I simply wish to state my position on the bill as a member of that committee.

The question being the indefinite postponement of the bill, a rising vote was taken, and 20 voting in favor of postponement and 5 opposed, the bill was indefinitely postponed.

The following bills, petitions, etc., were presented, and on recommendation of the committee on reference of bills, were referred to the following committees:

Agriculture.

By Mr. Allen of Kennebec: An Act additional to Chapter 156 of the Public Laws of 1913, relating to the packing, shipping and sale of apples.

Bills in First Reading.

Senate 304: An Act to amend Section 89 of Chapter 48 of the Revised Statutes of 1903, relating to foreign investment corporations.

Senate 305: An Act to amend Chapter 48 of the Revised Statutes, relating to savings banks.

Senate 306: Resolve, providing for the screening of Parker pond in Kennebec and Franklin counties.

Senate 307: An Act to amend Chapter 32 of the Revised Statutes as amended by Chapter 206 of the Public Laws of 1913, relating to the jurisdiction of the commissioner of sea and shore fisheries.

Senate 308: An Act additional to Chapter 32 of the Revised Statutes, as

amended by Chapter 206 of the Public Laws of 1913, relating to fishing in Horse Shoe pond, in West Bowdoin College Township, so-called, in the county of Piscataquis.

Senate 309: An Act to amend Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to fishing in portions of Rangeley stream, Kennebec stream and Little Kennebec stream in the county of Franklin, and in the county of Oxford.

Senate 310: An Act relating to the Clark Power Company.

Senate 311: An Act to extend the powers of the Limerick Water & Electric Company.

Senate 312: An Act to amend the charter and extend the powers of the Hiram Water, Light & Power Company.

Senate 313: An Act to incorporate the Maine Real Estate Company.

Senate 314: An Act relating to the amortization of bonds of life insurance companies.

Reports of Committees.

Mr. Conant from the committee on agriculture on bill, An Act to promote the industry of horse breeding in Maine and provide for the registration of stallions (Senate No. 239) reported same ought to pass.

Mr. Butler from the committee on public buildings and grounds, on Resolve in favor of the purchase of the portrait of the late Joseph Chamberlain, reported the same in a new draft under the same title and that it ought to pass.

Mr. Walker from the committee on education on Resolve in favor of Maine Central Institute at Pittsfield submitting the same in new draft under the same title, and that it ought to pass.

The same senator from the same committee on Resolve in favor of the Nason Institute for maintenance and extension of its work, submitted the same in a new draft under the same title, and that it ought to pass. (On motion by Mr. Emery of York tabled pending acceptance of the report.)

The same Senator from the same

Committee on, Resolve in Favor of Anson Academy reported the same in a new draft under the same title, and that it ought to pass.

The same Senator from the same Committee on, Resolve in favor of the Trustees of Freedom Academy reported the same in a new draft under the same title, and that it ought to pass.

The same Senator from the same Committee on, Resolve in favor of St. Joseph's Academy, Portland, to assist in the payment of the debt and for permanent improvements and equipment submitted the same in a new draft under the same title, and that it ought to pass.

The same Senator from the same Committee on bill, An Act to amend Section One of Chapter One Hundred Ninety-eight of the Public Laws of Nineteen Hundred Nine, as amended by Chapter One Hundred Ninety-two of the Public Laws of Nineteen Hundred Eleven, and as further amended by Chapter One Hundred Eighty-two of the amount of the School Equalization Fund (Senate No. 70) reported same ought to pass.

Mr. FULTON from the Committee on Insane Hospitals on, Resolve in favor of the Augusta State Hospital for maintenance and support for the years Nineteen Hundred and Fifteen and Nineteen Hundred and Sixteen reported same ought to pass.

The same Senator from the same committee on, Resolve in favor of the Augusta State Hospital to complete furnishings for third female wing, reported the same ought to pass.

The same Senator from the same Committee on, Resolve in favor of the Augusta State Hospital for renovating second and third male wings of stone building, submitted the same in a new draft under title of "Resolve in favor of the Augusta State Hospital for renovating the second male wing of stone building, and that it ought to pass.

Mr. DURGIN from the Committee on Judiciary on bill, An Act to amend Chapter Two Hundred Eleven of the Private and Special Laws of Nineteen Hundred Eleven, relating to the Congregational conference and Mis-

sionary Society of Maine (Senate No. 50) reported same ought to pass.

Mr. BURLEIGH from the Committee on Public buildings and grounds, on bill, An Act to regulate and define rights and privileges of newspaper correspondents, reported same ought to pass.

Mr. CONANT from the Committee on Salaries and Fees on bill, An Act relating to salaries of subordinate officers of the Senate, reported same in a new draft under same title, and that it ought to pass.

Mr. THURSTON from the Committee on school for Feeble Minded on, Resolve authorizing the Hospital trustees to dispose of the 'Chase Merrill Place' so called, owned by the State in connection with the Maine School for Feeble Minded, (Senate No. 77) reported same in a new draft under same title, and that it ought to pass.

The same Senator from the same Committee on bill, An Act to amend Section Five of Chapter One Hundred Forty-four of the Revised Statutes, as amended by Section One of Chapter One Hundred of the Public Laws of Nineteen Hundred Seven, relating to the transfer of patients from one Insane Hospital to the other, and to provide for the transfer of patients from the Insane Hospital to the Maine School for Feeble Minded, and for the transfer of inmates from said school to either of said hospitals. (Senate No. 139) reported the same ought to pass.

Mr. JILLSON from the same Committee, on Resolve for the Construction of one brick building for a Central Kitchen and congregate dining rooms at the Maine School for Feeble Minded reported the same in a new draft under title of Resolve for the construction, equipment, service connections and furnishings of one brick building for a central kitchen and bakery of one brick building for a central kitchen and bakery at the Maine School for Feeble Minded, and that it ought to pass.

Mr. COLBY from the Committee on State Lands and Forest Preservation,

on bill. An Act requiring the disposition of inflammable material along the railroads and highways of the State, (Senate No. 53) reported same in a new draft under same title, and that it ought to pass.

Mr. COLBY from the same committee on Resolve that the Agent be Authorized to Sell and Convey a Certain Ledge Known as Indian Ledge in Matinicus Harbor in Knox County submitting the same in a new draft under title of Resolve Authorizing the Land Agent to Lease Indian Ledge in Matinicus Harbor in Knox County, and that it ought to pass.

The reports were accepted and the several bills and resolves tabled for printing under the joint rules.

Majority Report of the Committee on Insane Hospitals on Resolve in Favor of the Augusta State Hospital for Nurses' Home that the same ought to pass.

Signed,

FULTON,
COLE
GRANT
LIBBY,
PERKINS,
HARPER.

Minority Report of the same Committee on the same Resolve that the same ought not to pass.

Signed,

GARCELON,
DURGIN,
PLUMMER,
WASGATT.

Mr. FULTON: I move that these reports and resolves lie on the table pending the acceptance of either report and that next Wednesday be assigned for their consideration.

Mr. BOYNTON: Mr. President, As the time is getting short we should assign matters, it seems to me, Tuesdays and Fridays, or we shall become so congested that we cannot possibly finish up as we ought. This is a matter, it seems to me, that it would be just as well to assign for next Tuesday as any other day. I have great respect for the wishes of both Senators in the matter.

Mr. FULTON: Mr. President, it will be agreeable to me to assign this matter for Tuesday next. I will amend my

motion and make it Tuesday of next week.

The motion was agreed to.

Mr. WALKER from the Committee on Education on, Resolve in Favor of Nascon Institute for the Erection and Equipment of a Dormitory reported same ought not to pass.

Mr. FULTON from the Committee on Insane Hospitals on, Resolve in Favor of the Augusta State Hospital for Repair and Improvement of Chapel Building, reported same ought not to pass.

The same Senator from the same Committee on, Resolve in Favor of the Augusta State Hospital for Repairs on Chase Island Wharf, reported same ought not to pass.

The same Senator from the same Committee on, Resolve in Favor of the Augusta State Hospital for Renovating the Heating and Ventilating Plant, and Installing a Hot Water Circulating System in said Plant, reported same ought not to pass.

The same Senator from the same Committee on bill, An Act Additional to Chapter One Hundred Forty-four of the Revised Statutes, in Relation to the Voluntary Admission of Patients to Insane Hospitals (Senate No. 44) reported same ought not to pass.

The same Senator from the same Committee on, Resolve in Favor of the Augusta State Hospital reported same ought not to pass.

The same Senator from the same Committee on, Resolve in Favor of the Augusta State Hospital for a Machine Shop and Equipment reported same ought not to pass.

Mr. JILSON from the Committee on School for Feeble Minded on, Resolve Providing for Equipment and Service Connection of the Proposed Central Kitchen and Bakery, and Furnishings of Dining Rooms, at the Maine School for Feeble Minded, reported same ought not to pass.

Mr. COLEBY from the Committee on State Lands and Forest Preservation on, Resolve Authorizing the Land Agent to Sell and Convey Whatever Interest the State has in and to Potato Island Situated in Harrington, Washington County, reported same ought not to pass.

The reports were accepted and sent down for concurrence.

Passed to Be Engrossed

House 119: Resolve authorizing the Land Agent to sell and convey a certain lot or parcel of land situated in the public lot of Dennistown Plantation in Somerset County.

House 220: Resolve authorizing the Land Agent to sell and convey certain lands in the public lots in Plantation Number 33 in Hancock County.

House 319: Resolve in favor of building a road around Cook Hill in the town of Jackson.

House 403: An Act to fix the salaries of certain public officers. (On motion by Mr. Price of Sagadahoc, tabled passage to be engrossed and assigned for next Tuesday.)

House 422: An Act to amend Section 34 of Chapter 15 of Revised Statutes, as amended by Chapter 173 of the Public Laws of 1911 and Chapter 73 of the Public Laws of 1913, relating to the employment of superintendents of schools.

House 450: An Act to amend Section 1 of Chapter 9 of the Revised Statutes, providing for the prompt payment of poll taxes. (On motion by Mr. Bartlett of Kennebec, tabled pending passage to be engrossed and assigned for next Tuesday.)

House 473: Resolve appropriating money to aid in building a road in the towns of Amherst, County of Hancock, and Clifton County of Penobscot.

House 506: Resolve appropriating money to aid navigation of Sebec Lake.

House 507: Resolve appropriating money to aid navigation on Rangeley Lake, Mooselecumeguntic Lake and Cuspsuptic Lake.

House 508: An Act to make valid a certain annual town meeting of the town of Robbinstown in the County of Washington.

House 509: An Act to enlarge the powers of the Portland Female Charitable Society

House 510: An Act to incorporate the Winthrop Water Company.

House 511: An Act to enable the Newcastle Lumber Company to erect

and maintain piers and booms in Big Wood Pond in Somerset County.

House 512: An Act in relation to the collecting and preserving of plans of townships and other properties.

House 515: An Act to amend Section 1 of Chapter 203 of the P. L. of 1903, relating to the preservation of Town Records of Births, Marriages and Deaths previous to the year 1892.

House 528: An Act to create a board of examination and registration of nurses.

House 529: Resolve appropriating money for the completion of the purchase of the farm acquired for the purpose of scientific investigation in agriculture in Arcostook County and for the erection of buildings on said farm.

House 534: An Act to amend Section 2 of Chapter 32 of the Revised Statutes as amended by Chapter 206 of the Public Laws of 1913 relating to fishing in the pool at Upper Dam and in the river from said pool to Lake Molychunkamunk in the County of Oxford.

House 535: An Act to amend Section 2 of Chapter 32 of the Revised Statutes as amended by Chapter 206 of the Public Laws of 1913 relating to ice fishing in Lower Kezar Pond in the town of Fryeburg in the county of Oxford and in the town of Bridgton in Cumberland County.

House 536: An Act to amend Section 2 of Chapter 32 of the Revised Statutes as amended by Chapter 206 of the Public Laws of 1913, relating to fishing in Rapid River between Lower Richardson Lake and Umbagog Lake, and in the pond in the river in the County of Oxford.

House 537: An Act to amend Chapter 121 of the Private Laws of 1911, relating to the Board of Overseers of the Poor and Work House of the City of Portland.

House 539: Resolve providing a state pension for Jesse Bacheider.

House 540: Resolve providing a state pension for Harry J. Bean.

House 541: Resolve providing a state pension for George N. Holland.

House 543: Resolve providing a state pension for George F. Phillips.

House 545: An Act to extend the Charter of Casco Bay Water Company.

House 546: An Act to extend the Charter of the Washburn Water Company.

House 547: An Act to extend the Charter of the Bowdoinham Water and Electric Company.

Senate 211: An Act to amend Section 8 of Chapter 188 of the P. L. of 1911 as amended by Chapter 37 of the P. L. of 1913, relating to the appropriation for the encouragement of Industrial Education.

Senate 293: Resolve in favor of the Treasurer of State to enable him to properly balance and settle accounts with the various cities, town and plantations for the year 1914.

Senate 294: An Act to enable the State of Maine to balance and settle its accounts with the various municipalities of Maine on the first day

Senate 295: An Act to amend Section 115 of Chapter 15 of the R. S., as amended by Chap. 106 of the P. L. of 1909 as further amended by Chap. 186 of the P. L. of 1911 and as further amended by Chap. 45 of the P. L. of 1913, relating to the appropriation for the support of the Normal and training schools. (On motion by Mr. Walker of Somerset, tabled pending passage to be engrossed and assigned for next Tuesday.)

Senate 296: Resolve appropriating money for the publication and circulation of a school text in civics, local geography and local history.

Senate 297: An Act to change the name of the Maine Industrial School for Girls and change the title of the principal thereof to that of superintendent.

Senate 298: An Act to repeal Section 25 of Chapter 143 of the Revised Statutes, relating to the commitment of idle and vicious girls to the Maine Industrial School for Girls by parents and guardians.

Senate 299: Resolve appropriating money to aid in rebuilding a bridge across Dennys river between the towns of Dennysville and Edmonds.

Senate 300: Resolve appropriating money for the purpose of making surveys, plans and estimates for a new interstate bridge between Maine and New Hampshire.

Senate 301: Resolve appropriating money to aid in repairing the highway in the town of Orneville, Piscataquis county, and providing for the future maintenance thereof.

Senate 302: Resolve appropriating money to repair the bridge across the Machias river in the town of Whitneyville.

Passed to Be Enacted.

An Act to amend Section 15 of Chapter 65 of the Revised Statutes, as amended by Chapter 38 of the Public Laws of 1907, relating to jurisdiction of the probate courts.

An Act additional to Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to ice fishing in Tilton, David and Basin ponds in the town of Fayette in the county of Kennebec.

An Act to amend Paragraph 9 of Section 13 of Chapter 9 of the Revised Statutes, relating to the taxation of personal property held by religious societies.

An Act to amend Section 2 of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to fishing through the ice in Brewer pond, in the counties of Penobscot and Hancock.

An Act to amend Section 2 of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to ice fishing in Big Indian pond, in the town of St. Albans in the county of Somerset.

An Act to amend Section 17 of Chapter 15 of the Revised Statutes, as amended by Chapter 29 of the Public Laws of 1909, relating to the number of weeks that schools shall be maintained annually.

An Act to amend Section 6 of Chapter 133 of the Public Laws of 1911, relating to industrial courses in evening schools.

An Act to amend Sections One Hur-

dred Ten of Chapter Fifteen of the Revised Statutes, relating to the course of study in the State Normal Schools.

An Act to amend Section One of Chapter Two of the Public Laws of One Thousand Nine Hundred Eleven, providing for the Close Time on Scallops.

An Act to incorporate the Trustees of Saine Joseph's Academy and College for Women.

An Act additional to Chapter Thirty-two of the Revised Statutes, as amended by Chapter Two Hundred and Six of the Public Laws of Nineteen Hundred Thirteen, relating to the protection of Fish, Game and Birds on the southerly point of Swan Island, in the Town of Perkins, in the County of Sagadahoc.

An Act to amend Chapter Thirteen of the Private and Special Laws of Nineteen Hundred and Eleven, as amended by Chapter One Hundred Three of the Private and Special Laws of Nineteen Hundred Thirteen, entitled, An Act to create the Bingham Water District.

An Act to regulate the construction of Mausoleums or tombs to be used for permanent burial.

An Act to amend Chapter Two Hundred and One of the Private and Special Laws of Nineteen Hundred Eleven, entitled, 'An Act to incorporate the Guilford Water District.

An Act to amend Sections Nineteen and Twenty of Chapter Sixty-five of the Revised Statutes, relating to the Bonds and Records of Registers of Probate.

An Act to amend Chapter One Hundred Nineteen of the Public Laws of Nineteen Hundred Seven, relating to the payment of deposits in the names of two persons by banks, institutions, for savings, trust companies, and Loan and Building Associations.

An Act for the relief for the needy Blind Residents of Maine.

An Act to amend Section Six of Chapter Forty-four of the Revised Statutes, providing a penalty for neglect of duty by Local Sealers of Weights and Measures.

An Act to consolidate Sections Fourteen and Thirty-eight of Chapter Forty of the Revised Statutes, relating to the penalty for unlawful use of containers marked with registered devices, and to amend Section Thirty-nine of said Chapter, relating to search warrants therefor.

An Act providing pensions to employees of the City of Bangor.

An Act to amend the charters of the Thomaston Street Railway Companies, The Rockland Street Railway Company, and the Camden and Rockport Street Railroad Company.

An Act to amend Chapter Sixty-four of the Public Laws of Nineteen Hundred Thirteen, relating to the qualifications of insurance agents and brokers.

An Act prohibiting the rebating of premiums on Fire or Liability Insurance.

An Act requiring that Adjusters of Fire losses be licensed.

Finally Passed

Resolve providing a State pension for Mary Allen.

Resolve providing a State pension for Eliza E. Philbrook.

Resolve providing a State pension for Clarence M. Smith.

Resolve providing a State pension for Alonzo J. Nevers.

Specially Assigned.

House 302: An Act to provide for a closed season on bull moose.

On motion by Mr. Peacock of Washington the bill was given its second reading. The same senator presented Senate Amendment A and moved its adoption.

Senate Amendment A to House Document No. 302: "Amend by inserting in the first line of Section 1, after the word 'season' the following: 'except in Washington county.' And in Section 3 add the following after the word 'repeal' in the second line: 'excepting the present law applying to Washington county.'"

On motion by Mr. Allen of Kennebec, the bill and amendment were tabled pending the acceptance of the amendment and Tuesday, March 14,

specially assigned for their consideration.

House 279. An Act requiring reports from property owners in case of fire and fixing liability of owners under certain conditions.

Mr. MURPHY of Cumberland: Mr. President:

"An Act requiring reports from property owners in case of fire and fixing liability of owners under certain conditions.

Be it enacted by the People of the State of Maine, as follows:

Section 1. When any building or the contents of a building or other property shall be damaged by fire the owner or occupant thereof shall immediately give notice of such loss or damage to the chief of the fire department in cities and towns having an organized fire department and in towns having no organized fire department such notice shall be given to the municipal officers or to the fire inspector.

Sec. 2. The owner, part owner or occupant of any building or other property shall, in case of any loss or damage by fire caused through failure of said owner or occupant to comply with any regulation or requirement of any state or municipal authority, be liable for all loss or damage to the property of another and shall further be liable for any expense incurred by any state or municipal agency in extinguishing or attempting to extinguish any fire so caused, provided that written notice of the regulation or requirement has been duly given said owner, part owner or occupant and the time for complying with such regulation or requirement has elapsed before loss or damage by fire occurs."

It seems to me, Mr. President, that unless there is a great demand for such an act, it might possibly cause great trouble and inconvenience to large property owners in the cities. Many of the owners of property scarcely ever see the property; agents take care of the letting of the buildings. Some owners of property have many tenants, for instance, I myself have a hundred. Some of them may be negligent and they may be responsible, but we don't know it. I don't know how it is to be proven. We have a good efficient fire department there. They know

when there is a fire before we know it. It doesn't require any notice.

If there is any member of the committee here that can explain why the bill is here, what the demand is, perhaps I would be satisfied to vote for it; but from my own experience with fires in the cities I cannot see wherein every-day people are benefited. It may be possible that the insurance companies may benefit, but as a matter of fact we are paying the bills for insurance, and they come around and inspect a building, and say "If you take out that air-shaft it will be so much less"; "if you put a wire over certain windows it will be so much less," and so on to the end. We are paying them all of the extras, you might say. They give us no concessions. I move the indefinite postponement of the bill.

The motion prevailed, and the bill was indefinitely postponed.

Senate 153: An Act to provide for the classification and compensation of clerical employes in State and county offices.

The PRESIDENT: The pending question is the adoption of Senate Amendments A, B, C, D, E and F.

Mr. FLAHERTY of Cumberland: Mr. President, I laid these on the table for printing in order that the Senate might examine them. I yield to the senator from York, as he presented them.

The PRESIDENT: The pending question is on the adoption of Senate Amendment A, which the secretary will read:

"Senate Amendment A to Senate Doc. No. 153.

Section 1 of Senate Document 153 is hereby amended by striking out all of the same and inserting in lieu thereof the following:

"Section 1. All persons in the employ of the State of Maine or any department thereof whose work is performed in the State House, and whose salaries or wages are paid out of the treasury of the State of Maine, except officials, technical and professional employes of any State department or commission, persons whose salaries are fixed by law, and employes working under the superintendent of pub-

lic buildings shall for the purposes of their employment and for the determination of their salaries or wages be grouped into four classes to be known as chief clerks, clerks, stenographers and copyists."

Mr. COLE of York: Mr. President, the idea of the various amendments that have been offered here—and perhaps the same remarks will apply to them all—was in order that some inconsistencies might be straightened out, or what seemed to be inconsistencies to the heads of departments, and what would be likely to be a conflict of authority in the appointment of various clerks, assistants, etc., between the heads of the various departments and between the various commissions and the Governor and Council.

There is no attempt so far as I understand it, to inject any politics into this bill whatever, on account of any differences between the administration and the composition of this body. Those amendments were offered to me by various individuals, with the request that I offer them to the Senate.

The first amendment, "A," explains itself, and needs nothing on my part by way of explanation. The other amendments which will immediately follow it refer more particularly to the administrative work of the various departments, and as the heads of departments and the various commissions are entirely responsible for the methods of their offices and the result of their various offices, they all feel that they should be entirely responsible for the people who are in their offices, and that they, without the consent of the Governor and Council, should be able to choose such clerical assistance as they may desire; and that in case the Governor and Council should refuse to sanction the employment of any man or any class of men by any Commission, which they might desire, that the Commission might be hampered in its work; and as I have said, the heads of the various departments, and the various commissions, so far as any of them have consulted with or informed me, all believe it would be better to make

each department responsible for its own work.

They have no objection to the classification of the clerks and various officials; but they do feel that they ought to have the choosing of these clerks, copyists, etc., themselves, subject to the approval of no-one.

There were various other amendments put in my hands regarding the counties, commencing with section fifteen of this Senate Document 153, by which the County Commissioners in the various counties have the same authority over the county officials that the Governor and Council have over the heads of departments and commissions, but upon investigating and talking with the members of the Salaries and Fees Committee, I found it would be necessary, at this late day, to put in resolves for about eighty-six different clerk-hires throughout the state. Consequently it didn't seem wise at this time to attack the County Commissioners in their jurisdiction, but it is only for that reason, and not because the people believe it is a proper method of handling the matter, that no more amendments are in.

I move the adoption of Amendment "A."

Mr. BOYNTON of Lincoln: The amendments presented by the Senator from York, Senator Cole, are all in one line, and should be disposed of together. They all take from the Governor and Council the general charge they now have over a part of the departments.

If I am correctly informed, back in 1872, conditions became so unsatisfactory in the departments in this state, they then being under the same control that these amendments propose they now be placed, that in each department the salaries were different.

The departments in some cases were congested by useless and unnecessary clerk-hire, and at that time it was thought necessary to place them under some restriction, and the Governor and Council were chosen as that instrument.

Time has gone on, and the departments and commissions have been cre-

ated since that time which of course were not placed under the control of the Governor and Council, but stood upon their own bottom, with more or less satisfaction to themselves, to the clerk, and to everybody else concerned.

The old committee on Salaries and Fees came to this State House and was asked to investigate this matter of clerk-hire. They did so. The heads of the several departments came before this Committee, and with two single exceptions were heartily in favor of placing that under the care and jurisdiction of the Governor and Council, and advocated that some plan be worked out as a plan to classify clerkships, believing that would benefit all, as has been done, with considerable thought and considerable care, and, as I say, this was not only entirely satisfactory to the heads of the departments, but was urged by them. Those were the men that had had the experience.

At the hearing the opposition was represented by the Highway Commission, the Public Utilities Commission, and the Commissioners of Inland Fisheries and Game. The only opposition expressed by Mr. Austin was that it would not deal justly with Miss Hodgdon, their very efficient clerk in that department. That could be remedied by making her a chief-clerk of that department. A better qualified person for that position does not exist in the State of Maine. If that is done I have an amendment to offer that would make it possible for any department to provide for any kind of special work and a bigger salary than this bill calls for. That would take care of that, and any of the other departments, Secretary of State, State Auditor, or Commissions, who might want higher priced clerks for some special thing. This amendment would provide for it.

The public Utilities Commission appeared there, in the person of its chairman, Judge Cleaves, and after this had been changed expressed his satisfaction, or the satisfaction of the Commission, and now, if my understanding is correct—and if I am not correct the Senator from York, Sena-

tor Cole, will correct me—the only opposition that comes to this bill now comes from the Highway Commission. I had thought I would say something more in that connection—I guess I won't.

Now, gentlemen, I believe that you shouldn't adopt these amendments. It would be better, I believe, if you propose to adopt anything, to strike out the first thirteen sections entirely—wipe them all out—and re-number from section fourteen down. That relates to the clerk hire and the County Commissioners, which the Committee on Salaries and Fees found to be in a very bad and unsatisfactory condition. We found instances where say three hundred dollars would be appropriated for clerk hire for a county office and that probably a hundred or a hundred and fifty dollars of it would be used, and the rest put in the official's pocket. We also found that perhaps three hundred dollars was appropriated by the State for clerk hire in some special place, and that the official himself was obliged to go into his pocket and from his salary take a hundred to a hundred and fifty dollars.

Now it was to remedy all that, to give them salaries thought to be sufficient, and then it was thought best to place the matter of clerk-hire in the hands of the County Commissioners; that the several officials should select their clerks with the County Commissioner's approval, and that the bills should be paid by the county, so that the several officers and the clerk-hire should be divorced one from another.

Some opposition to that was manifested, and the committee considered another proposition. That was to leave it to the Supreme Court to decide, when they held their sessions in these counties. That met all kinds of opposition, and we finally went back to the first proposition, to leave it with the County Commissioners, and in case of any dispute, that dispute might be heard by the Justice of the Supreme Court at his next appearance in that County.

That seems to meet, so far as I

know, all the objections. I have altogether a better opinion of the several members of the County Commissioners of the State of Maine than many people who have opposed this idea seem to have. I believe them to be honest, sincere, faithful men, and the instances where they would do injustice I believe would be indeed very rare.

I hope, gentlemen, you will not adopt these amendments, but if you do adopt any, strike out everything to section fourteen.

The question being on the adoption of Senate Amendment A to Senate 153, a rising vote was taken, and 11 senators voting yea, and 12 voting no, the motion failed, and the Senate refused to adopt Senate Amendment A.

The PRESIDENT: The question now recurs on the adoption of Senate Amendment B.

Mr. BOYNTON: Mr. President, would the senator from York consent to a vote on the entire lot of amendments at once, as they all pertain to one matter entirely?

Mr. COLE: This is immaterial to me, Mr. President. I think it would be well to vote on them all at once.

The PRESIDENT: The Chair would rule that you cannot vote on them all at once.

"Senate Amendment B to Senate Doc. No. 153.

Section 6 of Senate Document 153 is hereby amended by striking out all of the same and inserting in lieu thereof the following:

'Sec. 6. The heads of the respective departments shall determine the number of employes of each class to which the several departments shall be entitled, shall determine their personnel and shall have power as the demands in the several departments may vary either to increase or diminish the number.'

The question being on the adoption of Senate Amendment B to Senate 153, a rising vote was taken, and 14 senators voting yes, and 13 voting no, the motion prevailed and Senate Amendment B was adopted.

The PRESIDENT: The question

now is on the adoption of Senate Amendment C.

Senate amendment C to Senate Document No. 153. "Section 7 of Senate Document 153 is hereby amended by striking out all of the same and renumbering the following sections consecutively."

The question being on the adoption of Senate Amendment C, a rising vote was taken, and fourteen Senators voting yes, and fourteen Senators voting no, the President ordered that his name be called, whereupon he voted yes, and the amendment was declared adopted.

The PRESIDENT: The question now is on the adoption of Senate Amendment D.

Senate Amendment D to Senate Document No. 153: "Section 11 of Senate Document 153 is hereby amended by striking out the words 'subject to the approval of the governor and council.'

Mr. Bartlett of Kennebec offered Senate Amendment A to Senate Amendment D to Senate 153, and moved its adoption:

Senate Amendment A to Senate Amendment D to Senate 153: "Section 11 of Senate Document No. 153 is hereby amended by adding to the same after the word 'compensation' the following: 'provided, however, that nothing in this act shall authorize the removal of any deputy or assistant already appointed and holding office during good behaviour,' so that said section as amended shall read: 'Section 11. In all departments, state institutions requiring expert, professional or technical assistance, the chief official or officials shall select such persons as are necessary and fix their salaries or compensation, provided, however, that nothing in this act shall authorize the removal of any deputy or assistant already appointed and holding office during good behaviour.' "

Mr. BOYNTON: Just what there is to these amendments, or this question, that may be based on pretty nearly strictly political lines, I can't see.

Now I have the assurance, gentlemen, from no less a person than the esteemed President of our Senate, that on the first day of January, 1917, the party to which he has the honor to belong is coming into their own in all the departments of this State and are to remain there for an indefinite period.

Now why can't we settle this on its merits, and not on political lines?

The question being on the adoption of Senate Amendment A to Senate Amendment D to Senate 153, a rising vote was taken, and twelve Senators voting yes, and thirteen voting no, the amendment to the amendment failed.

The question recurring on the adoption of Senate Amendment D to Senate 153, a rising vote was taken, and fourteen Senators voting yes and 10 voting no the amendment was adopted.

The PRESIDENT: The question is on the adoption of Senate Amendment E to Senate 153.

"Senate Amendment E to Senate Doc. No. 153. Section 12 of Senate Document 153 is hereby amended by striking out all of the same and inserting in lieu thereof the following:

'Section 12. All employees working under the Superintendent of Buildings shall have their compensation fixed by the Governor and Council subject to the limitation prescribed by law. The number of such employees shall be fixed by the Governor and Council and may be changed from time to time.'

Mr. FLAHERTY: I just want to call the attention of the Senate to House Document No. 412, which has just been passed, fixing the wages of the State-House employes at \$65 per month.

The question being on the adoption of Senate Amendment E to Senate 153, a rising vote was taken, and fifteen Senators voting yes, and eight voting no, Senate Amendment E to Senate 153 was adopted.

The PRESIDENT: The question is on the adoption of Senate Amendment F.

Senate Amendment F to Senate 153: "Section 13 of Senate Document 153 is hereby amended by striking out all of

the same and renumbering the following sections consecutively."

The question being on the adoption of Senate Amendment F to Senate 153, a rising vote was taken, and fifteen Senators voting yes, and eight voting no, Senate Amendment F was adopted.

The bill was then passed to be engrossed as amended, and sent down for concurrence.

The PRESIDENT: The Chair lays before the Senate, Senate 4, Report A, ought to pass, and Report B, ought not to pass, from the committee on Judiciary, on An Act to amend Chapter 6 of the Revised Statutes, relating to the regulation and conduct of elections.

The Chair will call Senator Boynton to preside.

(Senator EOYNTON in the Chair.)

Senator HERSEY: Mr. President, I ask unanimous consent of the Senate to speak from the clerk's desk.

(The request was granted.)

Senator HERSEY: I move the adoption of the minority report.

Mr. President and Fellow Senators:

I deem it my duty this morning to leave my place as presiding officer, and as a member of this Senate, to spend a few moments in talking over with you a present duty that should receive the careful thought of each member of this Legislature, regardless of his political party.

Members of the Legislature often contend for political advantage, and the result is disappointment, usually, to the people at home. The pending question in which the people are vitally interested is whether or not they are to have the Massachusetts ballot at next election. They are not so much interested as to which party shall give them this ballot, as they are in their desire to obtain it. This seems to be plain. If not, I desire to make it so plain that no one can be deceived.

In the Legislature of 1891 there was an attempt made to adopt the "Australian" ballot, so-called. Certain politicians controlled the Legislature, who thought the old way was best, that is, of making a ballot for the voter, putting it into his hand, conducting him to the polls and watching him vote and see that he delivered the goods. Public opinion was

so strong against this old form of voting that the politicians adopted a ballot, which they hoped would satisfy the people. It was what is now known as the "Connecticut" ballot,—parties arranged similar to our present ballot with a square over the party name, in which you place a cross if you wish to vote the ticket straight, and a square at the right of each candidate, in which you could make a cross if you wished to vote a split ticket. Under this ballot was held the election of 1892. There was such confusion in the voting, so many destroyed ballots that the people turned away in disgust from such a ballot, and adopted in the Legislature of 1893 the present ballot as a sort of a compromise. Certain politicians of both parties, then as now, believed that the present ballot would give them an advantage, whereby by making a single cross you could swallow the whole ticket, and no matter who was nominated, how cheap or undesirable the candidate, he stood in the election booth on the same level and advantage with the candidate of high aims and character. This was the politicians' ballot, and has been used ever since by the undesirable politicians of both parties oftentimes to set aside the will of the people.

Much dissatisfaction has come from the use of this ballot through the years that have passed, and that dissatisfaction has been growing because the voter has not been allowed to express his honest opinion, the independent voter has been disfranchised, and the number of spoiled ballots have greatly increased year by year.

In the Legislature of 1903, Senator Looney from Cumberland introduced into the Senate what is known as the Massachusetts ballot. He was supported by his fellow Senator, Senator Warren of Cumberland, and also by Senator Boynton of Lincoln, who lived many years in Massachusetts under the Massachusetts ballot, and who strongly favored that ballot. The Senate rejected it, however, by a vote of 9 to 16, and the House, after debate defeated it by a vote of 34 to 92. This did not satisfy the people, and in the campaign of 1911, all parties gave the people to understand that they would enact the Massachusetts ballot. The Republican press stood for

it, the Democratic Sentinel and Argus stood for it. On the platform the Republicans stood for it, Governor Plaisted stood for it, both on the platform and in his message. Everybody stood for it, except the machine politicians of both parties, and they combined to defeat it. In the House it was defeated by a vote of 72 to 59, and killed in the Senate by a vote of 8 to 16.

Public opinion was awakened. The press took up the matter and stood for this ballot, the State Grange took it up and voted in favor of this ballot, the labor organizations of the state took it up and voted in favor of this ballot, and the people everywhere expressed themselves in favor of the Massachusetts ballot.

In the Legislature of 1913, the Senate voted 19 to 5 to enact the Massachusetts ballot, and then the House passed it 71 to 59, and the press and people everywhere throughout the state hailed this as a victory for good government and a progressive measure. It was passed on the afternoon of a certain day. That evening Pilate and Caesar became friends. The next morning the House reversed its action, and by a vote of 75 to 66 indefinitely postponed the bill, from which position they would not recede. The Waterville Sentinel in describing this one of the most wicked conspiracies of cheap politicians to defeat the people's will said:

"The Massachusetts Ballot Law, which had been passed by the upper body was nailed in the House today on its passage to be engrossed. This killing had been planned over night. The 'stand-patters' led this revolt and were assisted by a few Democrats."

This betrayal of the people by their servants met a prompt rebuke at the next election. The men of both parties who were engaged in that killing were not returned to the Legislature.

Four great measures were slaughtered by the Legislature of 1913 by conspiracies of these same politicians in both parties, the Workmen's Compensation act, the Fifty-four Hour law, Woman's Suffrage and the Massachusetts ballot. In the meantime a third party has arisen in the state, called the Progressive party, composed

of voters who had lost faith in the two great parties of the day, and they had much reason for that loss of faith. The Democratic and Republican parties assured the Progressives that they would carry out all the Progressive measures that the new party stood for but the Progressives would not believe it. They met in their State Convention at Bangor last spring with over 1,000 delegates and promised the people in their platform that they would stand for the enactment into law of these four great progressive measures, the Workmen's Compensation Act, the Fifty-four Hour Law, Woman's Suffrage and the Massachusetts ballot. They said with much reason, that they had waited to get these measures from the old parties, and had often demanded them, and had not been able to obtain them, and the only way to get them was to elect the Progressive party, and a Progressive Legislature.

The Democratic party then met in Convention at Portland with some 1,200 delegates, and the Chairman, Hon. William R. Patiengall, declared that the Democrats stood for everything that the Progressives stood for. He said there was no use for the Progressive party in politics, that every plank in the Progressive platform was a principle for which the Democrats stood, and then the Democrats put in their platform that they stood for the Fifty-four Hour Law, Workmen's Compensation Act, and while they put nothing in about Woman's Suffrage or the Massachusetts ballot, they said by their silence they would not oppose either, and in every way in their campaign gave the people to understand that if elected they would stand for these measures.

Then the Republican party met in convention in this city with 1,300 delegates and in their platform adopted and declared for these four great progressive measures—Workmen's Compensation, Fifty-four Hour, Woman's Suffrage and the Massachusetts ballot. They too said there was no use or occasion for the Progressive party, that the Republican party stood for the same things that the Progressives stood for, and they too told the people

from every platform in that campaign that they would enact into law these four great progressive measures, and many people, both in the Democratic and Republican parties believed they would carry out these demands of the people, and voted their party ticket: but 18,000 voters as true and sincere and honest as any among the voters in Maine would not believe the promises of either of these old parties, and voted the Progressive ticket, and the result was a Republican Senate and a Democratic House, with four Progressive Representatives in the Legislature and a Democratic Governor.

Now we are in the Legislature of 1915. These four great progressive measures are now before this Legislature, and how the Democratic and Republican parties act towards these four great measures will decide the fate of the Progressive party. If the Democrats and Republicans combine to kill these great measures at the bidding of cheap politicians, then the Progressive party has a new lease of life and still has a mission in this state. If the Republicans and Democrats carry out the wish of the people and grant to them these four great measures of progress, then I have no doubt the Progressive party will feel that they have accomplished their mission and can trust the old parties a little farther. What are we going to do? I know the awful pressure there is brought to bear upon this Legislature to defeat these measures. The oldtime politician is making a test of his strength in both parties. He is fighting labor as he has always fought it. He is against Woman's Suffrage as it means the end of his reign. He is against the Massachusetts ballot, because that means the end of corrupt elections, and that the voter shall have a chance to express his will. What is the present situation? It is one of awful moment to the people. I could not remain silent in my place while I knew what was taking place in this Legislature at the present time. Weeks have gone by since the hearing on the Workmen's Compensation act,—its enemies are awaiting its arrival with ghoulish glee. Woman's Suffrage comes from the Committee with a divided report. The Fifty-four Hour

law is in the House, and by the opposition offered, it is not in the House of its friends, but in the home of its enemies. The Massachusetts ballot comes into the Senate with a divided report, 4 in favor and 8 against. What are we going to do? Let no man think for a moment that the people forget, they are watching us. They had every reason to believe that this Legislature would enact the Massachusetts ballot without a dissenting vote. The Republicans and Progressives in this Legislature must stand for that ballot or violate the solemn instructions given them by their people. The Democrats cannot hide behind their party platform as there is no plank in that platform against the Massachusetts ballot. Each member of that party is left to himself, and no Democrat has a right to make it a party measure at this time. To defeat this ballot would be doing the people a terrible wrong.

I hold in my hand a specimen copy of the primary ballot. It is an exact copy of the Massachusetts ballot with the exception that the Massachusetts ballot contains the party designation after the name of each candidate, the political party to which it belongs. You vote the same way by the Massachusetts ballot as you do by the Primary ballot. In other words we say that last June you sent into the booth at the primaries the voter to vote the Massachusetts ballot, and to select the men he desired as candidates. He learned to vote the Massachusetts ballot, in June, by putting a cross opposite the names of candidates he stood for, for the several offices, and then you sent him into the booth in September to vote the present ballot in an altogether different manner, to unlearn what he learned in June. You told him not to make crosses opposite the names of the men he wanted, but to scratch out the names of men he did not desire or to put pasters over or under, and to transfer names from one column to another, and to make no more than one cross at the top, and you gave him other directions, which served to fool him, to exasperate him, to deprive him of his vote, to disfranchise him, so that he could not express his opinion at the polls, and what was the result? More spoiled ballots than ever before more pasters and stickers than ever be-

fore, more confusion than ever before, more contested elections than ever before.

I had occasion after the last State election to go through all the ballots thrown in my county. I should judge that one-half of those ballots were split ballots, either marked wrong or covered with stickers or pasters.

If there is any man in this State that has a knowledge about the ballot used at last election in this State, it is the Honorable T. F. Callahan of Lewiston, late State Auditor. Mr. Callahan, you remember lacked only a few hundred votes of being elected Auditor, where the head of the ticket on which he ran was defeated by some 3,500 votes, and in the re-count of all the ballots of the State, Mr. Callahan tells me that he should estimate that 2,500 voters lost their ballot. I received a letter from him Tuesday, in which he says:

"I noticed that the Committee on Judiciary is to give two reports on the act to amend our present ballot law, to provide a system of voting similar to the Massachusetts Ballot Law. (The Republicans and Progressives in favor and the Democrats opposed.) I believe if the question was submitted to the people, it would be carried by a large majority, and there would be as many Democrats voting for it as would be against it. When the State provides the ballots for its voters, it should make it possible for voters to exercise their choice among candidates without resorting to stickers.

There has been considerable criticism of the results of our State Primary Law, because too large a share of the candidates came from the cities and large towns. I believe this would be remedied largely if we had the Massachusetts Ballot Law, where voters could show their disapproval through independent action. This they cannot now do under a party ticket for fear of spoiling their ballot.

Aside from the fact that the Republican and Progressive platforms called for this change, it may be asked if the voters as a whole desire it. This is best answered by the ballots cast in the last State election by the different parties. The inspection of the ballots in a majority of the counties showed the desire

of voters of all parties for independent voting, from a few split tickets in small places to the hundreds in the cities. Among about 2,500 Democratic voters in one of the largest cities in the State, one in every five split his ticket, either by a sticker or a written name. Who can answer what the number would be, in that city alone, under the Massachusetts Ballot Law?

It will be argued that the majority wish to vote a straight party ticket, and that, for them, the present system is easier. However, when the State takes upon itself to provide the ballots, those ballots should be of such a form as to allow every voter to exercise his independence of action and freedom of choice."

To correct some slight misunderstandings in regard to the Massachusetts Ballot, I wrote a few days ago to the Secretary of State of Massachusetts, a Democrat, asking him to tell me the effect of the Massachusetts Ballot, its results, and how the people of Massachusetts considered it, and whether they approved it, etc., and on Tuesday of this week, I received from him a letter, which I hold in my hand, and in which he says:

"Regarding the result of the Massachusetts form of ballot, you are informed that it has been pre-eminently satisfactory, so much so that 252 of the 313 towns have adopted it for town elections. Some eighteen years ago an unsuccessful attempt was made to have the names of the candidates printed in the party columns."

Massachusetts has had this ballot for twenty-four years. It is pronounced by the Secretary of the Commonwealth as pre-eminently satisfactory, and he says any attempts to repeal it has met with defeat.

I hold in my hand a specimen ballot used in the last town meeting this month at Bar Harbor. It is the same as the Massachusetts ballot and one by one the towns and cities in this State are adopting the Massachusetts ballot in their town and city elections. It is the only true "Australian" ballot, and as nearly perfect as the human mind can devise to express the will of the voters.

To defeat this measure at this legislature would be not only party perfidy, but an insult to the intelligence of the people of Maine. It ought to pass unanimously both bodies, that we still may boast that the people rule.

Under the present ballot good men everywhere have lost their ambition to serve the people in political office. There is a feeling of disgust, dismay and discouragement among those who look for the best things in government. Hitherto the mother has taught the boy at her knee that he, if faithful and honest and studious and diligent and clean, may become like the great men of whom he reads in his books; and the teacher takes the bright-eyed youth and tells him that if he climbs the height in education and retains the whiteness of his soul, he too some day may be Governor of his State, or represent it in the Halls of Congress, and the youth toils on with midnight oil with high ambition and noble motives and one day finds his progress stopped by the cheap politician. He finds that all the teachings of his youth have been a dream. In practical politics he finds there is a ballot in the hands of an undesirable politician, who counts learning and excellence and experience and statesmanship of no account, who pushes aside the claims of the people and the wants and desires of civilization and says to the candidate, "How much money can you put into the campaign funds?" And then with that money he herds together in the large centers the ignorant, the vicious, the criminal and the undesirable in politics, and pushes into their hands the infamous ballot of the hour, conveys them to the polls, tells them to pay no attention to the names of the candidates, but to put a cross above the party name and take a reward.

This hour is a crisis in the history of our State. If the will of the politician is to triumph, then woe to the State and woe to the nation. If, on the other hand, you can place the Massachusetts ballot in the hands of women, there will be a new heaven and a new

earth for the old things have passed away.

The PRESIDENT *pro tem*: The question before the Senate is upon the adoption of Report A of the committee on judiciary in favor of the Massachusetts Ballot Law.

Mr. WALKER of Somerset: I move that the vote be taken by the yeas and nays.

A sufficient number arising the yeas and nays were ordered. Those voting yea, in favor of the adoption of the minority report, were Messrs. Allen, Ames, Bartlett, Boynton, Burleigh, Chatto, Clark, Colby, Cole, Conant, Emery, Fulton, Herrick, Hersey, Moulton, Murphy, Peacock, Scammon, Swift, Walker, Weld—21. Those voting nay were Messrs. Butler, Dunton, Flaherty, Garcelon, Jillson, Leary, Price, Thurston—8. Absentees, Messrs. Durgin, Hastings—2.

Twenty-one voting in favor of the adoption of Report A and eight against Report A was adopted.

The bill was tabled for printing under the joint rules.

The PRESIDENT in the CHAIR:

Orders of the Day

On motion by Mr. Conant of Waldo, House 340, An Act to Amend Section 8 of Chapter 195 of the Public Laws of 1911, as amended by Chapter 74 of the Public Laws of 1913, relating to live-stock, with report of Committee. "ought to pass", was taken from the table.

On further motion by the same Senator the bill and report was recommitted to the committee.

On motion by Mr. Emery of York, Resolve in favor of Nasson Institute for maintenance and extension of its work was taken from the table.

On further motion by the same Senator the report of the Committee was accepted, and the bill tabled for printing under the joint rules.

On motion by Mr. Bartlett of Kennebec, Senate 80, Report of the Committee on Sea and Shore Fisheries (ought to pass in a new draft) on bill entitled "An Act to Repeal Chapter four of the Private and Special Laws of nineteen hundred thirteen, relating to the taking

of smelts in the waters of Egypt Bay, Franklin Bay, Taunton Bay and river and tributaries, in the towns of Hancock, Franklin and Sullivan in the county of Hancock", was taken from the table.

Mr. BARTLETT: I yield to the Senator from Hancock, Senator Scammon.

Mr. SCAMMON from Hancock: Mr. President, when this matter was tabled I had moved the acceptance of the report.

The PRESIDENT: The present situation, Senator Scammon, is that the bill was indefinitely postponed in the House, and sent up here for concurrence, and is here for concurrence with the House. What do you wish to do—accept the report in non-concurrence with the House?

Mr. SCAMMON: Yes.

The PRESIDENT: The Senate understands the matter. In the House the report was not accepted, and the bill was indefinitely postponed. The Senator from Hancock, Senator Scammon, moves that we non-concur with the House in the rejection of the report and accept the report of the Committee in non-concurrence.

Mr. SCAMMON: Mr. President and fellow-Senators:

I will just take only a moment or two of your time. It is a very simple bill, and perhaps a matter of small importance in the estimation of the Legislature, but it is important to those who are interested.

I will say in regard to this bill that it affects the waters in Franklin Bay almost wholly, those within the Town of Franklin. In Frenchman's Bay there comes up a river, perhaps three miles in length, and averaging a thousand feet in width and then spreading out. About the time it leaves the Franklin line it is a very wide bay, and goes out over hundreds of acres of beds covered with eel-grass, and other things on which fish of that kind feed; and I might say that this kind of ground is not the natural kind of ground where smelts are caught by hook and line.

Those people in Franklin there for time immemorial have had the privilege of catching smelts any way they wished, by weirs or nets hung over poles, and by hook and line. The hook-and-line indus-

try was never considered profitable. Some few years ago a man from Brooksville came into this vicinity, to Sullivan, and he persuaded the people of Sullivan that it was a good industry, and they ought to go and have the law arranged so that anyone could catch these smelts by hook and line. Now the people of Franklin, having had this law, don't seem to think very much about it, and almost without protest, as there was no one here to look after it, this law came up. After two years of fishing it was found by our people that to make wages by fishing by hook and line was an impossibility, and I would call attention to the fact that the fishing industry by net and weir has amounted to as high as \$8,000 a year, and I think those who ask for that law to be retained do not claim that in either of the years they have fished by hook and line there has been an income of over four or five hundred dollars.

As I mentioned in the beginning, the locality is not adapted to hook and line fishing. It is only profitable where the waters run in a swift and narrow channel and there is a large body of fish in a small compass. It is perfectly plain that these conditions must exist in order to make any profit.

Now up here they spread over hundreds of acres. There is no one place where it is profitable to fish by hook and line. Some fifteen or eighteen years ago the stone business was at a very low ebb and every one that could went into this kind of fishing, by weirs and nets, because there was nothing else to do; and I will admit that during this time the number of fish was somewhat reduced. The stone business coming back to itself enabled the men of that county to go into something else, and it is a fact, that for the last few years this industry has been coming back, and two years ago was in good condition.

Now the history of this is just this. We came up and asked to have this repealed. They introduced testimony in opposition, a great number of witnesses, and after hearing the Committee unanimously voted that the law ought to be repealed, but on the day it was to go to the House the opponents of the bill came up again and said they had some new testimony, and wished it reassigned.

We granted this, as we wanted to give them every opportunity. We looked the thing all over again, and there were some points in it that we were satisfied were bad features, and the committee cut them out. They took out the use of nets altogether. There was some talk in regard to weirs running out into the channels, and we took all that out, obstructing the fishing by hook and line—we took all that out, and provided that you cannot erect weirs on the flats where the nets or the wings shall extend into any brook or channel, and the smelts can go back and forth in their natural course as they always did, before any weirs were put there; and I submit to you that those weirs will not take more than one tenth of the smelts that go up into that bay.

Now the people there feel that after they have conceded so much, and that they have given these other people, who are almost all people out of the town, almost everything they asked for, they ought to have a few rights reserved to them. They don't ask for but a little, and it seems to me it would appeal to any fair minded man present that they have conceded everything within the bounds of reason; that the cutting out of the use of the seines, taking the weirs out of the brooks and channels, giving free passage to these smelts to go up and down to spawn, and have the free use of the fishing by hook and line, that everything has been done that is possible, and I say to you that it will leave the fish in a growing and flourishing condition. There is a chance for the man who owns a little farm to add to his income by fishing at the time of the year when it is not possible to do it by hook and line, and to cut off these people seems to me a hardship. It seems to me we are giving the hook-and-line fishermen everything that is possible. I submit it is only a fair and just proposition.

Mr. BARTLETT of Kennebec: Mr. President, I rise in opposition to the acceptance of this report. The situation as far as the committee hearing goes has been stated I think correctly by the Senator from Hancock.

The PRESIDENT: This bill came to the Senate, presented by Senator Scammon, on unanimous report of the com-

mittee and was accepted by the Senate and sent to the House. The House non-concurred and recommitted the bill to the committee, and the committee sent the unanimous report to the House. The House indefinitely postponed the bill and the question now is shall we recede and concur with the House in indefinitely postponing this bill.

Mr. BARTLETT: I so understand it, Mr. President. When this matter came up in the House it was moved to indefinitely postpone it. Later a motion to reconsider was lost. So that is its condition so far as the House goes.

I am not a resident of the county to which this bill applies, but I have had more or less information given me in regard to the conditions that apply to this bill. Two years ago this legislature thought it wise to pass a bill confining fishing in these waters to hand-lines. That bill has had little more than one year's trial, and the opponents which appeared before the committee feel that it has not been given a fair opportunity to demonstrate whether it is a proper law or not.

Furthermore there are a large number of people, I am not able to give the number, that have been able to get considerable income yearly from the hand-line fishing, and they will lose that if the waters are opened up to weirs and seines, as provided in this bill. I am creditably informed that nearly 90 per cent of the people adjoining these waters are in favor of this change, and I am unable to explain why they have not appeared before the committee and stated their case.

One thing further, I wish to say in regard to the action of the House. I am

informed that every member of the committee that passed on this question, when it came up in the House voted in favor of the indefinite postponement of the bill.

Mr. BOYNTON: Just a moment. It was my privilege to serve on the Committee on Sea and Shore Fisheries when this bay was closed to the seining of smelts. It was made very plain to us that it was not a proper thing to do, and the report was unanimous.

Now I am absolutely opposed to the seining of smelts anywhere on the coast of Maine. It never should be allowed, and as the Senator from Hancock, Senator Scammon, says that the industry in this small bay, or around it, has produced \$3,000 a year, it would seem to me a good reason why this wholesale slaughter of smelts, from the small smelts as large as your thumb to the full-grown product, should be stopped. The seining of smelts never should be allowed anywhere on the coast of Maine, and that the hand-liners should have a chance to pick up a living in the winter by their industry.

Mr. SCAMMON: I want to say that I think both of these gentlemen have created a wrong impression. There is no seining at all in this new draft, nothing but just weirs. I thought I stated it very clearly, the condition of the weirs.

The question being on concurring with the House in the indefinite postponement of the bill, a rising vote was taken, and eleven Senators voting yes, and ten voting no, the bill was indefinitely postponed.

On motion by Mr. Walker of Somerset, adjourned until tomorrow morning at nine o'clock.