

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

AUGUSTA
KENNEBEC JOURNAL PRINT
1916

HOUSE.

Wednesday, March 7, 1917.

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

Prayer by the Rev. Mr. Webber of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Resolve relating to the publication of Maine in the Northeastern Boundary Controversy.

Came from the Senate, recommitted to the committee on library in non-concurrence.

On motion by Mr. Allen of Sanford, the House voted to recede and concur with the Senate in recommitting the resolve to the committee on library.

From the Senate: Resolve relating to the Documentary History of Maine.

Came from the Senate, recommitted to the committee on library in non-concurrence.

On motion by Mr. Clason of Lisbon, the House voted to recede and concur with the Senate in recommitting the resolve to the committee on library.

From the Senate: Resolve in favor of the purchase of 200 copies of the History of the Town of York.

Came from the Senate, recommitted to the committee on library in non-concurrence.

On motion by Mr. Ellis of York, the House voted to recede and concur with the Senate in recommitting the resolve to the committee on library.

From the Senate: Resolve providing for the purchase of 100 copies of a New History of Norway, Maine.

Came from the Senate, recommitted to the committee on library in non-concurrence.

On motion by Mr. Andrews of Norway, the House voted to recede and concur with the Senate in recommitting the resolve to the committee on library.

From the Senate: Ordered, the House concurring, that bill, An Act providing for court jurisdiction in criminal cases originating in Hibberts' Gore, House Document, No. 389, be recalled from the committee on engrossed bills, for the further consideration of the Senate and House of Representatives.

Came from the Senate, read and passed.

In the House, passed in concurrence.

Senate Bills on First Reading.

Senate 254. An Act to amend Section 76 of Chapter 16 of the Revised Statutes, relating to the inspection of secondary schools.

Senate 252. An Act to amend Section 117 of Chapter 16 of the Revised Statutes, relating to the employment of agents for schools in unorganized townships.

Senate 249. An Act to authorize the county commissioners of the county of Oxford to remodel, enlarge and repair the registry of deeds building of the Western Registry District of said county.

(Tabled on motion by Mr. Eaton of Rumford.)

Senate 139. An Act to amend Chapter 416 of the Private and Special Laws of 1907, relating to the schools of the city of Augusta.

Senate 150. An Act relating to the Clark Power Company.

Senate 259. Resolve appropriating money for electoral college.

Senate 257. Resolve in favor of the Board of Dental Examiners for the purchase of certain equipment, printing and postage.

Senate 256. Resolve in favor of certain private charitable and benevolent institutions for the care, support and education of indigent persons and for other purposes.

(Tabled by Mr. Anderson of Portland, pending concurrence.)

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

Education.

By Mr. Clason of Lisbon: Resolutions and petition of West Minot Grange, in the town of Minot, asking for the passage of an act to provide for the distribution of State school funds on the basis of aggregate attendance, also petition of Excelsior Grange in the town of Poland in favor of same; also resolutions from Norland Grange in the town of East Livermore, in favor of same; also resolutions and petition of Riverview Grange, in the town of Lisbon Falls, in favor of same.

By Mr. Cummings of Hebron: Resolutions and petition of Lone Mountain Grange, in the town of Andover, in favor of same; also resolutions and petition of Mystic Valley Grange, in the town of Dixfield, in favor of same; also resolutions and petition of Upton Grange, in the town of Upton in favor of same; also petition of Union Grange, in the town of Sumner, in favor of same; also resolutions and petition from Rockemeka Grange, in the town of Peru, in favor of same; also resolutions and petition of Canton Grange, in the town of Canton, in favor of same; also resolutions and petition of West Peru Grange, in the town of West Peru, in favor of same; also resolutions and petition of Mountain Grange, in the town of Buckfield, in favor of same; also resolutions and petition of Bethel Grange in the town of Bethel, in favor of same; also resolutions and petition of Pleasant Pond Grange, in the town of Sumner, in favor of same; also resolutions and petition of Franklin Grange, in the town of Woodstock, in favor of same; also resolutions and petition of West Paris Grange, in the town of Paris, in favor of same.

By Mr. Greenlaw of Presque Isle: Resolutions from Easton Grange, in the town of Easton, in favor of same; also resolutions and petition of Ashland Grange, in the town of Ashland, in favor of same.

By Mr. Pattee of Harmony: Resolutions and petition from Cambridge Grange, in the town of Cambridge, in favor of same; also resolutions and petition of Bingham Grange, in the town

of Bingham, in favor of same; also petition of Somerset Grange, in the town of Norridgewock, in favor of same; also resolutions and petition of St. Albans Grange, in the town of St. Albans, in favor of same; also resolutions from Ripley Grange, in the town of Ripley, in favor of same; also resolutions and petition from Canaan Grange, in the town of Canaan, in favor of same; also resolutions and petition from Harmony Grange in the town of Harmony, in favor of same.

By Mr. Stearns of Hiram: Resolutions and petition from Mt. Cutler Grange, in the town of Hiram, in favor of same; also resolutions from Fryeburg Grange in the town of Fryeburg, in favor of same; also resolutions and petition of Crystal Springs Grange, in the town of Denmark, in favor of same; also resolutions and petition of Charter Oak Grange, in the town of Porter, in favor of same; also resolutions and petition of Sweden Grange, in the town of Sweden, in favor of same.

Inland Fisheries and Game.

By Mr. Sawyer of Madison: Remonstrance of W. H. Soper and 60 others against the passage of House Document No. 44, relative to Sunday hunting law.

By Mr. Clement of Montville: Remonstrance of Rev. E. A. Denslow and 29 others, against same.

By Mr. Clason of Lisbon: Remonstrance of D. A. Coombs and others of Bowdoin, against same.

Judiciary.

By Mr. Farrington of Augusta: An Act to discharge of record attachments of real estate which have lapsed. (1,000 copies ordered printed.)

Legal Affairs.

By Mr. Morison of Corinth: An Act to create a State Constabulary and State's Counsel: a general measure to secure the public peace and the state-wide protection of persons and property and the enforcement of all the laws of the State: to be known and designated as The Executive Law. (2,000 copies ordered printed.)

Mercantile Affairs and Insurance.

By Mr. Hutchins of Mexico: An Act additional to Chapter 53 of the Revised Statutes of 1916, relating to the payment of benefits. (500 copies ordered printed.)

Public Utilities.

By Mr. Bussabarger of Lubec: An Act to permit municipal corporations to own and operate street railways, gas, electric light, water and other public utility and other corporations. (500 copies ordered printed.)

Taxation.

By Mr. Hutchins of Mexico: An Act to amend Section 15 of Chapter 10 of the Revised Statutes of 1916, relating to the taxing of toll bridges. (500 copies ordered printed.)

Reports of Committees.

Mr. Flint, from the committee on inland fisheries and game, on bill "An Act to provide for the registration of resident hunters," with petition for and remonstrances against same, reported same in a new draft, under same title, and that it ought to pass.

Same gentleman from same committee, on bill "An Act to provide for a non-resident fishing license," reported same in a new draft, under same title, and that it ought to pass.

Mr. Earnes from the committee on judiciary, on bill "An Act to enable the inhabitants of the Town of Fort Fairfield to assume all the rights, privileges, duties, contracts and obligations of the Fort Fairfield village corporation of said Fort Fairfield," reported same in new draft, under same title, and that it "ought to pass."

Mr. Anderson, from the committee on legal affairs, reported "ought to pass" on bill "An Act to amend Sec. 12, Chapter 181, Laws of 1911, relating to prisoners escaping from county farms."

(The rules were suspended and the bill given its two several readings.)

Mr. Murray, from the same committee, reported same on bill "An Act to enlarge the authority of the home for aged couples and old men in the city of Bath to take and hold property."

Mr. Gannett, from the committee on public utilities, on bill "An Act to prevent the sources of domestic water supply from becoming polluted," reported same in a new draft, under same title, and that it ought to pass.

Same gentleman from same committee, on bill "An Act to incorporate Gould Electric Company," reported same in a new draft, under same title, and that it ought to pass.

Same gentleman, from same committee, reported "ought to pass" on bill "An Act relating to the closing of accounts of public utilities and filing of balance sheets."

(The rules were suspended and the bill given its two several readings.)

Mr. Daigle of New Canada, from the committee on state lands and forest preservation, reported same on resolve appropriating money to maintain the state forest nursery and to encourage the reforesting of the waste lands of Maine.

(The rules were suspended and the resolve given its first reading.)

Mr. Flint from the same committee, on resolve for further public instruction in forestry, reported same in a new draft, under same title, and that it ought to pass.

(The rules were suspended and the resolve given its first reading.)

The reports were accepted and the several bills and resolves ordered printed under the joint rules.

Majority report of the committee on labor, reporting "ought not to pass" on bill "An Act to Repeal Section 35 of Chapter 49 of the Revised Statutes, relative to contract requiring notice of intention to quit work or discharge of employees," signed,

Butler, Stanley, Jordan,
Morison, Cushman, Han-
son.

Minority report of same committee, on same subject matter, reporting "ought to pass," signed,

Burleigh, Webb, O'Connell,
Descoteaux.

Tabled by Mr. Morison of Corinth pending acceptance of either report, and especially assigned for Wednesday, March 14.

Mr. Flint, from the committee on inland fisheries and game, reported "ought not to pass" on bill "An Act to provide for the registration of resident hunters and fishermen."

Same gentleman, from same committee, on bill "An Act to provide for the registration of non-resident fishermen," reported that legislation thereon is unnecessary, as the subject matter is covered by another bill reported by this committee.

Mr. Garcelon, from the committee on legal affairs, reported "ought not to pass" on bill, "An Act for the regulation of franchise."

Mr. Gannett, from the committee on public utilities, reported same on bill, "An Act to amend Section 34 of Chapter 55 of the Revised Statutes of 1916, relating to passes on street railways."

(Tabled by Mr. Allan of Portland pending acceptance.)

Mr. Harman, from the committee on sea and shore fisheries, reported same on bill, "An Act for the better protection of lobsters and to prevent the transportation thereof out of the State between June first and October first of each year."

Mr. Harris, from same committee, reported same on bill, "An Act to amend Section 36 of Chapter 45 of the Revised Statutes, relating to seed lobsters."

(Tabled by Mr. Boman of Vinalhaven pending acceptance and especially assigned for Wednesday, March 14.)

Mr. Newcomb, from same committee, on resolution in favor of dogfish, reported that the same be placed on file.

Mr. Daigle of New Canada, from the committee on State lands and forest preservation, reported "ought not to pass" on resolve authorizing the land agent to convey the State's interest in a small island situated in Great Pond, in Plantation No. 33, Hancock county.

Mr. Flint, from same committee, reported same on resolve authorizing the land agent to convey a certain lot or parcel of land to the Great Pond Cemetery Association.

Mr. Purington, from same committee, on that part of the Governor's

Message pertaining to State lands and forest, reported that the same be placed on file.

The reports were accepted.

Passed to Be Engrossed

Senate 242. An Act to legalize and make valid the doings of the municipal officers of Vinalhaven in laying out a way over the tide waters across Indian Creek in said Vinalhaven, and authorizing the construction of a suitable bridge across the same.

Senate 234. An Act to amend Section 30 of Chapter 24 of the Revised Statutes, relating to the crossing of railroad tracks by townways and highways.

Senate 235. An Act to amend Section 31 of Chapter 24 of the Revised Statutes, relating to highway crossings of railroads.

House 450. An Act to authorize the National Camps and Hotel Company to construct and maintain a wharf in Sebago Lake.

Mr. Meserve of Naples offered House Amendment A to House Document 450, as follows:

"Amend said act by striking out the entire second section."

On motion by Mr. Meserve of Naples, the amendment was adopted and the bill then had its third reading and was passed to be engrossed as amended by House Amendment A.

House 451. An Act to amend and extend the charter of the Bangor Boom Company.

(Tabled, pending acceptance of the report of the committee on bills in the third reading, on motion by Mr. Murray of Bangor.)

House 452. An Act to legalize the doings of the Fairfield Center Cemetery Association.

House 453. An Act to change the name of Marsh Island.

House 454. An Act to provide for a county law library at Rumford in the county of Oxford.

(Tabled on motion by Mr. Stearns of Hiram, pending its third reading.)

House 455. An Act repealing Chapter 276 of the Private and Special Laws of 1911, authorizing the city of Portland to construct public buildings upon public grounds.

House 456. An Act to extend the charter of the Waldo Street Railway Company.

House 457. An Act relating to the Knox Gas and Electric Company.

(Tabled on motion by Mr. Baxter of Portland, pending its third reading.)

House 458. An Act to provide for physical connection and certain auxiliary service between steam railroads and electric railroads.

House 459. An Act to extend the charter of the Farmington-Oakland Interurban Railway.

House 460. An Act to extend the charter of the Lincoln Sewerage Company.

House 461. An Act to extend and amend the charter of the Eastern Maine Railroad.

House 462. An Act to change the limits of the Madison Village Corporation and to set off therefrom certain real estate belonging to Theodore B. Weston and Addie S. B. Weston.

House 463. An Act to provide for increasing the capital stock of the Franklin Farmers Co-operative Telephone Co.

House 27. An Act to amend Section 39, Chapter 30, Revised Statutes of 1916, relating to the inspection of safeguards and repairs by town officers and fire engineers.

House 166. An Act to insure the purity of elections.

House 184. An Act additional to Chapter 82 of the Private and Special Laws of 1903, entitled "An Act to incorporate the Gardiner Water District."

House 96. An Act to amend Section 1 of Chapter 177 of the Special Laws of 1899, relating to the destruction of smelts in Saco River.

House 198. An Act to amend Chapter 35 of the Revised Statutes of 1916, relative to the Live Stock Sanitary Commissioner.

(On motion by Mr. Crediford of Shapleigh, recommended to the committee on agriculture.)

House 449. Resolve appointing a commission to investigate and report the advisability of making improvements in Portland Harbor; defining the

duties of the commissioners; and providing for the payment of their expenses.

The SPEAKER: The Chair lays before the House Resolve in favor of the Penobscot Tribe of Indians for the general care, maintenance, relief and education thereof. This resolve carries the emergency clause and requires a two-thirds vote of the members of the House upon its final passage.

Mr. FARRINGTON of Augusta: Mr. Speaker, when the vote is taken I move that it be taken by the yeas and nays.

A sufficient number having arisen, the yeas and nays were ordered.

The SPEAKER: The resolve is in favor of the Penobscot Tribe of Indians for the general care, maintenance, relief and education thereof. As the names are called, those who are in favor of the passage of this resolve will answer yes to their names; those who are opposed will answer no. The clerk will call the roll.

YEA—Albert, Alden, Allan of Portland, Allen of Sanford, Ames, Anderson, Andrews of Norway, Andrews of Warren, Averill, Babb, Barnes, Baxter, Besse, Billings, Bolduc, Boman of Vinalhaven, Bonney, Bowman of Detroit, Boynton, Bragdon, Brewster, Brown, Burbank, Bussabarger, Buzzell, Cates, Chaplin of Bridgton, Chaplin of South Portland, Charles, Clark of Harrison, Clarke of Randolph, Clason, Clifford, Coffin, Cole of Eliot, Conary, Corliss, Crediford, Cummings, Cushman, Daigle of New Canada plantation, Daigle of Wallagrass, Day, Dearth, Descoteaux, Driscoll, Drisko, Dutton, Eaton, Ellis of Gardiner, Ellis of York, Emerson, Farrington, Fleming, Fletcher, Flint, Frost, Gannett, Garcelon, Goldthwait, Grant, Greenlaw, Gurney, Hanson, Hall, Hammond, Harmon, Harris, Hart, Hartwell, Hill, Holley, Holt of Goulsboro, Holt of Skowhegan, Hooper, Howard, Hunt, Hutchins, Jenkins, Jennings, Jordan of Baileyville, Jordan of Cumberland, King, Kneeland, Knight, Langley, Largay, Larrabee, Lawrence, Leavitt, Lenfest, Levesque, Lewis, Libby, Longley, Lyford, McNally, Merrill, Meserve, Messer, Morin, Morison, Murphy, Murray, Newcomb, O'Connell, Packard of Newburg, Packard of Rockland, Pattee, Pendexter, Phillips, Picher, Powers, Purington, Ranney, Redman, Reed, Richards, Rounds, Rowe, Russell, Ryder, Sawyer of Madison, Sisson, Snow of Bluehill, Snow of Mars Hill, Speirs, Stearns, Stanley, Stubbs, Tate, Turner, Tuttle, Wagg, Washburn, Watson, Watts, Webb, Williams, Wilson—141.

ABSENT—Berry, Brackett, Clement, Dow, Holbrook, Muttu, Neilon, Nicholas, Sawyer of Eden, Welch—10.

One hundred and forty-one having voted in the affirmative and none voting in the negative, the resolve was finally passed.

The SPEAKER: The Chair lays before the House bill, An Act to provide a police commission for the city of Lewiston and to promote the efficiency of the police department thereof.

Mr. FARRINGTON of Augusta: Mr. Speaker, I move that that lie on the table.

Mr. EMERSON of Lewiston: Mr. Speaker, will the gentleman from Augusta, Mr. Farrington, assign a day for the hearing on this bill?

The SPEAKER: The bill came in its regular order for its final passage today, and the motion was made to table it and of course that motion is in order.

Mr. EMERSON: I would like to ask the gentleman if he would assign a day for hearing.

Mr. FARRINGTON: Mr. Speaker, I will agree to take it up within a day or two.

Mr. EMERSON: And give notice before the time?

Mr. FARRINGTON: I would not like to assign it especially at this time, but I will agree to take it up within a day or two.

The motion prevailed and the bill was tabled.

The SPEAKER: The Chair lays before the House Resolve making appropriations for the Passamaquoddy Tribe of Indians for the years 1917 and 1918. The resolve carries the emergency clause, and under the provisions of the Constitution requires a two-thirds vote of the members of this House upon its final passage. All those in favor of the final passage of this resolve will rise and stand in their places until counted and the monitors have returned the count.

A division being had, 129 voted in favor and none against.

So the resolve was finally passed.

The SPEAKER: The Chair lays before the House, bill, An Act to grant legislative assent to the provisions of the federal aid road act, and to authorize the State Highway Commission to co-operate with the federal government according to the provisions of said act. The bill carries the emergency clause, and under the provisions of the Constitution, requires a two-thirds vote of the members of this House upon its final passage of this bill will rise and stand in their places until counted and the monitors have returned the count.

A division being had, 128 voted in favor and none against.

So the bill was passed to be enacted.

The SPEAKER: The Chair lays before the House, bill, An Act to repeal Chapter 271 of the Private and Special Laws of 1911, relating to ways and bridges in Plantation No. 14, Washington county. This carries the emergency clause, and under the provisions of the Constitution, requires a two-thirds vote of the members of this House upon its final passage. All those in favor of the final passage of this bill will rise and stand in their places until counted and the monitors have returned the count.

A division being had, 120 voted in favor and none against.

So the bill was passed to be enacted.

Orders of the Day

Mr. ALLAN of Portland: Mr. Speaker, I move that we take from the table Senate Document No. 196.

The SPEAKER: The Chair begs the pardon of the gentleman from Portland, Mr. Allan, but the order that was passed two weeks ago, providing that the calendar should be cleaned up every Wednesday, also carried with it the provision that the matters should be taken up in the regular order. The gentleman from Portland will pardon the Chair.

Mr. FARRINGTON of Augusta: Mr. Speaker, I move that we take from the table the majority and minority reports of the committee on claims on Resolve in favor of Morrison Libby. I move that they be taken from the table, and further move that we non-concur with the Senate in the acceptance of the majority report, "ought not to pass," and that we accept the minority report, "ought to pass;" and, before that vote is taken, I want to make just a statement to the House, in order that the facts may be as clear as possible to those who may not be altogether familiar with them.

The SPEAKER: Will the gentleman from Augusta permit the Chair to lay before the House both reports in full for the information of the House. The Chair lays before the House the Senate reports, majority and minority reports of the committee on claims, on Senate Document No. 217, entitled "Resolve in favor of Morrison Libby," the majority report, "ought not to pass," signed by Messrs. C. M. Holt, James J. Neilon, John M. Goggin, Charles A. Snow and S. M. Packard, the minority report, "ought to pass," signed by Messrs. Willis A. Frost, Edgar E. Rounds, Lyndon E. Clifford and Arthur J. Chick. These reports came from the Senate. The pending question is on the acceptance of the majority report in concurrence with the Senate.

Mr. FARRINGTON of Augusta: Mr. Speaker, in 1914 the ballots for the State election had been printed and distributed through the cities and towns of Kennebec county. On the eve of the election, on Sunday before the election on Monday, the Republican candidate for county commissioner, Arthur Leonard, died very suddenly. The town committee, or the proper Republican officials, under provisions of the law which governed that matter, made a certificate to the secretary of State that the vacancy had been filled with the name of Morrison Libby, in whose favor this resolve is drawn.

There was not time for the re-printing of ballots and, instead thereof, the secretary of State's office, under proper

provisions of law, had printed what are called slips, with the name of Morrison Libby on those slips. And right here I want to call the attention of the House to the fact that they were not stickers, and were not called stickers; they were slips prepared at the secretary of State's office and sent out through the various towns and cities of the county for the Monday election with instructions for the ballot and election clerks to place them upon the ballots in the proper way, and this was done.

The election was held, and Mr. Libby received something like 160 majority; it does not matter what the figures were, but about that, and he was declared elected county commissioner, and he received a certificate from the secretary of State's office of his election.

It so happened, however, that these slips which, under the direction of the secretary of State's office, were placed upon the ballots by the election officials, were placed on them in such a way that the defeated and disappointed candidate, Mr. Crosby, saw his opportunity to raise the question as to whether those ballots should be counted or not; and he brought an action in court to determine whether he or Mr. Libby was elected.

The single justice held that Mr. Libby was properly declared elected, and the case went to the law court, and the law court sustained that ruling.

Now, Mr. Libby went to the expense that is covered by this resolve, some \$450. Had it not been for the bungling way in which these slips were placed upon the ballots by the proper officials, he never would have been confronted by any such condition as would necessitate his contesting his seat on motion of the other fellow.

In the court's opinion in the case, Judge Cornish stated that it was an official act from the time that the ballots left the secretary of State's office until those slips were placed on them, one continuous official act.

Now, I want to say at this point that I do not know Mr. Libby personally; I never met him and would not know him if I met him on the street, and I have not the slightest personal feeling:

in the way of seeing this resolve go through, except that I believe it is just that it should be paid.

Objection has been raised that it establishes a bad precedent, but, as I have heard one member of this House say, it seems to me that it would establish a worse precedent for the State to refuse to pay those who have suffered loss at its hands, than it would to pay this resolve.

Another argument which has been made, is that he went into this and took his chances. Gentlemen, he went into it and took his chances with a proper ballot, and he did not get a proper ballot. There is the whole situation, and all the trouble grew out of the fact that he did not get that proper ballot, and he was forced in this matter to protect himself, and the ballot was never declared a legal ballot until it had gone through the courts.

The point has been made that it was a perfect ballot. Well, it was so imperfect that it made him all the trouble and it was not a perfect ballot until it was so declared by the court.

This matter came into the committee on claims, and here is something I want you to keep in mind. The committee on claims, as I am informed, and I believe truthfully, made a unanimous report that this resolve ought to pass. For some reason or other, for a cause which I do not attempt to explain, later there was a divided report, upon which five signed the "ought not to pass" report—five members who happened to be members of the Democratic party—and the other four were members of the Republican party, one not signing because he did not hear the testimony. Now, I do not want to be understood for a moment as saying there is any politics in this thing. I do not think there is. I think it is simply a matter of difference of opinion and is not a party matter in any sense. I am not approaching it from that angle, but I think the report came out in its divided form on account of a misunderstanding of the facts.

Now it seems fair to me that this resolve should be passed, because if the State of Maine is going to follow a different rule from what it makes its subjects follow in matters of this kind,

then it is to be deplored. In our courts we are recompensed if we suffer injuries from somebody's carelessness or neglect when they owe us the duty of care. The State owed us the duty of care that a proper ballot went to the voters in this case. It did not present a proper ballot. The consequence was that this man, Mr. Libby, suffered this financial loss which was due to his contesting the case. It does seem to me as if the State of Maine can ill afford to apply one rule in the case of its subjects who seek redress in the courts, and another rule when the State itself is the subject of controversy.

I want to repeat that there is absolutely no politics in this, and I am not approaching it even from a personal angle, but entirely from what looks to me to be the right thing. I do not want any man to vote except as his conscience and judgment and sense of fairness and right dictate to him.

The SPEAKER: The question before the House, gentlemen, is on the motion of the gentleman from Augusta, Mr. Farrington, that the House non-concur with the Senate in the acceptance of the majority report, "ought not to pass."

A viva voce vote being taken,
The motion prevailed.

On further motion by Mr. Farrington of Augusta, the minority report, "ought to pass" on Senate Document No. 218, "Resolve in favor of Morrison Libby" was accepted in non-concurrence.

The SPEAKER: The Chair lays before the House, Senate Report of the committee on Public Utilities, reporting "ought to pass" on Senate Document No. 218, entitled "An Act to enlarge the powers of the Western Maine Power Company," tabled by Mr. Gannett of Augusta, Feb. 28. The pending question is the acceptance of the report in concurrence.

On motion by Mr. Gannett of Augusta, the report was re-tabled and assigned for consideration on Wednesday, March 14.

The SPEAKER: The Chair lays before the House, House Report of the committee on education, reporting

"ought not to pass" on House Document No. 260, entitled "An Act to regulate the time for beginning the fall term of schools," tabled by Mr. Newcomb of Scarborough, March 1, the pending question being the acceptance of the report.

Mr. NEWCOMB of Scarborough: Mr. Speaker, I move that that be assigned for hearing on Thursday, March 15. There are some people who want a little more time on this report. There are some important things in regard to it, and I would make a motion that it be assigned for hearing on Thursday, March 15.

Mr. Pattee of Harmony called for the yeas and nays.

A sufficient number having arisen, the yeas and nays were ordered.

The SPEAKER: As many as are in favor of the motion of the gentleman from Scarborough, Mr. Newcomb, that the House report from the committee on education be tabled and assigned for consideration on Thursday of next week, March 15, will answer "yes" when their names are called, and those who are opposed will answer "no." The clerk will call the roll.

YEA—Allan of Portland, Allen of Sanford, Ames, Anderson, Andrews of Norway, Andrews of Warren, Averill, Babb, Berry, Billings, Bolduc, Boman of Vinalhaven, Bonney, Bowman of Detroit, Boynton, Brackett, Bragdon, Brewster, Brown, Burbank, Buzzell, Cates, Chaplin of Bridgton, Chaplin of South Portland, Clark of Harrison, Clifford, Coffin, Cole of Eliot, Conary, Corliss, Day, Dearth, Descoteaux, Drisko, Eaton, Ellis of York, Emerson, Farrington, Fleming, Fletcher, Frost, Gannett, Garcelon, Grant, Gurney, Hanson, Hall, Hammond, Harr's, Hartwell, Hill, Holbrook, Holley, Holt of Gouldsboro, Holt of Skowhegan, Hooper, Howard, Hunt, Hutchins, Jenkins, Jennings, King, Kneeland, Knight, Langley, Largay, Larrabee, Lawrence, Leavitt, Levesque, Lewis, Libby, Longley, Lyford, Merrill, Meserve, Messer, Morin, Morison, Murphy, Murray, Newcomb, O'Connell, Packard of Newburgh, Packard of Rockland, Pendexter, Phillips, Picher, Purington, Ranney, Redman, Reed, Richards, Rounds, Rowe, Russell, Ryder, Sawyer of Eden, Snow of Bluehill, Speirs, Stearns, Stubbs, Tate, Turner, Watson, Webb, Williams, Wilson—108.

NAY—Albert, Alden, Barnes, Baxter, Besse, Bussabarger, Charles, Clarke of Randolph, Clason, Cole of Etna, Creditford, Cummings, Cushman, Daigle of New

Canada plantation, Daigle of Wallagree, Dutton, Ellis of Gardiner, Flint, Goldthwait, Greenlaw, Harmon, Hart, Jordan of Baileyville, Jordan of Cumberland, Lenfest, McNally, Pattee, Powers, Sawyer of Madison, Sisson, Snow of Mars Hill, Stanley, Tuttle, Wagg, Washburn, Watts—36.

ABSENT—Clement, Dow, Driscoll, Mutty, Neilon, Nicholas, Welch—7.

The SPEAKER: 108 having voted "yes," and 36 having voted "no," the motion of the gentleman from Scarborough, Mr. Newcomb, prevails, and the report is retabled and assigned for hearing on Thursday of next week, March 15.

Mr. FARRINGTON of Augusta: Mr. Speaker, I move that we take from the table at this time the Lewiston Police Bill, so-called.

The SPEAKER: Is it the pleasure of the House that this motion prevail? The motion prevailed.

Mr. EMERSON of Lewiston: Mr. Speaker, and gentlemen of the House, before this bill is enacted, I desire to call your attention to the laws of 1909 which clearly show that an emergency clause cannot apply to a municipality when by so doing the act sought to be passed would be an infringement of home rule! and I cite the section of said law which may be found on page 1456 of the Laws of 1909. I will read the State Law, Section 16:

"No act or joint resolution of the Legislature, except such orders or resolutions as pertain solely to facilitating the performance of the business of the Legislature, of either branch or of any committee or officer thereof, or appropriate money therefor, or for the payment of salaries fixed by law, shall take effect until ninety days after the recess of the Legislature passing it, unless in case of an emergency (which with the facts constituting the emergency shall be expressed in the preamble of the act), the Legislature shall, by a vote of two-thirds of all the members elected to each House otherwise direct. An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety; and shall not include an infringement of the right of home rule for municipalities."

An emergency bill is thus defined and in the words of the statute "shall in-

clude only such measures as are immediately necessary for the preservation of the public peace, health or safety, and shall not include on infringement of the right of the home rule for municipalities.'

Is this bill immediately necessary for the preservation of the public peace, health or safety of the citizens of Lewiston, and, if so, how? The law says an emergency bill shall not include an infringement of the right of home rule for municipalities. Everyone will admit that the bill is an infringement of the rights of home rule of the city of Lewiston. How, or by what authority, can this House pass this bill under the emergency clause? The law says plainly you cannot, and I hope the House will refuse the passage of this bill as an emergency measure.

The original bill was recommended by the Chamber of Commerce of Lewiston, carrying with it a referendum to the people, and in that bill it provided that the city marshal should be elected by the people. It comes out of the committee instead of having a referendum to submit to the people and an emergency clause to enact it forthwith, with a provision that the city marshal shall be elected by the Commission instead of by the people, just reversing the whole proposition.

This bill was tabled in the House by me February 27th for the purpose of having 1500 copies printed. The following day the bill was automatically called from the table for the acceptance of the report of the committee. Immediately on the acceptance of the said report, the bill was railroaded through the House by suspending the rules and passed to be engrossed, without even giving the citizens of Lewiston an opportunity to see the contents of the bill thus inflicted upon them. I appeal to you, gentlemen of the House, in all fairness and as fairminded men, as I believe you to be, to put yourselves in our place, and apply the Golden Rule to do unto others as you would have others do unto you. We believe in home rule, which is always more satisfactory.

Remonstrances of hundreds of names of the legal voters of the city of Lewiston have been presented and read before this House against this bill, un-

less the referendum clause is embodied in the bill. This is a very dangerous precedent to establish to take away the rights and privileges of the inhabitants of any city. Gentlemen, I stand for the truth. The truth is mighty and will prevail. I shall stand for the rights of the people I represent, and I am proud to hail from the city of Lewiston, the second city in size and commercial value in this State, chartered in 1863, and which has the honor of having the lowest valuation and tax rate of any city in the State, and none other is equal to it as a railroad center of steam and electric service, also the largest manufacturing in both cotton and woolen manufactures in Maine, with all these splendid features of its good management and then this Legislature seeks to put on an emergency clause—perfectly preposterous—and I know you gentlemen will not want to put yourselves on record as favoring such injustice as this.

Mr. Speaker, when this vote is taken, I move that it be taken by the yeas and nays.

Mr. FARRINGTON of Augusta: Mr. Speaker, the gentleman from Lewiston (Mr. Emerson) has called attention to a portion of the law of 1909 which says that the emergency clause shall not apply to cases of infringement of home rule of municipalities. Gentlemen of this House, the thing which gives rise to this bill, which is back of it, is not a party measure or anything of that kind, but it is a question of rule in Lewiston, and the act of 1909 certainly does not apply to a proposition like that. It is a case of misrule and bad conditions over there, into which I am not going, which justifies this Legislature in passing this in the shape in which it stands. Now as to the question of the emergency, Mr. Speaker, we have not in the State of Maine ever had any cases that involved this question, but there is a case in 148 Massachusetts on the point and there numerous cases in the west. I have here the case of the Bennett Trust Co. v. Sengstacker, 58 Oregon Reports, and on Page 342 the opinion of the court says this:

"But no such strict rule hampers the

legislative branch of the state government. It has the exclusive power to declare that its enactments are necessary for the immediate preservation of the public peace, health or safety, and that hence an emergency exists on account of which the act shall take effect when the legislative process, as applied to the act in question, is fully completed."

There have been any quantity of decisions that the Legislature is the sole judge of the emergency. There is a case similar to that in Oklahoma Reports, Volume 22, Page 365, in the case of Oklahoma City v. Shields, in which that court says:

"We conclude that the judgment of the Legislature in determining whether or not an emergency existed—that is, whether or not a measure is immediately necessary for the preservation of the public peace, health or safety—rests solely with the Legislature. It is not subject to review by the courts, or any other authority except the people."

There are numerous decisions, Mr. Speaker and gentlemen of the House, on that point, and I do not feel that there is any force in the proposition raised by the gentleman from Lewiston.

Mr. MURRAY of Bangor: Mr. Speaker, I am simply going to ask every lawyer in this room to read that constitution and then vote.

Mr. GOLDTHWAIT of Biddeford: Mr. Speaker, I should certainly feel remiss in my duties as a representative in this Legislature if I should fail to say a word upon this subject. I would speak against a commission of this kind, appointed in this way, whether it carried the emergency clause or not. Back in 1893, I think it was, we had such an act passed for such a commission in Biddeford. The same arguments were used as are now used for the passage of this act, and a great many claimed that somewhat similar conditions existed there. Perhaps they did. At any rate it was passed and fastened upon the city of Biddeford, and its results were very bad. Why, it got to such a condition there that the policemen of that force appointed by this commission, which in turn was appointed by the Governor of this State, would go

around in the watch hours of the night and place cabalistic signs upon the sidewalk in front of stores and places of business, and those men who were in business in those places were intimidated. They were bound by such a sign to attend a meeting upon whatever evening it might be called. That was one of the duties of the police force which was appointed in this way; but that is only a small detail. To sum it up briefly, it resulted in building up a very fine party machine in the city of Biddeford. I do not speak on party lines in this matter because possibly we might have police commissions in this State appointed by a Democratic Governor; but I say the principle is entirely wrong and is against the spirit of our American form of government to take away from the people of the State the right to elect their own officers. I do not speak against this measure as affecting Lewiston particularly, but only as it might affect the whole State. If the people of Lewiston want a police commission of this kind appointed by the Governor, I do not know really, from a selfish point of view, why I should attempt to interfere in any way whatever; but the principle is wrong and in the same way a police commission bill can be fastened on any city or town in this State whether they want it or not.

The SPEAKER: The question, gentlemen, is on the final passage of the act to provide a police commission for the city of Lewiston and to promote the efficiency of the police department thereof. The gentleman from Lewiston, Mr. Emerson, has moved that the vote be taken by the yeas and nays. As many as are in favor of calling for the yeas and nays will please rise.

A sufficient number having arisen, the yeas and nays are ordered. The clerk will call the names and as many as are in favor of the final passage of this act, which requires a two-thirds vote, when their names are called will answer yes; those opposed, no.

YEA—Albert, Alden, Allan of Portland, Allen of Sanford, Ames, Anderson, Andrews of Norway, Andrew of Warren, Averill, Babb, Barnes, Baxter, Besse, Bonney, Bowman of Detroit, Bragdon, Brewster, Brown, Burbank, Bussabarger, Buzzell, Cates, Chaplain of Bridgton,

Chaplin of South Portland, Charles, Clark of Harrison, Clarke of Randolph, Clason, Clifford, Coffin, Cole of Eliot, Cole of Etna, Conary, Crediford, Cummings, Cushman, Daigle of New Canada plantation, Daigle of Wallagree, Day, Dearth, Dutton, Eaton, Ellis of Gardiner, Ellis of York, Farrington, Fletcher, Flint, Frost, Gannett, Garcelon, Grant, Greenlaw, Gurney, Hanson, Hall, Hammond, Harris, Hart, Hill, Holbrook, Holley, Hort of Gouldsboro, Hooper, Howard, Hunt, Hutchins, Jenkins, Jennings, Jordan of Baileyville, Jordan of Cumberland, Knight, Langley, Lawrence, Leavitt, Lenfest, Lewis, Libby, Longley, Lyford, McNally, Merrill, Messer, Morison, Murphy, Newcomb, O'Connell, Packard of Rockland, Pattee, Pendexter, Phillips, Powers, Purington, Redman, Richards, Rounds, Rowe, Russell, Ryder, Sawyer of Madison, Sisson, Snow of Mars Hill, Speirs, Stearns, Stanley, Stubbs, Tuttle, Wagg, Washburn, Watts, Williams, Wilson—111.

NAY—Berry, Billings, Bolduc, Boman of Vinalhaven, Boynton, Corliss, Descoteaux, Driscoll, Emerson, Fleming, Goldthwait, Harmon, King, Kneeland, Largay, Larrabee, Levesque, Meserve, Merin, Murray, Packard of Newburgh, Picher, Reed, Sawyer of Eden, Snow of Bluehill, Tate, Turner, Watson, Webb—29.

ABSENT—Brackett, Clement, Dow, Drisko, Hartwell, Muttly, Neilon, Ranney, Welch—9.

PAIRED—Nicholas, yes; Holt of Skowhegan, no.

The SPEAKER: One hundred and eleven having voted in the affirmative and 29 in the negative, I declare that the act is passed to be enacted.

The SPEAKER: The Chair lays before the House, House Document No. 350, "An Act to create a board of prison commissioners," tabled by the gentleman from Portland, Mr. Rounds, pending its third reading.

On motion by Mr. Rounds of Portland, the bill was then given its third reading.

Mr. COLE of Eliot: Mr. Speaker, I would ask if that is the bill that was amended by the gentleman from Portland (Mr. Rounds)?

The SPEAKER: The Chair would inform the gentleman from Eliot that it is.

On motion by Mr. Cole of Eliot, the bill, as amended by House Amendment A, was tabled pending its passage to be engrossed.

The SPEAKER: The Chair lays before the House, House Document No. 402, "An Act to extend the charter of the Washington County Light & Power Co.," tabled by the gentleman from Portland, Mr. Baxter, the pending question being its passage to be engrossed.

Mr. Baxter of Portland offered House Amendment A, to amend by adding thereto Section 3, which reads as follows:

"Section 3. It shall be unlawful for said corporation to transmit electric current for sale or use beyond the limits of this State, or to contract with any person, firm or corporation for the transmission or sale of electric current beyond the limits of this State; and said corporation shall not be permitted to acquire in any way the franchises of, or consolidate with, or transfer or lease its property, rights and franchises to any other corporation, firm or person now transmitting or having the right to transmit electric power beyond the confines of this State, without express authority of the Legislature."

The question being on the adoption of House Amendment A,

On motion by Mr. Baxter of Portland, the amendment was adopted.

The pending question being its passage to be engrossed,

The bill, as amended by House Amendment A, was passed to be engrossed.

The SPEAKER: The Chair lays before the House House Document No. 433, "Resolve making appropriation for expenses for the work of the State Board of Charities and Corrections prescribed by law for the years 1917 and 1918," tabled by the gentleman from Portland, Mr. Rounds, pending its third reading.

Mr. Rounds of Portland offered House Amendment A, to amend by adding the following: "Provided that amounts herein appropriated shall be in lieu of any fund for the work of said board by the provisions of Chapter 147 of the Revised Statutes."

Mr. FARRINGTON of Augusta: Mr. Speaker, I am afraid the gentleman from

Portland, Mr. Rounds, does not understand this resolve. It is simply to provide for the money necessary to run that department. It is \$2000 larger for each of the two years, as I remember the resolve, than it was the preceding two years, and I fear that the gentleman has in his mind that they are getting \$8000 additional. It is simply the regular resolve that goes through, covering the necessary expense of running that department. That is all it is.

Mr. ROUNDS of Portland. Mr. Speaker, since I talked with Mr. Farrington I have learned that there is a law of the State that gives them a certain amount. Somehow or other the committee has got the cart before the horse. There is a bill coming in here to repeal this. Senate bill 99 repeals this, but we are discussing Bill 439. Therefore, if this goes through, they have a right, under Chapter 147, to collect the money from these different institutions. I have been to the secretary of the Board of Charities and Corrections, and he tells me that that is a fact, and that is why I offer that amendment.

On motion by Mr. Farrington of Augusta the bill and amendment were tabled pending the adoption of the amendment.

The SPEAKER: The Chair lays before the House Senate Document No. 196, "An Act to extend the charter of the Rockland, South Thomaston & St. George Railway," tabled by Mr. Allan of Portland pending its passage to be enacted.

On motion by Mr. Allan of Portland,

the House reconsidered its vote whereby the bill was passed to be engrossed as amended by House Amendment "A," and the same gentleman offered House Amendment "B" to amend by adding the following:

"Provided, however, that the prohibition, contained in Section 28, Chapter 58 of the Revised Statutes of 1916, against the construction and maintenance of a railroad over streets, roads or ways already occupied by a street railroad, shall not alter or limit any authority specifically conferred by this act."

The question being on the adoption of House Amendment B.

On motion by Mr. Allan of Portland, the amendment was adopted, and, on further motion by the same gentleman, the bill as amended by House Amendments "A" and "B" was passed to be engrossed.

Mr. ALLAN of Portland: Mr. Speaker, if it is in order I would like to take from the table House Report from the committee on public utilities, reporting "ought not to pass" on bill, An Act to amend Section 34 of Chapter 55 on the Revised Statutes, relative to passes on street railroads, which I tabled this morning. I now move that the report of the committee be accepted and that under the joint rules the bill lie on the table for printing.

The motion was agreed to.

On motion by Mr. Emerson of Lewiston, adjourned until 10 o'clock tomorrow morning.