

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

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HOUSE.

Thursday, March 15, 1917.

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

Prayer by the Rev. Mr. Bussabarger of Lubec.

Journal of previous session read and approved.

Unanimous consent being given, the rules were suspended and Mr. Rounds of Portland introduced out of order the following order:

Ordered, that when the House adjourns, it adjourns to meet Friday, Mar. 16, 1917, at 9 o'clock in the forenoon.

The SPEAKER: The Chair will say to the members that the object of the order is that many are going to Portland—we hope everybody is going to Portland—and beginning at 9 o'clock we will get through early so as to take the train which leaves at twelve.

The order received a passage.

Papers from the Senate disposed of in concurrence.

From the Senate: Resolve in favor of L. E. Bradstreet and Sons Company for the balance due on the Farmington State Normal School dormitory construction.

Came from the Senate indefinitely postponed.

On motion by Mr. Ellis of Gardiner, the House voted to concur with the Senate in indefinitely postponing the resolve.

From the Senate: Resolve in favor of the Machias Electric Light Company in payment for current furnished the Washington State Normal School.

Came from the Senate indefinitely postponed.

On motion by Mr. Holt of Skowhegan, the House voted to concur with the Senate in indefinitely postponing the resolve.

From the Senate: An Act to extend the charter of the Washington County Light & Power Company, new draft.

In the House, this bill was passed to be engrossed as amended by House Amendment A.

In the Senate, House Amendment A, was rejected and the bill in a new draft was passed to be engrossed.

Mr. BAXTER of Portland: Mr. Speaker, I did not expect that this matter would come before the House so soon after the debate of yesterday; but I consider it very fortunate that it comes about in this way. I want to explain to the House—

The SPEAKER: The Chair would suggest that there is no motion before the House.

Mr. BAXTER: I was about, Mr. Speaker, to move that we insist on our action in adopting House Amendment A.

I want to explain to the House the situation in regard to this bill. The bill as originally introduced grants certain additional rights to the Washington County Light and Power Company, and, as I understand it, nobody in the House, nor in the other body, objects to the rights being given to the Washington County Light and Power Company. I think the rights they ask for are entirely reasonable. Bearing that in mind, gentlemen, we come to this question, as to whether or not it is to be the policy of this House to attach to such charters as this the amendment that I propose which in substance is as follows: that this company shall not have the right to transmit electric current beyond the limits of the State, and it shall not have the right to consolidate with any other company which now has the right to take current outside of the State of Maine. Now that is the only question before this House, and I am very glad that it comes up in so positive and so definite a form. Yesterday, as you remember, we indulged in quite a lengthy debate and the issue was not clear. There was an issue of parliamentary law between the Speaker and myself and the other gentlemen who supported me, but today that is entirely eliminated from the discussion and we come right down to the bare question, what shall be the policy of the State of Maine. We adopted this amendment unanimously

several days ago and sent the charter to the Senate. Yesterday they refused to concur in the adoption of the amendment and the charter now comes back to us and we must take some definite action on it. The situation presents itself in just the right form according to my way of looking at it. We all realize that the danger, if you can consider it a danger, comes along the eastern and western borders of our State. Washington county, as we all know, borders the Province of New Brunswick, and, if we are to allow electric companies to take current out of the State, this Washington County Company, will be very material in helping those companies to carry out their plans. The same situation would present itself in York and Oxford counties which border the state of New Hampshire. Now when we vote upon this question, if we vote to insist upon our former action, we are voting to amend this Washington county charter, so that they cannot take the current out of the State, and so that no other company in consolidation with them can do the same thing. I do not want to discuss here the general subject of taking current outside of the State, because that is going to come before us in a proposed law later on which will allow all companies to do it; but I do feel that it is absolutely essential for us this morning to take some definite action.

There are three large interests operating electric and power companies in the State of Maine. Those interests are as follows: There are the interests which own the powers in the region of Rangeley Lakes, and especially in Rumford Falls. There is the Central Maine Power Company, then there is the corporation known as the E. W. Clark Management Corporation which owns railroads which pass through this city and which extend a long distance east and west of us. Now when the time comes, gentlemen, that it is for the interests of the companies to consolidate, to join drives, they have a perfect right to do so; I do not want to stand in their way. I do not want to stand in the way of any of these companies developing the State of Maine, and I shall not stand

here before the House and offer one word of protest, no matter how wide their powers are, unless they try to get through some legislation which will allow them to do the very thing which I feel would be greatly against the interests of the State of Maine. The situation may well be likened to a chain. Each one of these companies, and each one of their constituent companies, represents a link in the chain. Now the question is whether we are going to help them in forging this link or that link so that when the time comes there will be one continuous unbroken chain running east and west across this State, and north and south through the center of it. That is the question before us. It is not one company or another, it is the whole situation; and we must act here having in mind the fact that no matter how small a charter may be, no matter how insignificant it may be today, the time may come when that charter will be the one thing which will enable these companies to accomplish their purpose. That is the whole situation. If we should recede and concur with the Senate, we say to the people of Maine that it is the opinion of this Legislature that this restriction should not be put upon the Washington County Light and Power Company, and I am sure nobody then would have the courage to get up again on the floor of this House and advocate that this amendment be put upon the charter of any other company that comes before us at this session. We may well differ as to the advisability of insisting upon this non-transmission idea. I shall not question any member's sincerity or honesty of purpose if he votes against it; but I do want every member to understand the situation that is before us, so he may vote intelligently and say when he goes back to the people who sent him here that he voted intelligently on this question; that he knew what he was voting on and is willing to take the praise or the blame for his action.

I do not know who owns the Washington County Light and Power Company; that does not interest me. I suppose—I have every reason to be-

lieve—that they are gentlemen who want to develop the resources of Washington County, and I shall not put a trig in their wheels. I want to help them in any way, but the only thing is we must not give them, in my opinion, any right, now or later, to join with any other companies. Whenever any one of these three big interests—and because they are big I do not criticize them. I am glad they are big and I want them to develop every water power in the State of Maine just as rapidly as possible; but, gentlemen, when any one, or when all three, of these big interests consider it to their advantage to purchase the Washington County Light and Power Company of course they will do so, and if we have not put a trig in the wheels, if we have not protected the interests of the people of the State, then, of course, they can accomplish their purpose and do as they like.

I just want to explain one thing more. We have heard about the law of 1909. It prohibits the transmission of electricity outside of the State. These corporations—and I hope you will not impute to me any hostility to them when I use the word “corporations” for I use it in a most friendly sense—these corporations are of the opinion, and have so expressed it definitely to me, that that law of 1909 is absolutely unconstitutional. Be that as it may, I think that the lawyers of this House will admit that even though it may be unconstitutional, it is certainly constitutional and within our rights to put this proposed amendment on the charter of any corporation that comes here asking for a franchise. That is in the nature of a contract between the State of Maine and the corporation that comes here. The State of Maine, as represented by this Legislature, makes a sort of contract with the gentlemen interested in these corporations, and says “We will give you these rights if you will take them subject to such restrictions as we think are wise.” Now that law of 1909 simply says that corporations cannot take electricity out of the State. This amendment goes farther than that and says that they

cannot take electricity out of the State, nor can they consolidate with any other company that is now doing so.

This is all I shall say this morning upon the subject; but if there is any member who does not see the issue clearly and well defined, I hope he will make his doubts known so that some of us may explain just what we are voting on. If we vote to insist upon this amendment which has been sent here turned down by the Senate, we are voting to adhere to the policy that corporations shall not be allowed to take electricity out of the State, either through their own charters or through the charters of other corporations with which they may subsequently ally themselves.

Mr. BARNES of Houlton: Mr. Speaker, may I ask through the Chair for information from the gentleman from Portland, Mr. Baxter, whether the Washington County Light & Power Company is a concern in operation, or whether this charter 402 is simply to extend its right to live until it is in operation? I see that it was granted in 1913 and extended in 1915.

Mr. BAXTER: Mr. Speaker, in answer to the inquiry from the gentleman from Houlton, Mr. Barnes, I notice that this corporation was chartered in 1913. In 1915, it came here and was given the right of existence for two years more. That is what it is asking for now, and that even makes my point stronger than I explained before, because this corporation, assuming what the gentleman from Houlton says, is not even doing business. Therefore, before it starts doing business, it is certainly fair and right for us to put this restriction on it. If it had been doing business year after year, there might be reasons why we should not upset its former rights; but I assume from the gentleman from Houlton, Mr. Barnes, that this corporation has not even started doing business, and that certainly is the right moment for us to take this action, and there will not be a man in this House who can say that we are treating this corporation unfairly. I want this corporation to do business, but I want it to do business under the restrictions which I have outlined.

Mr. BARNES: Mr. Speaker, I will not bother the gentleman from Portland (Mr. Baxter) with any more questions, and I do not know whether this corporation is in existence or not. I will have to be pardoned for stating that I do know that Washington county is next to Aroostook county; we travel through it more or less. I do know that Machias is 48 or 50 miles west of Calais, which is on the boundary. I do know that it is more than 100 miles, and perhaps 200 miles, from the west line. I do know that it was once the best of Machias that there were 126 mills on its river and it was then a thriving, hustling, busy place. That is a lumberman's tradition and I will not say that I know it; that is what they used to boast. I know that business at present is not brisk in Machias, and the lumber has been largely manufactured. Now if this is a corporation which wishes to generate electricity up the river and bring it down to Machias, to be used at Machias, it is an excellent scheme. But I have no knowledge of that, and I suspect that my brother from Portland (Mr. Baxter) has no knowledge of it. Further than that, if the charter rights already granted to the Washington County Light & Power Company limit it within certain townships, and this is the point made yesterday,—and I am as thorough a conservationist as there is in Maine, and I do not wish to be misunderstood,—if this is a corporation which wishes to generate and develop the powers up the Machias river and bring them down to tide water at Machias, and manufacture there, it is just the kind of a corporation that we should foster; and, if it is now restricted, as I assume in all human probability it is, to doing business on certain townships, then before it could ship a particle of electricity out of the townships to which it is now restricted, it must come to a legislature of the State of Maine and get that right; and that is the time to prevent its doing that which we think is not best. But if now, without any information, out of courtesy to my friend from Portland (Mr. Baxter) as we did the other day,—if now without any information on the subject, we do any injury to the development of the central part of the seaboard of Washington

county, we are to blame. As I said yesterday, I think a man proposing an amendment to one of these corporations should know where it operates and what it has authority to do, and that each case stands on its own bottom, to use a homely expression. Now I am not prepared to vote on this. If it were possible, it seems to me such a matter as this should be tabled until we can read the charter, and I make the motion that we table the matter.

Mr. CATES of Vassalboro: Mr. Speaker, I should like to ask Mr. Barnes of Houlton, through the Chair, if this amendment prohibiting the transmission of electricity outside of the State is adopted, it is going to handicap or do injury to this Washington County Company or prevent it in any way from manufacturing electricity and transmitting it out of Machias?

Mr. BARNES: Mr. Speaker, I am very glad to clear up that point. Now I happen to be one of the lawyers of Maine who believes in the constitutionality of the statute of 1909, which I helped to draft in an humble way. I believe in the constitutionality of it; but when a great many of the very best lawyers in the State of Maine say that they believe it is unconstitutional, why I have had experience enough in court to say that I reserve my judgment and go cautiously. Here is the point! One after another these charters are coming up here; the gentleman from Portland (Mr. Baxter) said there were thirty. The gentleman from Portland and I agree absolutely on the matter of conservation, except that I understand that conservation means utilization, and I do not know what he believes about that. He says there are thirty or more coming up. Now I say that it is not right to force a contract on a corporation. They have got to go out of business, that is, they cannot get the privilege which they ask for unless they enter into this new contract with the State. I say that it is not right to force a contract or a thing on a corporation if it is going to hamper it and going to do no good to the State. That is the position. The State

is one party and the corporation the other, and it is not right to hamper the corporation unless it is going to do some good to the State. Now there are a number of strong corporations in Maine which have no such prohibition annexed to their charters, and they are doing business and some of them are in western Maine. The exigencies of business do not require them to ask anything of the legislature of Maine this year, so that the prohibition won't bother them this year and it may not two years hence and it may not six years hence. In the meantime, we seem to be prohibiting other corporations, without considering whether we should or not on each individual case,—we seem to be prohibiting other corporations. Now suppose that the opinion of some of the wisest lawyers in Maine should obtain, and suppose that the Maine act of 1909 should be declared unconstitutional! Then, incidentally, the corporations that have not had the prohibition affixed to their charters could take advantage of the right to go out of the State, could build an electric highway, and could ship their current out, while these other corporations would have to suffer in comparison. This, to my idea, is an unjust restriction upon open competition and commerce. If it can be shown to me that the corporation, which apparently is not a going concern yet, and asks simply that its charter be extended a couple of years, as all of them do,—if it can be shown to me that that corporation can, without going to another legislature get out of the State—and I know that that is not so—why then I should vote to put this prohibition on to it, even if it is in the middle of Washington county and down almost to the seashore. You know, every one of you, who ever read a charter, that charter rights are limited to one, two or three, or a bunch of townships, and they can do certain things within those townships. When they come to the line of those townships, there their power ends. Now in order to get out of any one of the townships here, they must come to a legislature of Maine; and it does not seem to me that we are running any risks. All I wish, Mr. Speaker, at this time, is information as

to what these charter rights are, or time to investigate.

The SPEAKER: The Chair recognized the gentleman from Vassalboro, Mr. Cates, for the purpose of asking a question. Does the Chair understand the gentleman from Houlton, Mr. Barnes, to renew his motion to table the matter?

Mr. BARNES: Yes, Mr. Speaker, I move that it be tabled.

Mr. BAXTER: Mr. Speaker—

The SPEAKER: That motion is not debatable. It is moved and seconded that the matter be laid on the table. Is it the pleasure of the House that that motion prevail?

A viva voce vote being doubted,

The yeas and nays were called.

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

The SPEAKER: The Chair will state the question. The question is shall the House lay on the table the matter of concurrence or insistence on the former action on Senate Document No. 402. As the names are called, those who are in favor of laying the matter on the table will say yes when their names are called; those who are not in favor of tabling the matter will say no. The clerk will call the roll.

YEA—Albert, Allan of Portland, Allen of Sanford, Ames, Andrews of Norway, Averill, Babb, Barnes, Berry, Besse, Boynton, Bragdon, Chaplin of Bridgton, Charles, Clason, Clifford, Cole of Eliot, Cummings, Cushman, Daigle of New Canada Pl., Daigle of Wallagrass, Day, Drisko, Dutton, Eaton, Ellis of Gardiner, Farrington, Fleming, Fletcher, Flint, Gannett, Greenlaw, Hanson, Hammond, Hill, Holbrook, Holley, Holt of Gouldsboro, Howard, Jennings, Leavitt, Lenfest, Lyford, McNally, Murphy, Nicholas, O'Connell, Packard of Newburg, Pattee, Pendexter, Powers, Sawyer of Eden, Sawyer of Madison, Sisson, Snow of Mars Hill, Stubbs, Washburn, Wilson—58.

NAY—Alden, Anderson, Andrews of Warren, Baxter, Billings, Bolduc, Bowman of Vinalhaven, Bowman of Detroit, Brackett, Brewster, Brown, Burbank, Bussabarger, Buzzell, Cates, Chaplin of South Portland, Clark of Harrison, Clarke of Randolph, Clement, Coffin, Cole of Etna, Conary, Corliss, Crediford, Dearth, Descoteaux, Dow, Ellis of York, Emer-

son, Frost, Goldthwait, Grant, Gurney, Hall, Harmon, Harris, Hart, Hartwell, Hold of Skowhegan, Hooper, Hunt, Hutchins, Jenkins, Jordan of Baileyville, Jordan of Cumberland, King, Kneeland, Knight, Largay, Larrabee, Levesque, Lewis Libby, Longley, Merrill, Meserve, Messer, Morin, Morison, Newcomb, Neilson, Packard of Rockland, Phillips, Picher, Purington, Ranney, Redman, Reed, Richards, Rounds, Rowe, Russell, Ryder, Snow of Bluehill, Speirs, Stearns, Stanley, Tate, Turner, Tuttle, Wagg, Watson, Watts, Welch, Williams—85.

ABSENT—Driscoll, Garcelon, Langley, Lawrence, Murray, Mutty, Webb.—7.

Fifty-eight having voted in the affirmative and 85 in the negative, the motion of the gentleman from Houlton, Mr. Earnes, was lost.

The question being on the motion of the gentleman from Portland, Mr. Baxter, that the House insist on its action,

A viva voce vote being had,

The motion prevailed.

The SPEAKER: The Chair would inquire if a committee of conference is desired.

Mr. BAXTER: I did not include that in my motion, Mr. Speaker.

From the Senate: Joint resolution of the Legislature of Maine, providing for rescinding the action of the President of the Senate and the Speaker of the House in signing enacted Senate bill No. 137, entitled "An Act making it unlawful to give checks or drafts on banks where the maker has not sufficient funds or credit to pay the same, and providing a penalty therefor."

In the House, on March 6, this resolution was read and passed in concurrence with the Senate.

March 14, the Senate reconsidered its former action whereby the resolution was read and passed.

On motion by Mr. Farrington of Augusta, the House voted to reconsider its action whereby the resolution was read and passed.

From the Senate: An Act relating to the issuing of blank writs by clerks of the supreme judicial court, clerks and recorders of the municipal and police courts and trial justices.

In the Senate, Senate Amendment A was adopted.

On motion by Mr. Farrington of Augusta, the House voted to concur with the Senate in the adoption of Senate Amendment A.

The bill, as amended by Senate Amendment A, was then given its two several readings.

Senate Bills on First Reading

Senate 264. An Act to amend Section 62 of Chapter 2 of the Revised Statutes, relating to deposit of State funds. (On motion by Mr. Rounds of Portland, tabled pending assignment of third reading.)

Senate 302. An Act to amend Chapter 147, Revised Statutes, relating to the State Board of Charities and Corrections.

Senate 385. An Act to amend Section 19, Chapter 117 of the Revised Statutes, relating to the bank department.

Senate 250. Resolve in favor of the Machias Electric Light Co. in payment for current furnished the Washington State Normal school.

Senate 253. Resolve providing for the payment for steel filing equipment in the office of the secretary of Senate.

Senate 121. An Act to extend the rights, powers and privileges of the Guilford Manufacturing Co. for the erection and maintenance of piers and booms in the Piscataquis river.

Senate 159. An Act to authorize Blaine S. Viles and Guy P. Gannett to erect dams and develop water storage basins on Bog Brook in Dead River Plantation for the storage of water and for driving logs and manufacturing.

Senate 178. An Act to provide for the licensing of drivers of automobiles for hire in the town of Eden in the county of Hancock.

Senate 295. Resolve in favor of the reformatory for women for maintenance and other purposes for the years 1917 and 1918.

Senate 297. Resolve for the purpose of operating the fish hatcheries and feeding stations for fish, for the protection of fish, game and birds, and for printing the report of the commissioner of inland fisheries and game, and

other expenses incident to the administration of the department of inland fisheries and game.

Senate 298. An Act to amend Sections 55, 56, 57, 58, 59, 61 and 63 of Chapter 16 of the Revised Statutes, to provide for the formation of unions for the employment of superintendents of schools.

Senate 299. Resolve in favor of the University of Maine.

Mr. FARRINGTON of Augusta: Mr. Speaker, may I have the indulgence of the Chair just a moment. I notice that on the calendar for today, the sheriff resolve does not appear. I do not know but possibly the members of the House, not seeing that on the calendar, might feel that that is not to come up today. I understand that this is a mistake of the printer and that it comes up under orders of the day.

The SPEAKER: The Chair would repeat the observation of the gentleman from Augusta, Mr. Farrington, that the resolve relative to the sheriff matter, which was specially assigned for today and which calls for a constitutional amendment, was omitted from the calendar by the printer and will be taken up in spite of the fact. The Chair would further suggest that the sheriff matter will be taken up at the end of the calendar under the title of "Tabled and Today Assigned," because it would have appeared on the calendar last under that section, as it was the last matter acted upon yesterday. Therefore the matter will be taken up at that time.

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. Newcomb of Scarborough: Remonstrance of H. E. Maxwell, and 25 others, members of Cape Elizabeth Grange of Cape Elizabeth, against the passage of House Bill No. 321, relating to change in the distribution of the school funds.

By Mr. Cates of Yassalboro: Re-

monstrance of D. B. Mason, and 29 others of Winslow Grange, No. 320, P. of H., against same.

By the same gentleman: Remonstrance of Dr. E. C. Hooper, and 15 others, representing Winslow Grange, No. 320, P. of H., against same.

By the same gentleman: Remonstrance of Fred C. Simpson, and 22 others, of Winslow Grange, No. 320, P. of H., against same.

By the same gentleman: Remonstrance of G. A. Chamberlain, and 28 others, members of Winslow Grange, No. 320, P. of H., against same.

Legal Affairs

By Mr. Dutton of Bingham: An Act to amend Section 68 of Chapter 16 of the Revised Statutes, relating to the election of truant officers. (500 copies ordered printed.)

Judiciary

By Mr. Barnes of Houlton: An Act to amend Section 51 of Chapter 82 of the Revised Statutes, providing for order of trial at supreme judicial court for Aroostook County. (1000 copies ordered printed.)

By Mr. Gurney of Portland: An Act to amend Section 62 of Chapter 65 of the Revised Statutes of the State of Maine, in relation to divorce. (500 copies ordered printed.)

Mr. Tuttle of Caribou: Petition of Percy E. Higgins and 58 others in favor of an Act to authorize the county of Aroostook to enlarge and repair the court houses at Houlton and Caribou in said county.

By the same gentleman: Petition of Willie F. Paradis and 18 others in favor of same.

The SPEAKER: Will the gentleman from Bangor, Mr. Murray, take the Chair temporarily?

(The gentleman from Bangor, Mr. Murray, assumed the Chair.)

Reports of Committees

Mr. Snow, from the committee on Education, on Resolve in favor of the town of Washburn, Aroostook County, reported same in a new draft, under title of "Resolve in favor of the town

of Washburn," and that it ought to pass."

Mr. Washburn, from the committee, on Resolve making an appropriation for the general maintenance and support of the University of Maine.

Resolve, Appropriating moneys for erection and construction of buildings at the University of Maine.

Reported same in new draft, under title of "Resolve in favor of the University of Maine for maintenance and for the construction of new building," and that it ought to pass.

Mr. Lenfest, from committee on insane hospitals, on bill "An Act to amend Section 17 of Chapter 145 of the Revised Statutes of 1916, relating to examination and commitment of persons to insane hospitals," reported same in a new draft, under same title, and that it ought to pass.

Mr. Baxter, from committee on judiciary, reported "ought to pass" on bill, An Act to amend Section 21 of Chapter 49 of the Revised Statutes relating to regulations for employment of minors between 14 and 16 years old." (The rules were suspended and the bill given its two several readings.)

Same gentleman, from same committee, reported same on bill, "An Act to incorporate the Casco Title Guaranty Co. (The rules were suspended and the bill given its two several readings.)

Same gentleman from same committee, reported same on bill, "An Act to amend Section 34 of Chapter 55 of the Revised Statutes, 1916, relating to public utilities. (The rules were suspended and the bill given its two several readings.)

Mr. Farrington from the committee on judiciary, on bill, An Act to amend Sections 18 to 23 inclusive of Chapter 18, and Section 53 of Chapter 117 of the Revised Statutes, all relating to the Board of Registration of Nurses, reported same in a new draft, under same title, and that it ought to pass.

Mr. Gurney from same committee, on bill, An Act to amend the charter of the city of Hallowell, 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 to enable the register of deeds of Cumberland county to procure durable copies of plans recorded in said registry.

Same gentleman from same committee, reported same on bill, An Act to authorize the city of Lewiston to issue bonds to the amount of \$200,000 to pay its bonds now outstanding and maturing in the year 1917.

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

Same gentleman from same committee, reported same, on bill, An Act to amend Chapter 83, Section 5 of the Revised Statutes, relative to the time and place of holding the county commissioners' court in York county.

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

Same gentleman, from same committee, reported same, on bill, An Act to amend Section 27 of Chapter 120 of the Revised Statutes, relating to offenses against lives and persons of individuals.

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

Same gentleman, from same committee, reported same, on bill, An Act to amend Section 2 of Chapter 346 of the Private and Special Laws of 1905, amended by Chapter 27 of the Private and Special Laws of 1915, relating to the powers and duties of the probation officer of Cumberland county.

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

Same gentleman, from same committee, reported same on bill, An Act additional to Revised Statutes, Chapter 51, relating to corporations.

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

Same gentleman, from same committee, reported same, on bill, An Act to change the name of the Unitarian church of Augusta, Maine.

Same gentleman, from same committee, on bill "An Act to amend Section 65 of Chapter 126, in relation to appointment of cruelty officers," reported same in a new draft, under same title, and that it ought to pass.

Mr. Anderson, from the committee on legal affairs, on bill "An Act to extend the charter of the Casco Bay

Water Co." 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 extend the charter of the Livermore & Augusta Railway Co.," reported same in a new draft, under same title, and that it ought to pass.

Mr. Dutton, from the committee on mercantile affairs and insurance, on bill "An Act additional to Chapter 53 of the Revised Statutes of 1916, relating to the payment of benefits," reported same in a new draft under title of "An Act additional to Chapter 53 of the Revised Statutes of 1916, relating to the payment of benefits," and that it ought to pass.

Same gentleman, from same committee, reported "ought to pass" on bill "An Act relating to guaranty capital of mutual insurance companies."

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

Mr. Morison, from same committee, reported same on bill "An Act to amend Chapter 30, Section 55, Revised Statutes of 1916, relating to insurance commissioner investigating fires."

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

Mr. Allan, from the Portland delegation, reported same on bill "An Act repealing laws respecting the government of the fire department of the city of Portland."

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

Same gentleman, from same delegation, reported same on bill "An Act respecting removal of filth from docks of city of Portland."

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

Same gentleman, from same delegation, reported same on bill "An Act amending laws respecting the erection of wooden buildings in the city of Portland."

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

Same gentleman, from same delegation, on bill "An Act to amend Chapter 213 of the Private and Special Laws of 1915, relative to the granting of li-

censes for certain businesses and purposes by the municipal officers of the city of Portland;" reported same in a new draft, under same title, and that it ought to pass.

Same gentleman, from the committee on public utilities, on bill "An Act additional to Chapter 433 of the Private and Special Laws of 1907, entitled 'An Act to incorporate the Portland Water District;" 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 enable the town of Princeton to supply electricity and water," 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 the Grand Isle Light and Power Company," reported same in a new draft, under same title, and that it ought to pass.

Mr. Redman from same committee reported "ought to pass" on bill "An Act to grant additional corporate powers to Maine Title and Utility Company."

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

Same gentleman from same committee on bill "An Act to incorporate the Independence Developing Company of Kingman," reported same in a new draft, under same title, and that it ought to pass.

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

Majority report of the committee on inland fisheries and game reporting "ought not to pass" on bill "An Act to repeal Section 73 of Chapter 33 of the Revised Statutes relating to Sunday being a closed season for game or birds," with petitions for and remonstrances against same.

(Signed) Messrs. Chick, Merrill, Flint, McNally, Babb, Stanley.

Minority report of the same committee on same subject matter reporting "ought to pass."

(Signed) Messrs. O'Connell, Webb, Berry, Hastings.

(Both reports tabled on motion by Mr.

Buzzell of Belfast pending the acceptance of either.)

(At this point the Speaker resumed the chair.)

Mr. Bowman from the committee on education reported "ought not to pass" on bill "An Act to amend Section 172 of Chapter 16 of the Revised Statutes of 1916, relating to teachers' pensions."

Mr. Cates from same committee reported same on bill "An Act to amend Section 172 of Chapter 16 of the Revised Statutes, relating to teachers' pensions."

Mr. Farrington from the committee on judiciary reported same on bill "An Act to regulate the practice of chiropody."

Same gentleman from same committee reported same on bill "An Act to amend Section 31 of Chapter 29 of the Revised Statutes of 1916, relating to paupers in plantations."

Same gentleman, from same committee, reported same on bill "An Act to authorize and empower the town of Orono to assess the cost of the construction of sidewalks on abutting and other lands."

Same gentleman, from same committee, on bill "An Act to fix the price of the Maine reports," reported that same ought not to pass, legislation inexpedient.

Same gentleman, from same committee, reported "ought not to pass" on bill "An Act to amend Chapter 187 of the Private and Special Laws of the year 1911, granting certain powers to the Hancock County trustees of public reservations."

Same gentleman, from same committee, reported same on bill "An Act to authorize guardians of insane widows to waive the provisions of their husband's wills."

Same gentleman, from same committee, on bill "An Act to create a board of prison commissioners," reported that same ought not to pass, legislation inexpedient, matter having been taken care of in a previous bill.

Same gentleman, from same committee reported "ought not to pass" on bill "An Act to better protect sheep, poultry and other domestic animals from dogs and wild animals."

Mr. Gurney, from same committee, reported same on bill "An Act to amend the charter of the City of Calais."

Same gentleman, from same committee, reported same on bill "An Act to amend Chapter 191 of the Private and Special Laws of 1913, and authorizing the county of Penobscot to borrow money for the purpose specified in said Act."

Same gentleman, from same committee, reported same on bill "An Act to amend Section 36 of Chapter 51 of the Revised Statutes relating to the manner of signing certificates of shares."

Same gentleman, from same committee, reported same on bill "An Act for the purpose of lessening the hours of labor or increasing the wages or bettering the conditions of the members of labor organizations."

Same gentleman, from same committee, reported same on bill "An Act to amend Section 39 of Chapter 44 of the Revised Statutes relating to the sale or loaning of firearms to children."

Same gentleman, from same committee, reported same on bill "An Act concerning the use of firearms and air rifles by children under the age of 16 years."

Same gentleman from same committee reported same on bill "An Act to enlarge the powers of Androscoggin Trust Company and to authorize said corporation to become surety on bonds."

Mr. Hutchins from same committee reported same on bill "An Act to create the Maine Water Power Commission, prescribe its powers and duties and provide for their regulation and control and provide for the purchase or taking of water powers for the development and transmission of electricity for heating, lighting and power purposes."

Mr. Dutton from the committee on mercantile affairs and insurance reported same on bill "An Act to amend Section 8 of Chapter 53 of the Revised Statutes, relating to proceedings in case parties fail to agree as to amount of loss."

Mr. Tate from the same committee reported same on bill "An Act to amend Section 6, Paragraph 4, Chapter 50, of the Revised Statutes of 1916, relating to com-

pensation for personal injuries for employees."

(On motion by Mr. Gurney of Portland, tabled pending acceptance and assigned for consideration on Thursday, March 22.)

Mr. Wilson from same committee reported same on bill "An Act amendatory of and additional to Section 29, Chapter 50, of the Revised Statutes of Maine for 1916, entitled 'The Workmen's Compensation Act.'"

(On motion by Mr. Jordan of Baileyville tabled pending acceptance and specially assigned for consideration on Thursday, March 22.

Same gentleman from same committee reported same on bill "An Act to incorporate the Lewiston Burial Insurance Company.

Mr. Allan from the Portland delegation reported same on bill "An Act relating to paving of street in the city of Portland."

Same gentleman from same delegation reported same on bill "An Act relating to terms of municipal court of city of Portland."

Mr. Allan of Portland from the committee on public utilities reported same on bill "An Act to amend the charter of the Peaks Island Corporation."

(On motion by Mr. Rounds of Portland, the House voted to reconsider its vote whereby the report was accepted, and on further motion by the same gentleman the report was tabled pending acceptance.)

Mr. Ames from the committee on sea and shore fisheries reported same on bill "An Act to amend Section 35 of Chapter 45 of the Revised Statutes, relating to the measurement of lobsters."

Mr. Goldthwait from same committee on Petition of Charles H. Faulkingham and others praying for repeal of close time on lobsters in Jonesport and Addison waters, reported that the petitioners have leave to withdraw.

Same gentleman from same committee on Petition of Charles H. Faulkingham and others praying for repeal of lobster license law, reported that the petitioners have leave to withdraw.

Mr. Harman from same committee on Petition of Archie E. Redman and 43 others praying that Chapter 92 of the Public Laws of 1915 be repealed, relating to the taking of scallops during the summer months in Penobscot bay, reported that the subject matter has been taken care of by a previous report of this committee.

Mr. Holt of Gouldsboro from same committee on Remonstrance of H. W. Johnson and others against the passage of an act prohibiting the taking of smelts other than by hook and line in certain waters of Frenchman's Bay, reported that the subject matter has been taken care of by a previous report of this committee.

The reports were accepted.

First Reading of Printed Bills and Resolves

House 542. An Act additional to Chapter 5, Revised Statutes, imposing an added duty on boards of registration and municipal officers acting as a board of registration.

House 543. An Act to incorporate the Smyrna and Oakfield Water Company.

House 544. An Act to authorize the town of Yarmouth to supply gas and electricity.

House 545. An Act to amend Paragraph 2, Section 45 of Chapter 117, Revised Statutes, 1916, relating to clerk hire in county offices.

House 546. An Act to amend Chapter 455 of the Private and Special Laws of 1901, amended by Chapter 305 of the Private and Special Laws of 1905, entitled "An Act to incorporate the York Beach Village corporation."

House 547. An Act to incorporate the Odd Fellows' Home of Maine.

House 548. An Act to amend Paragraph 1 of Section 4 of Chapter 72 of the Revised Statutes, relating to the appointment of guardians.

House 549. An Act to provide for the payment of a bounty on bears killed in the State.

House 550. Resolve reimbursing the town of Orneville for expenses incurred in the care and nursing of a State pauper.

House 552. Resolve in favor of the town of Phillips.

Passed to be Engrossed

Senate 290. An Act to amend Chapter 215 of the Private and Special Laws of 1867, entitled "An Act to incorporate the city of Saco."

Senate 249. An Act to authorize the county of Oxford to remodel, enlarge and repair the registry of deeds building of the western registry district of said county.

Senate 136: Resolve authorizing the county of York to procure a loan.

House 254. An Act to amend the charter of the Central Maine Power Co.

Mr. BAXTER of Portland: Mr. Speaker, I wish to offer House Amendment A to House Document No. 254, and to move its adoption.

The SPEAKER: The gentleman from Portland, Mr. Baxter, offers Amendment A to House Document 254, to amend House Document No. 254 by striking out all after the enacting clause and by substituting therefor the following—

Mr. BAXTER: Mr. Speaker, I was going to move that the reading of the amendment be dispensed with because I could explain it in a very few words and save the time of the House.

The SPEAKER: The Chair understands that the amendment proposed is to strike out all after the enacting clause and to substitute therefor the following, being the entire bill. The Chair would suggest that in justice to the members of the House, the gentleman table the amendment for printing. Of course the Chair cannot insist upon it.

Mr. BAXTER: I would like to explain the amendment in a very few words so that the House may understand it.

Mr. BARNES of Houlton: May we not have the amendment read?

Mr. BAXTER: If the gentleman from Houlton will allow me a few words, I will explain it.

The SPEAKER: If any member calls for the reading of a paper, it must be read.

Mr. BAXTER: I move that it be read, Mr. Speaker.

The SPEAKER: (Reading.) "By striking out all after the enacting clause and by substituting therefor the following:

"Section 1. Subject to the approval of the Public Utilities Commission, said Central Maine Power Co. is hereby authorized to acquire by purchase the plants, properties, rights, privileges, franchises, permits and locations of the Bath & Brunswick Light & Power Co., the Penobscot Bay Electric Co., the Waldoboro Water & Electric Light & Power Co., the Hartland Electric Light & Power Co., the Union Light & Power Co., the Newport Light & Power Co., and the Wiscasset Electric Light Co., and after acquisition shall have, hold, exercise and enjoy in its own name all said plants, properties, rights, privileges, franchises, permits and locations as though originally granted to it, except that it shall have no authority to issue further stocks, securities, or obligations of any kind in the name of any of said companies."

Unless the House insists upon the reading of the entire act, the balance will be omitted, as it is an exact copy of the bill now in the hands of the members. The House amendment is Section 6.

"It shall be unlawful for said corporation to transmit electric current for sale or use beyond the limits of this State, and to contract with any persons, firm or corporation for the transmission or sale of any electrical current beyond the limits of this State; and said corporation shall not be permitted to acquire in any manner 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 the State, without express authority of the Legislature."

And the gentleman from Portland,

Mr. Baxter, moves the adoption of the amendment.

Mr. GANNETT of Augusta: Mr. Speaker, I would like to say in regard to this bill, I should like to have it laid on the table, and I will either accept the bill with the amendment or withdraw it. I would like to have it placed on the table until Tuesday. I move the amendment lay on the table.

On motion by Mr. Gannett of Augusta, the amendment was tabled for printing, pending adoption.

House 276. An Act to amend Section 1, Chapter 82 of the Private and Special Laws of 1891, relating to the supplying of the city of Auburn with pure water.

House 370. An Act to amend Section 43 of Chapter 52 of the Revised Statutes relating to the custody of securities owned by savings banks.

House 372. An Act to amend Section 24 of Chapter 52 of the Revised Statutes relating to the investment of deposits of savings banks.

Passed to Be Enacted.

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

An Act to authorize the county commissioners of Hancock county to complete the records in the registry of deeds in said county.

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

Finally Passed.

Resolve, reimbursing the city of Auburn for money expended for the support of certain State paupers.

Resolve reimbursing the town of Wilton for money expended for the support of certain State paupers.

Resolve reimbursing the town of Chesler for expenses on account of a State pauper.

Orders of the Day.

The SPEAKER: The Chair would again call the attention of the members to the notice by the Chair a short time ago that the resolve in regard to the constitutional amendment, relative to the sheriff matter, will be taken up at the close of the matters in the column

marked "Tabled and Today Assigned," it having been omitted from the calendar.

The SPEAKER: The Chair lays before the House Senate Document No. 265, An Act additional to and amendatory of Chapter 206 of the Private and Special Laws of 1907, relating to the West Branch Driving and Reservoir Dam Company, tabled by the gentleman from Portland, Mr. Baxter, the pending question being the first reading of the bill.

Mr. BAXTER of Portland: Mr. Speaker, I am about to move that the new draft be given its first reading, and in doing so, I would like to explain to the House in a very few words just what this new draft provides. If the House recalls a debate that we had here early in the session—I think it was the first debate that we held in the House—the question then was whether this bill should be sent to the committee on interior waters or to the judiciary committee.

I advocated that the bill should be sent to the judiciary committee because at that time there were two other bills relating to water powers before that committee, but the House in its wisdom voted that this bill should be sent to the committee on interior waters. That bill was heard in the regular order, and the committee on interior waters, after discussing the matter with those interested have presented a new draft.

If you will recall some remarks made here two weeks or so ago, I had occasion to say that to a measure of this sort, where franchises were granted by the State of Maine, it seemed to me reasonable to add this provision, that in case this State should take over the corporation referred to, it should not be obliged to pay for the franchise which the State of Maine had granted to that corporation, and that it should pay for everything else except the franchise.

The committee on interior waters have added Section 3 to the new draft of their bill, which in my opinion covers the situation. I will read the section, as it is very brief.

"Sect. 3. Whenever the State of Maine shall determine by proper legislation to acquire, maintain and operate a system of water storage at the head waters of

the West Branch of the Penobscot river and shall take over the property and rights of the West Branch Driving and Reservoir Dam Company the said State shall be under no obligation to compensate said West Branch Driving and Reservoir Dam Company for the rights and franchises granted to it by this act.'

This amendment, having been accepted by those who advocate the passage of the bill, as I stated before, seems to me to cover the situation. The West Branch Company is a part of the Great Northern Paper Company, one of the largest, most prosperous, and one of the most liberally managed companies in the State of Maine. I have heard it said that there is no company in the State of Maine that adopts such a liberal policy, that treats its employees so well, or that has done any more for the development of the State of Maine than the Great Northern Paper Company; and I am very glad to have the opportunity of standing here and expressing my appreciation of all that the Great Northern Paper Company has done for the State of Maine. There is one thing we should not overlook. During the recent period of high prices, especially in regard to newspaper stock, the Great Northern Paper Company did not take advantage of the temptation to raise its prices far beyond those which some other companies raised them to. It believes in doing business on a liberal basis, of making a fair profit, but not in taking advantage of the necessities of its customers.

I want to express my appreciation also of the thought and the care which the committee on interior waters have given this question. I wish also to say that I think they handled it fully as well as, and perhaps even better than, the committee on judiciary; and I am glad it was referred to the committee on interior waters, because, of course, it is a matter which comes right within their province, and I should never have asked that it be sent to the judiciary committee had I not felt at the time that perhaps it would have been better to have had all three measures treated by one committee. But these questions have been treated by both committees, and I know that when several heads get together they often act more wisely than only a few. Conse-

quently, Mr. Speaker, if it is in order, I move that Senate Document No. 265 be given its first reading.

Mr. BUSSABARGER of Lubec: I would like, Mr. Speaker, to second that motion heartily.

The motion prevailed.

The bill was given its two several readings.

The SPEAKER: The Chair lays before the House House report of the committee on education, reporting "ought not to pass" on House Document No. 200, entitled "An Act to regulate the time for beginning the fall term of schools," tabled by the gentleman from Scarborough, Mr. Newcomb, the pending question being the acceptance of the report.

Mr. NEWCOMB of Scarborough: Mr. Speaker and Gentlemen of the Legislature, this act was presented before the committee on education, and they assigned it for a hearing a second time, as very few appeared at the first hearing; in fact, only one or two who were anxious that this bill should pass attended the hearing, and I understand that they were not very much more successful the second time. They took the matter under consideration carefully. Now, they are one of our best committees; they have labored earnestly and diligently in their work, and they have been very careful in their findings. The bill was reported into the House "ought not to pass." A pressure was brought upon me to have it tabled, which I did, no one at that time being present to father the interests of the bill. It came up on Wednesday and was assigned for a week from the next Thursday to give the proponents of the bill a chance to be heard. Whether there are any here today or not in favor of the passage of this act, I hardly know, but I will say this, that there are some very good features in the bill.

There are some statements in this statement of facts attached to the bill that I do not consider are so strong, but, gentlemen, it seems to me that when the State of Maine takes hold of a matter like this and says that the municipalities shall do a certain thing, that it may work a hardship upon a great many pupils who

attend our public schools. There is no doubt but that there are municipalities that this will be an advantage to if the schools are put off until the 21st of September, but there are other places where it would be an injury, and I think, Mr. Speaker and Gentlemen, that this matter can be handled by the different municipalities and that this unanimous report of the committee on education ought to pass, and I move you, Mr. Speaker, that the report of the committee on education should pass.

Mr. COLE of Eliot: Mr. Speaker, I do not stand here to oppose the report of the committee on education at this time, but we all know that every movement which is carried forward is usually the result of missionary work. I happen to represent a summer resort, or a strip of the coast, a part of which is devoted to the summer business. The idea of this bill is simply to start a movement, if possible, which shall be nation-wide in its results and effects. It is felt by those who are interested in the movement that if the time of the opening of the fall term could be carried forward three weeks, the time of the summer business would be extended just that amount. Those of you who live in the great summer resort districts of Maine, wherever they may be located, realize that when Labor Day comes around there is a general exit from the State of Maine regardless of what the weather is. It has been the custom for many, many years in the states of the Union, since the establishment of Labor Day, to make the Tuesday following Labor Day the general opening day for public schools. This is done regardless of weather conditions and regardless of business conditions, or anything else; it is purely and simply a habit or a custom which people have grown into without any regard for its being a proper or an improper time. If Labor day had been extended three weeks ahead, the chances are that the opening of the fall term of the schools would have been extended to the same time and would have become fixed by that one Labor Day.

Now, as I have said, Maine is dependent for her prosperity very largely upon the summer visitors who come among us.

If there is to be any extension of the summer vacation season, then it is well that the State of Maine should first sow the seeds within its own borders and set a good example. An association, as I understand it, was formed by the hotel men to advocate some measure of this kind, and, if the matter could get a favorable consideration in the State of Maine, then to take the State of Maine and its influence as an example and go into other states and attempt to interest those states in a uniform law, so that all schools should begin at about the same season of the year.

You will remember that perhaps the month of September in the State of Maine is the most beautiful month that we have during the year. Along through August, from the last of July until nearly the first of September, we have dog days, fogs and uncomfortable, wet storms; August has ruined many a man's health along the seacoast of the State of Maine. Just as soon as the dog days are over, we get clear skies, westerly winds and the most beautiful season of the year, and oftentimes as warm a season as we have at any time during the summer comes through the month of September.

People who come to visit Maine bring their children with them. If the schools at home open up the day after Labor Day, regardless of their desires to extend their own vacation within the State of Maine, they are absolutely bound to go home in order that their children may enter school; otherwise, they would be willing to stay longer, the cottagers would be willing to keep their cottages open longer, and the people of the State of Maine would receive the benefits of three more weeks of their summer vacation here.

As I have said, it is nothing but a custom which has grown up with time; that custom can just as well be changed and a new custom established. The first half of September, we get the warmest weather that we have in the year, and that warm period often extends into the month of October; so it is for this reason, Mr. Speaker and Gentlemen, that this body of men, interested in their own pros-

perity, and as they are interested in their own prosperity, they are equally interested in the prosperity in the State of Maine, for no one body of business men in Maine can prosper without every other body of business men in Maine feeling the results of their prosperity—I say that it is the idea of these men that, if this school year could be extended in the State of Maine, other states could be induced to follow the custom; the vacation period in Maine would thereby be extended for three weeks and Maine would reap the benefits which she now loses simply because a custom has grown up, for no reason and with no purpose in mind except that it is simply a custom and a habit.

Mr. NEWCOMB of Scarborough: Mr. Speaker, I want to say one thing. It has been called to my attention that I said that the report of the committee ought not to pass. I want to correct the impression created. I mean that the report of the committee "ought not to pass" ought to be accepted.

The SPEAKER: Does the Chair understand the motion of the gentleman from Scarborough to be that the report be accepted or not accepted?

Mr. NEWCOMB: That the report of the committee "ought not to pass" be accepted—that was my motion.

The SPEAKER: That was the way the Chair understood it.

Mr. PATTEE of Harmony: Mr. Speaker and Gentlemen of the House; I do not propose to make any extended remarks upon the bill under consideration, but I wish simply to say this, that it has been my fortune for the past 30 years to be intimately connected with the schools of the State of Maine, and especially in the rural districts, and I never have known of any legislation being proposed to the Legislature of Maine that would be more enimical to the interests of the schools and to our school children of the State of Maine than House Bill No. 200.

You have listened to the special pleading of the gentleman from Elliot,

for whom I have all respect, but I think it must be special pleading because if commencing our schools on the first of September is a habit, I want to tell you right off now that it is a mighty good habit.

House Bill No. 200 proposes to wipe from the school calendar the best school months of the year. Many of the schools of the State of Maine are now running 36 weeks—some more—but grant that it is 36 weeks, and you cannot, only under the best possible conditions close your schools until into July; and I submit to this House and to the gentlemen who are familiar with school affairs that it is not a proper time for children to attend school. I never have particularly suffered for want of an overcoat on the Fourth of July through school hours.

In our rural districts, we have a problem which costs us dollars and dollars every year, and that is our transportation; and when we, as members of the school board, who have those propositions to meet, make our contracts for the year, it is generally understood that the men whom we hire to transport our pupils shall not transport them through the month of December, through the mud and over the frozen ground, loading children into high wagons and all those things, subject to all the inclemencies of the weather. I do not think that this House wishes to impose that burden either upon the towns or upon the school children. Again, under the present condition of the law, we can avoid the transportation through the mud and frozen ground of early April and still close our school year at the proper time in June.

Suppose an epidemic comes into your schools—measles, scarlet fever or any of those things to which scholars are subjected—then it is impossible to close your school year of 36 weeks and you must cut it short. I do not suppose that the gentlemen of this House want to impose any such burden as that upon the schools and children of the State of Maine.

The Hotelmen's Association, if I understand correctly, are the sponsors of this bill. They want to hire our chil-

dren who are probably the best class of help that they can employ. They wish to hire them for three or four dollars a week and let them make up the balance of the wages with the tips received from guests. This is an actual condition of affairs, gentlemen. I have had occasion during the last six weeks to interview many of the teachers and students who work in these summer hotels, and they tell me that they receive a wage of from three to four dollars a week almost invariably, not the best of fare, not the fare that the guests get, and they depend for the remainder of their pay on the tips that they receive. If a young lady, waiting upon tables, is very prepossessing in appearance and happens to strike the right people, she gets a good thing out of it. If she is not prepossessing and does not strike the right people, she gets only the three dollars a week which the hotel proprietors are willing to pay her. I submit that this is not right. When the hotel proprietors of the State of Maine are willing to pay their employees a living wage, they can get plenty of help and good help. It is simply a matter of dollars and cents with the hotel proprietor; in other words, he is exploiting the children of the State of Maine for his own certain, selfish interests. (Applause.)

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

Mr. COLE of Eliot. Mr. Speaker, I do not wish to be misunderstood. I did not get up here to make any special pleading for this bill. I did not ask any man to vote for it, and I shall not vote for it myself. I was asked to stand here by the sponsor of this bill, a man who is one of my constituents perhaps, and who is interested in this movement. I stand here at his request, and the remarks of the gentleman from Harmony are entirely out of the question. I made no motion; I asked no man to vote for it, and I ask no man to vote for it at the present time.

The question of the school year is a matter of habit. When I was a boy and many of you were boys, Mr. Speaker, growing up in our country

towns, the school year began in May after town meeting, and we went to school as long as the money would last in the old districts where we went to school. Some of the school districts got sixteen weeks a year; some got eighteen and a very few got thirty, but they all thought that they must start on the first of May and go as long as the money held out. It was not until the State of Maine took it upon themselves to require every town in the State of Maine to give their children a certain amount of schooling that there came a uniform length of school year.

Up to the last four years, there never has been during all of my life since I started in school but four years that I have not been directly connected with the public schools; I have taught in mixed schools, grammar schools and High schools; I have served as a professional superintendent of schools and as a member of the school committee, and I am the father of eight children, a number of whom are in the public schools. (Applause.) When any man stands upon this floor and says that I will exploit school children of my own, he says that which is not so, for there is no firmer friend of the public schools than I am myself, and no man would go farther to make the public schools better or to give the scholars of the State of Maine a better chance than they have today. I am not in the hotel business and I have no interests in it, but it will help the people who are and who believe they are right. And I do not believe, if money comes into the State through the summer hotel people and camp people and other summer visitors, if you please, directly or indirectly, through those who have invested their property, that there is a man in this Legislature who will not take the money that comes through those people or who will throw any mud at them.

I say that when any industry in the State of Maine or any investment yields a net return of \$25,000,000 to the State, it behooves the Legislature of the State of Maine to at least give it decent and honest consideration. That is all I care to say on the subject, Mr. Speaker. (Applause.)

Mr. PATTEE of Harmony: Mr. Speaker, just a word in explanation to

the gentleman from Eliot. I do not wish the gentleman from Eliot to think from any remarks of mine that I wish this House to infer that I thought he was exploiting the scholars of Maine. I think too much of the gentleman from Eliot and think too much of his judgment to wish that, but I do believe that there is an attempt to do this for the dollars and cents. I still continue to believe that.

Mr. LARRAFEE of Bath: Mr. Speaker, I really think with all due respect to Mr. Cole from Eliot that he put the whole force of his argument on the simple question of dollars and cents at the expense of the children of our State. That is the way it looked to me. I hope it is not so, Mr. Cole. But let me tell you I am not in favor of all of changing the law from what it is now. The law is good enough, and whether the people of other states come to us and whether they put in one million or twenty-five million, what does it matter to us? The whole thing is not dollars and cents; it is whether we shall give an education to the children; that is the main point, and any man or any instructor, such as Mr. Cole is himself, knows well, or any student, in whatever line, whether it be music, art or mechanics, knows very well that if you break into their constant study, it makes a break. For instance, if you are out one week, it takes you two weeks to catch up again, because it disconnects your line of thought on whatever you are studying.

I certainly am in favor of letting the law alone, letting it stay as it is now and commencing our fall term just the same as we always have right after Labor Day.

Mr. CATES of Vassalboro: Mr. Speaker, it seems to me that the hotel people should start in other states to delay the time for beginning the schools instead of in Maine. As the law is now, it is optional with any community to delay the opening of the schools in September, if they wish, and the change ought to be brought about through the authorities of the town. There are several other things which I had in mind, but which I do not think it is necessary to say.

Mr. ROUNDS of Portland: Mr. Speaker, I come from a community where they have quite a lot of vacation, not only people from Maine but from all over New England, and I am also the father of some children. (Applause.) I am not the father of children going to school like the gentleman from Eliot, but I have children that have gone through the schools.

I want to say that I will present the farmer's side of it. They want to take their corn in in the first week of September so that they can get it into the corn factory, and they want their children there. Of course, they will not be picking up potatoes because they pick them up by machinery in Aroostook as I have seen by the pictures in the House.

But I want to say that I have been told by people from the rural districts who come to the seashore that they would like to stay later; that they had already got their cottages engaged for the summer and that they would like to stay later but that the schools had got to start in and so they had got to go.

It came out before the committee, if I remember rightly, that the rural school districts did not want this bill because they could work at Christmas time now in the stores. That was one thing that was brought out before the Committee on Education as I understand. I say, give them a good long vacation in the summer when it is warm and then they can go to school more refreshed and study through the fall and winter.

The SPEAKER: The gentleman from Harmony, Mr. Pattee, calls for the yeas and nays on this vote. The Chair would suggest that a rising vote can be taken, and then, if necessary, be doubted, and the yeas and nays called after that.

Mr. PATTEE: Mr. Speaker, I will not insist. I wish simply to say that there has been handed to me a protest—

The SPEAKER: The Chair will have to rule that out of order. As many as are in favor of the motion of the gentleman from Scarborough, Mr. Newcomb, that the report from the committee on education "ought not to pass" be accepted will please rise and stand until counted.

One hundred and sixteen having voted in the affirmative and nine in the negative.

The motion of the gentleman from Scarborough, Mr. Newcomb, prevailed.

The SPEAKER: The Chair lays before the House, House Document No. 520, An Act to amend Section 76, Chapter 45, Revised Statutes, relating to smelts, tabled by the gentleman from Topsham, Mr. Tate, pending its first reading.

Mr. TATE of Topsham: Mr. Speaker, I move the matter be taken from the table and I yield to the gentleman from Waldoboro, Mr. Richards.

Mr. RICHARDS of Waldoboro: Mr. Speaker, I wish to speak in behalf of the hand line fisherman and my constituents.

The SPEAKER: May the Chair inquire of the gentleman from Waldoboro what his motion is to be so that there will be a motion before the House? The Chair would like to lay before the House the motion which the gentleman is to make so that they can discuss it intelligently.

Mr. RICHARDS: I make a motion, Mr. Speaker, that this ought to pass.

The SPEAKER: The motion of the gentleman is that it receive its first reading.

Mr. RICHARDS: This bill, Mr. Speaker and gentlemen, relates to the seining of smelts on Sheepscot and Damariscotta rivers, on the Sheepscot river to a point as far as Merrill's Ledges and on the Damariscotta as far as Merry's Island, and, as I am more familiar with the Damariscotta river, I wish to call your attention to the conditions as they are now on the Damariscotta river and as they were when this bill was in force in 1897.

At the present time, on the Damariscotta river, there are employed in this industry about 53 fishermen, and so far this winter they have realized about \$8000. This is about the only occupation they have in that section, and to repeal this law would be a great detriment to them.

In the year 1897, this law was repealed by the legislature until the year 1901, and I wish to call your attention to the facts as they were. The seiners and the fishermen were both obliged after the time for fishing to give up their operations, and it proved very disastrous to both parties. Now, gentlemen, when this question comes up for voting, I move that it be indefinitely postponed.

The SPEAKER: The Chair understood the motion to be that it be given its first reading.

Mr. RICHARDS: Ought not to pass.

The SPEAKER: Does the Chair understand that the motion of the gentleman from Waldoboro is not that the bill shall have its first reading? The motion of the gentleman from Waldoboro was, on the suggestion of the Chair, that the bill be given its first reading. Of course, if the gentleman desires to make the motion that the bill be indefinitely postponed, it will be necessary for him to ask permission to withdraw. Does the Chair understand that the gentleman from Waldoboro wishes the bill to go on its regular course?

Mr. RICHARDS: I withdraw the motion that this be indefinitely postponed.

The SPEAKER: Then the gentleman's motion is that the bill receive its first reading. Is there any discussion?

Mr. MURRAY of Bangor: Mr. Speaker, as I understand, the motion is that the report be indefinitely postponed.

The SPEAKER: The Chair will have to inform the gentleman from Bangor that the gentleman's motion was that the bill be given its first reading. That is the pending question.

Mr. MURRAY: I think, Mr. Speaker, that the motion of the gentleman is made by mistake, and for that reason I believe that it should not be passed. I think he misunderstood, and in a spirit of fairness, I make that motion.

The SPEAKER: The Chair would be glad to have the suggestions and assistance of any member to make this matter plain. As the Chair understands

it the motion is that the bill be given its first reading.

Mr. BREWSTER of Portland: Mr. Speaker, I think it would expedite matters if the Speaker would advise the gentleman who has made the motion what its exact effect is.

Mr. RICHARDS: I intended to make a motion that the bill should lie on the table.

The SPEAKER: Does the Chair understand that the gentleman from Waldoboro will withdraw his previous motion?

Mr. RICHARDS: I do, Mr. Speaker.

The SPEAKER: The gentleman from Waldoboro now moves that the matter be re-tabled. Will the gentleman assign a day for it?

Mr. O'CONNELL of Millinocket: Mr. Speaker, I think there is a mistake there yet.

The SPEAKER: There is no mistake. The pending question is the first reading of the bill. The gentleman made that motion. He now withdraws that motion by consent and asks that the matter be re-tabled and the Chair inquires if he will assign a day for consideration.

Mr. MURRAY of Bangor: I move the report be indefinitely postponed.

The SPEAKER: The first motion is the motion of the gentleman from Waldoboro that the matter be re-tabled.

Mr. RICHARDS: I withdraw that motion, Mr. Speaker, I move that this bill be indefinitely postponed.

The SPEAKER: Is it the pleasure of the House that permission be granted to the gentleman from Waldoboro to withdraw his motion to re-table the bill?

Permission being granted, the motion to re-table was withdrawn.

The SPEAKER: The gentleman from Waldoboro, Mr. Richards, now moves that the bill be indefinitely postponed.

Mr. HARRIS of Boothbay Harbor: Mr. Speaker, I object to the bill being indefin-

itely postponed. This bill was one of the first ones that went into the hopper. It went out to the committee on sea and shore fisheries and was there for two or three weeks. It was thoroughly threshed out and talked over and reported under a new draft, ought to pass, unanimously.

Now I am here in the interests of those people who have been shut out entirely from catching smelts by this line that was drawn several years ago from Cape Small Point to Owl's Head, and not allowed to catch any smelts whatever, but these fellows who fished through the ice were free to. That is not fair. Let everybody have a fair show. I only ask that these men have a chance to go part way up the river and catch these smelts, as they have to depend entirely on fishing for their living. I hope that his motion to indefinitely postpone this bill will not prevail. I call upon Mr. Lewis of Boothbay, who is interested in this measure as much as I am.

Mr. LEWIS of Boothbay: Mr. Speaker, this smelt law is very unjust the way it is at the present time. They tell about the seiners down the river killing out the smelts; that is not so. These smelts in the winter time go way up the fresh water brooks to spawn. Under the old law, which we do not ask changed, you cannot catch any smelts down on the coast, that is, the law goes off on October first until April first and that is the only time you can catch smelts.

Now these smelts have to go up the rivers to spawn, and they catch the spawn smelts up there. If they would let those smelts alone, there would be plenty of smelts.

It is not the working people that catch these smelts; it is the rich people who have their friends come from Boston and New York; they catch those smelts up there. These poor fishermen down the river have to earn their living at fishing; they are poor working men with no other business except fishing. They have got small families, and the only way they have to get a living is to catch a few smelts in the fall of the year. There are only two months, October and November, that they can catch any smelts; after it gets into December, it is too cold.

Under the present law, you cannot fish or set up seines for smelts within two thousand feet of the mouth of the brook. Within 2000 feet there are so many fish weirs on the rivers that there are very few places that they can set. They can't fish in deep water because they put one end of the line on the shore and go out and come back and drag that in. How much damage do you suppose that they are doing to smelts? I tell you, gentlemen, this law ought to be upheld and I hope it will be upheld.

Mr. PACKARD of Rockland: Mr. Speaker, I have on my desk an appeal from 150 men at the head or at a point near the head of the Damariscotta and Sheepscot rivers. They are appealing for their very livelihood. When the bill in question was first drafted, it took in all the rivers from Cape Small Point to Penobsco Bay. At the hearing, it met with so much opposition that they were forced to draft the bill over again. When the bill was presented in a new draft, it left but two rivers, the Damariscotta and Sheepscot.

Smelts are migratory fish, that is, they leave the salt water in the fall of the year and come up into the rivers to spawn, and in the spring, after having left their spawn, they go back in to the salt water again. During the winter months, there are approximately 150 fishermen on the Damariscotta and Sheepscot rivers that make their living during the year. At the mouth of these two rivers, there are some 15 or 20 men who would like to seine smelts. Now 15 or 20 men with seines will catch more smelts in the same time than 500 men will with a hook and line. So, a few men at the mouth of the river are trying to take the livelihood from 150 at the other end, and it hardly seems fair to me that a law that has been on our statute book for 15 years should be taken away now and take away the livelihood of 150 men to satisfy 15 or 20.

Mr. HARMAN of Stonington: Mr. Speaker, I am a member of the Committee on Sea and Shore Fisheries, and when this bill came up for hear-

ing at our executive session, I had the impression that the bill was very fair both to the hook and line fishing and the seining, but I was not very familiar with the Damariscotta river. Since that time I have looked carefully into the matter, and I find that if this bill goes through, there will be a great injustice done to the hook and line fishermen who are fishing way up the river in great numbers. In no other case on the coast of Maine is there a situation of just this kind. On all other rivers they are protected from seining within at least one-half a mile from the mouths. This bill will allow seining to go on about a mile from the mouth of the river the way I understand it. If I had understood the situation and had been familiar with the river, I never would have signed the report, and I trust that the motion to indefinitely postpone the bill will have a passage.

Mr. BOMAN of Vinalhaven: Mr. Speaker, I am one of those men who have an appeal, signed by 200 fishermen, for protection. Now if it is a fact that 200 fishermen are affected by this bill and deprived of their livelihood, I certainly favor postponing it, and I second the motion of the gentleman from Waldoboro.

Mr. LARRABEE of Bath: Mr. Speaker, before the question is put I would like to say this: I am from that locality myself, and I have been on the Damariscotta river and also the Sheepscot river all my life, and I have seen the fishermen come in with these large seines, very many times larger than this room, and sweep around the ocean and gather fish up. I have seen them when they would load down the boats so that they could not carry them and they would have to let some of the fish go.

Now, gentlemen, I would like to put the proposition up to you just as a fair business proposition. Why should we sit here and legislate for the fishermen on the Sheepscot River and the Damariscotta River at their mouths, and let them get the millions of fish which they do get at the expense of the other rivers and bays in our State. Is there

any reason why we, the City of Bath, just adjoining, should not put out our seines and get just as many fish as these men down below are getting? Is there any reason why men down there on the Sheepscot should put out the seines which they do put out and stop the fish going up the rivers where thousands of men live in little tents and catch them on a line and where there are hundreds and hundreds of these little tents and men stay out all night long fishing with a hand-line to get their livelihood? It does not look to me fair or just that this body of men should vote to give the men at the mouth of the Sheepscot River or off Boothbay Harbor the right and privilege to catch those fish with seines so that the other parts of the State of Maine are deprived of their livelihood.

Mr. BUZZELL of Belfast: Mr. Speaker, I wish to say just a word or two in relation to this bill. I feel that under the conditions the bill ought to be read that we all may have a perfect understanding of it and know just what we are voting for, and, with the Chair's permission, I want to read the bill itself. It is now in a new draft; the original proposition was turned down, and it comes out of the committee in a new draft, and now we are voting on that new draft of the bill as it appears. There is little wonder that some of us novices in the legislature get befuddled on motions. Now, I will read the act.

"No smelts shall be taken or fished for in the tidal waters along the coast of Maine within one-half mile of the coast line at mean high-water mark starting from Cape Small Point on the west bank of the Kennebec river and continuing easterly along the coast of Maine to Owl's Head in Penobscot Bay, except by hook and line or weirs or set nets through the ice, under penalty of not less than ten, nor more than fifty dollars for each offence, to be recovered by complaint or indictment. This section shall not apply to the waters along the coast of Maine between Martin's Point and White Head in the county of Knox, or in the Sheepscot river to Merrill's Ledges, nor in the Damariscotta river to Merry's Island, in Lincoln county."

Now, gentlemen of this House, I want to say right here at this time that it does not matter to me who notices or how they feel politically, I stand for the measure that is going to be for the greatest good for the greatest number. How many seiners are there in that locality that want to seine those little fish? Up to this time here in this House we have been talking about great propositions, such as the conservation of water power and other large measures, and now we are talking about little fish. How many seiners are there that want to go up three or four miles on those two rivers with those dragnet propositions? Seiners, from what little I can find out upon inquiry, are in a way small U-Boat gunners; they go out and they scoop in this bunch of fish and they get away with it, and the handliners have to go out there and plug day after day and hour after hour. I understand from very good authority that during this last winter they have obtained a revenue of some eight thousand dollars on the Damariscotta river alone.

They tried this once before, as I understand it, from 1897 to 1901, and the little fishes disappeared. Those U-Boat gunners had an opportunity down there at the mouth of those rivers and did away with those fish. This fish is a migratory fish, as I understand it, which goes from one place to another, and in the fall it goes up to the head of those rivers to spawn, and then comes down to the mouth. What are the chances of those handliners up above those seiners?

We are making laws this winter right in this Legislature to close other rivers on the coast of Maine, and now here come some gentlemen who want to make an exception of these two rivers. Is that fair? When you talk about fairness, when you talk about equality, let's get at it as we should get at it. Look the proposition square in the face, and what is fair for one is fair for another.

I do not know who introduced this measure; I do not know how much politics there is in it, but I can see some equity in it. I do not believe that those two rivers should be made exceptions.

Now let's stop and think. Between the one place mentioned in this bill on the Kennebec river and the other point mentioned in this bill there is the Georges river, the Medomak river, the Kennebec river, the Sheepscot river and another river with an Indian name, Sassanoa, or something of that kind. What is the trouble with those rivers? Why don't seiners come up and ask to do seining in those rivers? They could ask for it with just as much propriety as in the others.

I have an appeal here from the handliners of that vicinity signed by some 200 names, and they say that they want to be left alone; that they do not want 20 seiners with their seines to interfere with them in their little hand line industry, and I, for one man, want to protect them, that they may still continue.

Smelts at this time are bringing 24 or 25 cents a pound. Those fellows with those dragnets see the opportunity. Are we going to protect the little fellows in this House by our vote at this time, or are we going to say, "You few can ruin the industry"? That is where I stand and, Mr. Speaker, I want to endorse the motion to indefinitely postpone this proposition. (Applause.)

Mr. LEWIS of Boothbay: Mr. Speaker, I would say that there are only about 20 men fishing down there for smelts in those rivers. They have told us about this petition of 200 names. What are they made up of? Are those the names of fishermen? I know the majority of these men. Here are some of these men who have signed this petition two or three times with the same names. What kind of a petition do you call that? How many times is a man supposed to sign a petition? They don't even tell you what town they come from. Here is a man here by the name of Tucker, here is a Post master, and here is register of deeds; do you suppose that such a man as that goes smelting? I don't believe half of those people on that petition belong in that section. I don't know but they belong in Massachusetts. I tell you this thing has been misstated here and it is wrong.

Mr. NEWCOMB of Scarborough: Mr. Speaker, I want to say one word on behalf of the Committee on Sea and Shore Fisheries. We had this matter before us and gave it very careful consideration, not one afternoon, but several. Now gentlemen, here are a few fishermen who get their living by fishing; they only fish with the seine—not with a U-boat, but with a seine in the month of October, and that is the only time they seine in these waters within this line which the Sea and Shore Fisheries Committee drew, this four miles. This Merrill's Ledges and Owl's Head are four miles from where these fishermen fish through the ice up the river. The line that is drawn from Cape Small Point to Owl's Head includes water that is 46 fathoms deep at the outside. Now you have absolutely stopped the fishermen who fish for smelts with seines in the month of October from catching any smelts there at all. They cannot fish through the ice, because there is no ice there; that is open water.

With this legislation as it is, those fishermen who depend upon fishing for a livelihood have those smelts go right up past their shore and they are not allowed to take them with seines, and they go up the river four miles above and fish for them. As Mr. Lewis says, they are fished for by gentlemen who are postmasters, judges, and registers of probate, and gentlemen fishermen from other states. We are depriving no actual fishermen from catching those smelts to support their families but are simply taking this privilege from the sporting fishermen to a large extent, such as those who are in this petition.

Smelts are migratory fish. It is a fact that you will strike some bays, whether there is seining there or not, where near the fall there will be hardly any smelts, and the next year likely as not there will be an abundance of them. They are migratory, and it is never thought of using seines through the month of October. That has not killed the industry; it is the habits of the migratory fish that have destroyed the fishing. They can catch fish this fall and they will go

up the river. We have not allowed them to fish near the shore, so there will be plenty of room for the smelts to get up for the ice fishermen. Your committee believed unanimously at the time that they were doing the best thing between the seiner and the handliner, and I hope, gentlemen, in justice to the man who fishes for a living to support his family and to buy food for his children, that this motion will not prevail.

Mr. PACKARD of Rockland: Mr. Speaker, it seems to me that seining smelts must be a pretty good business if they only fish one month in the year, and the men cannot be particularly poor. The month of October is the month of the year that they start up the river to lay their spawn. If those smelts are caught at the mouth of the river, there certainly will not be any to go up the river and come back in the spring. I move you that the previous question be voted on immediately.

A sufficient number having arisen, the previous question was ordered.

The SPEAKER: As many as are in favor of the motion of the gentleman from Waldoboro, Mr. Richards, that this bill be indefinitely postponed, will rise and stand until counted.

A division being had,

Sixty-five having voted in the affirmative and 41 in the negative,

The motion prevailed and the bill was indefinitely postponed.

On motion by Mr. Clason of Lisbon, House Amendments A and B to House Document No. 502, entitled "An Act to provide for the registration of resident hunters," were retabled and assigned for consideration on Wednesday of next week.

On motion by Mr. Farrington of Augusta, Senate Document No. 52, Resolve proposing an amendment to the Constitution of the State of Maine relative to the tenure of office of sheriffs, was taken up out of order, under suspension of the rules.

Mr. FARRINGTON of Augusta: Mr. Speaker and gentlemen of the House, whether this is a climax or an anti-climax I am not quite sure. We have come all the way from schools and smelts down to sheriffs. This resolve, to read the essential part, provides that "whenever the Governor and Council, upon complaint, due notice and hearing shall find that a sheriff is not faithfully or efficiently performing any duty imposed upon him by law, the Governor may remove such sheriff from office, and with the advice and consent of the Council appoint another sheriff in his place for the remainder of the term for which such removed sheriff was elected." This resolve further provides that the question be submitted to the voters of the State on the second Monday of September following the passage of the resolve. I am not going to take the time of this Legislature to any extent in discussing this matter. I think our minds are pretty well made up as to how we shall vote. I do want to say this, however, that in my opinion the success of the predominant party in this Legislature at the last September election was due in no slight degree to the courageous and consistent stand of our now Chief Executive in relation to the enforcement of the prohibitory law. In his message to this Legislature he asked that this resolve be passed. I feel personally that we should pass it so that the voters in this State may say, by their votes, whether or not it shall become part of our constitution. I feel, somehow or other, that some of the members of the party of a different faith from my own in their hearts and consciences agree with this proposition, and I trust that any such will vote for it; and without further remarks, Mr. Speaker, I move that the resolve at this time be given its final passage.

Mr. LARRABEE of Bath: Mr. Chairman, I do not agree with the attorney from Augusta (Mr. Farrington) by any means, and I would like to have it distinctly understood that I do not wish it thrown up to me whether my conscience is to be doubted at all, I vote as I think best, party or no party. This proposition to me is not the right kind of law to be

put upon our statute books. While I have every respect for our Governor and his Councillors, I do believe that it is wise for us, either Democrats or Republicans, to put into the hands of one man the power to annul the vote that is given to us by our Constitution. If a Governor—and, as I said before, I have every respect for our Governor, wishes to remove any sheriff, he can do it now and do it easily and by the law which we have, and no one knows it any better than these attorneys and the men in this House. I do not believe that this power should be given to any one man. It takes us back to the Dark Ages, to the absolute power that is dealt out to the people of Russia in their monarchy, where their emperor can remove any man or any set of men; and, if it is done here in our State of Maine, have you a right to vote? You vote for a man that you wish and you deprive him of that liberty. I do not favor the remarks of the gentleman from Augusta (Mr. Farrington).

Mr. SPEIRS of Westbrook: Mr. Speaker, I move the previous question.

The SPEAKER: The previous question is called for without objection.

Mr. MURRAY of Bangor: Mr. Speaker, I am rather surprised. Is not this debatable?

The SPEAKER: The Chair begs the pardon of the gentleman and will put the question again in order that there may not be any misunderstanding. The previous question has been moved. As many as are in favor of the previous question will please rise.

A sufficient number having arisen, the previous question was ordered.

The SPEAKER: The question now before the House is shall the main question be put, and the rules allow five minutes' debate. I recognize the gentleman from Bangor, Mr. Murray.

Mr. MURRAY: Mr. Speaker, I am rather surprised that the dominant party—and it is dominant, overwhelmingly—should choke off this debate. I know their reason for it. They are ashamed of the measure, and I agree with them.

The best way to stop discussion of this measure is to do what this distinguished gentleman has done, and the best thing for the Republican party is to stop discussion of it. It is obnoxious; it smells. It smells to every citizen of the State of Maine when you attempt to throw into the hands of one man so much power. The distinguished gentleman from Batn (Mr. Larrabee) has likened the man who has that power to the Czar of Russia, and I agree with him, and here and now I want to put the Democratic party on record as being opposed to any step, whether it be the first or last step, that gives to any one man such power. I want to remind some of you gentlemen who are so desirous of seeing the prohibitory law enforced of one thing. As your Constitution now is, if a sheriff is dishonest he can be removed by two methods. One is by Senate impeachment. The other is by a joint request from this body and the Senate. By changing this Constitution, you are taking from your Senate and your House the power which they have and you are throwing it into one man's hands. What if that one man is corrupt? What if that one man is weak so that he can be influenced? Cannot you see how much easier it is for lawbreakers to control one man, and I submit that it has been done? Cannot you see how much easier it is than it is to control one or both of these houses which are now probably, or at least attempting, to give up the power which they have and which they have held for so many years? In submitting by a resolve a former amendment, the reason advanced for it by the dominant party at least was that it was a vicious measure and that there was a demand for it from a sufficient number of people. I submit that this measure if passed is vicious, and instead of a sufficient number of people demanding it, a single man is commanding it, and you men are flying before that command like a flock of sheep. I respect all of you, but I also pity you. God forbid that men give up their rights, especially bodies of this kind, so easily, at the command of a single man! I am afraid that you fear the command because you want office. No man here, re-

regardless of party, can go back and explain to his constituents, and do it honestly,—explain satisfactorily why he has taken their power from them and the power which they have given to him in his official capacity as a legislator, giving it to a single man, and that man changing from time to time.

The SPEAKER: The time of the gentleman from Bangor has expired. Does the House grant unanimous consent for him to continue?

Mr. FARRINGTON of Augusta: Mr. Speaker, I really regret that any vote on the previous question has been put. I feel that this should be open to free discussion. I move that we reconsider the vote whereby the previous question was declared.

The motion prevailed.

Mr. Murray of Bangor (continuing): Mr. Speaker, I realize that it is late and I realize that there are others who would like to speak, and I believe I have sufficiently stated my position, and in addition to that have put both parties on record. Therefore I yield the floor.

Mr. DEARTH of Dexter: Mr. Speaker and Gentlemen of the House: I desire at the outset to assure the gentleman from Bangor (Mr. Murray) that we are not ashamed of what we are doing in this House. We are willing to accept any indictment that he may prefer against us. All we ask is for the opportunity to be heard on his indictment. Now what is the question before this House? What is the issue before this House? It is a plain, simple issue as to whether you are going to give the people of this State the opportunity to say whether they want to lodge with the Governor the authority to remove a sheriff who is not performing the duties of his office. That is the issue and the only issue, and I submit to you that every word uttered by the gentleman from Bangor (Mr. Murray) is not germane to the issue. When you vote to send this question to the electorate of this State you will have performed and discharged your duty to your constituents, and upon them will rest the only

question then to be determined,—whether this authority shall be given to the Governor, or whether it shall not be given to him. They are to determine that question and not you, and I want, when you come to the question of voting,—I want you to keep in your minds that that is the issue, notwithstanding the mist and the dust that the gentleman from Bangor is trying to throw into your eyes. Oh, I have heard it said so many times by the violators of the law, "You are limiting our liberty; you are taking from us our rights". Ah, gentlemen of this House, I submit that liberty does not mean license to do anything that you see fit to do. Liberty is the enjoyment of the rights accorded the citizens under the law in obeying those laws. A man's liberty is abridged by the law only in so far as that man attempts to violate the laws of his country; so do not confuse the question of liberty with the question of absolute license to do anything that you want to. There is a great difference, and no one knows it better than the gentleman from Bangor. He knows it, I know it, and so does every honest, conscientious man in this House know it. Oh, gentlemen, I would like to argue this matter until the morning sun rises, because of the unfair proposition put up here by the gentleman from Bangor! I say cling to the issue and vote to send this question to the people, and when you shall have done that you will have done your duty, and the responsibility rests with them as to whether they want to lodge with the Governor this power or whether they do not. I say do not deny to them this privilege because it is their privilege under the law of this land. I trust the gentleman will pardon me if I have been a little boisterous because I mean every word I have uttered. (Applause.)

Mr. HARTWELL of Oldtown: Mr. Speaker, I do not believe in booze, neither do I believe in the issue that is at stake. I believe every man here should vote as he sees fit. I shall vote as I see fit, and I will never vote to give the power to one man, although I accord him all the respect that is due him.

Mr. ROUNDS of Portland: Mr. Speaker, I am one of the majority party elected to this House, but I was not elected to give any one man power to say to the other men elected on that ticket whether they should be removed or not. I will read what few remarks I have to make.

I could give many reasons why I am opposed to the enactment into law of the bill now before this House, but I shall touch upon but few of them in the short time that I am to speak.

I fail to see any good reason why the Governor of this State should be clothed with the power which the measure under consideration would grant him. In my opinion it is asking altogether too much. If we are to pass a resolve permitting him to remove sheriffs, and fill the vacancies thus created, why not go farther and let him name them in the first place? Why go to the trouble of electing them? One proposition is just as reasonable as the other.

As a matter of fact, though, neither of them appeals to me. The people of each county choose the sheriff of that county, and the people, or their duly elected representatives, should be the ones to determine whether that official has so failed in the performance of his duties that he should be ousted from the position. No one within my hearing would venture to suggest that a citizen charged with some serious crime should have his guilt or innocence determined by the judge of a superior or supreme court, as the case might be. No, the accused must be given a trial before a panel of twelve men, and those twelve are to say whether or not he is deserving of punishment. The judge may in his charge aid the jurors in reaching a verdict in accordance with the law and the evidence that has been presented, but we say to him: "Thus far shalt thou go and no farther."

In like manner, a man occupying so high and responsible a position as that of sheriff of a county in this State must be said to have a serious charge made against him when it is alleged that he has failed to perform his duties properly, and yet this proposition is that one man shall consider those

charges and have the sole power to decide whether the charges are such as to warrant the sheriff's removal. I care not if it be the Governor who is given all this authority—I believe it is unjust. It comes close to setting up a little form of despotism within our State, and I find it difficult to believe that there are many men who would care to assume such a responsibility.

All of you will recall that a few years ago we had a sort of a clean-up with respect to sheriffs and their alleged inactivity in the enforcement of the prohibitory law—which is the chief principle involved in the pending resolve—and this clean-up was conducted by the Legislature. There was a Republican Governor and a Republican Legislature, and the first official head to fall was that of a Republican sheriff, one who had held that office for close on to a generation. In the cases which were then heard by the lawmakers of the State each side was given plenty of time and the widest possible latitude in presenting its evidence; and it was the proper method to pursue. Either that method should be retained, or the recall might be adopted, but for one man to listen to complaints, and then act in accordance with his judgment, is asking too much.

How many members of this House—were it within the realms of possibility that any one of you might become the next chief executive of the State of Maine—would want to hold such power within their grasp? How many of you would be happy in the thought that some day a sheriff might be accused of failing to perform his duty and that you might with snap judgment, if you chose, remove him from office and name his successor? If I could poll the House on this question, I am of the opinion that the result might prove somewhat of a surprise to the proponents of this measure. And yet, if the possibility which I have just mentioned existed, that is the situation that would confront the man taking the oath as Governor. There would be no other alternative for him. It is a difficult position in which to place a man, and it is a great deal for any one man to ask. He

must consider himself fit to be classed as "a Daniel come to judgment" to ask the people of Maine to grant him this extraordinary power.

I believe in progress, but I do not believe that progress consists in handing the Governor of this State a "snickersee" and saying to him every time somebody points out a head that should be lopped off, "it is your privilege to swing the 'snickersee' if you have a feeling that the head should drop." That is practically what this measure amounts to.

We have been in the habit of electing human beings to the gubernatorial chair up here in the State of Maine, and I can conceive of instances where a Governor might err in considering the charges made against an official and remove him when there was not good and sufficient reason. Cases of this kind should have the fullest investigation, and a complete airing, before any action is taken, and when this is done the decision should rest not with one man, but with many.

I have as much respect as any man in Maine for those who have held the office of Governor within my memory, but there is not one of these men to whom I would have given the authority asked for in this resolve. Moreover, I do not know of one of them who would have been possessed of a burning desire to obtain such authority. They were jealous of the good name of the Pine Tree State, eager to serve it to the best of their ability, and willing to do all that lay within their power to keep up with the procession of sister commonwealths that had "progress" for their watchword, but they never suggested that they themselves be Governors in name, but Czars in reality.

I have the profoundest respect and admiration for the young man who now occupies the most exalted position in the State within the gift of the electorate. I do not question his sincerity in asking that he be given the power to remove sheriffs who are not performing their duties, but at the same time I cannot conscientiously support him in this request, and I believe that it should be denied. And finally, if the voters next September

decide that the right of suffrage shall be extended to the women, we shall have nothing but good sheriffs ever after, and the authority asked will be something like a beautiful piece of bric-a-brac lying around on a parlor shelf—something nice to look at and talk about, but of no earthly use to the possessor. (Applause)

Mr. BUZZELL of Belfast: Mr. Speaker, I feel that some of us have not read all of this act. We seem to talk about one man, the Governor of the State of Maine, removing a sheriff. I want to read Section 10 of this act, and see what conclusion we can candidly arrive at then.

"Section 10. Sheriffs shall be elected by the people in their respective counties, by a plurality of the votes given in on the second Monday of September, and shall hold their office for two years from the first day of January next after their election, unless duly removed as hereinafter provided. Whenever the Governor and Council, upon complaint, due notice and hearing, shall find that a sheriff is not faithfully or efficiently performing any duty imposed upon him by law, the Governor may remove such sheriff from office."

Now, gentlemen, there is to be a finding from the lips and from the judgment of those seven members of that Council, and I submit to you that they are good men, that they are wise men. That they are carefully selected by their constituents. Now, it has got to be the judgment of so many, not the Governor alone; and do you suppose for one minute that the Governor of the State of Maine, even as good a man as he is, supposing that he should arrive at the conclusion that a man ought to be removed,—do you suppose that he could control and influence the minds and judgment of all those men? Not for one moment. They are all men of affairs; they are men that have their minds, they depend on their judgment, and there would have to be a majority, at least five of them, to come to that finding. Now I for one am always willing to let the majority rule. I feel about this proposition that it is safe to throw

this into the hands of the people, though it may be talked by one party one way if they like and by the other party the other way if they like; and then I am willing to abide by the decision of the people of the State of Maine—by their finding next September. (Applause.)

Mr. HARMAN of Stonington: Mr. Speaker, everybody voting for this amendment place themselves on record in favor of nullifying the elective power of the people of the State of Maine. It is unprogressive, undemocratic and un-American. I am opposed to the principle of the matter. The Governor of the State of Maine had the power from 1820 to 1855 of removing sheriffs. Never in all that time was one sheriff removed, or any attempt to remove a sheriff, for the non-enforcement of his duties. In 1909, I had the honor of being a member of this House. The Sturgis law at that time became very obnoxious. The Legislature attempted to replace that by the power to remove sheriffs, which was promptly defeated in both the House and the Senate. I had the honor of being a member of this legislature in 1913. During that session, there came up for impeachment a number of sheriffs. Those sheriffs who came up for impeachment were all impeached. I voted in favor of impeachment in every case. I was fully convinced that there had been a flagrant misuse of their power and that they had violated their oath of office. The Governor replaced those sheriffs, and no one claims that they ever gave any better enforcement than the old sheriffs after they had been in office three or four weeks. Therefore, I claim it is no use to remove sheriffs and appoint new ones in their place, for I claim that you can only get a cheap fellow to take the place of a sheriff who has been removed. I do not claim that the present Governor, if given this power, would misuse it; but other governors will be in office in the future and they may make bad use of this power. They might single a sheriff out for removal for some very slight offence, and we might find ourselves in this position: If a Dem-

ocratic governor was in the chair, he might in a very short time remove every Republican sheriff and replace them with Democratic sheriffs, or the reverse might take place if a Republican governor was in power. If you are going to give the Governor this power, I believe he should be given the power to appoint, and then he could be held wholly responsible for the actions of the sheriffs of the State. A recall power would be much preferred to the removal of the sheriffs. I cannot see where there is any call for this power. The Democratic House in Washington has given us a "bone-dry" law which will go into effect July first, and no one claims that any liquor can be smuggled into the State of Maine under this law. Gentlemen, I trust this resolve will not have a passage.

Mr. GOLDTHWAIT of Biddeford: Mr. Speaker, I rise to raise my voice in opposition to this measure upon this ground: That it is a direct blow to local self-government. There is only one thing about the whole situation that I am surprised at, and that is that it does not have an emergency clause attached to it.

Mr. BOMAN of Vinalhaven: Mr. Speaker and Gentlemen of the House: I wish in a few words to define my position in regard to this measure in order that I may not be charged with inconsistency. On general principles, I am a believer in submitting to the voters all constitutional amendments, but I do not think it should be applied when it takes away the rights conferred by law upon a county, city or town. This constitutional amendment seems to me to differ from other amendments. Sheriffs are elected by the voters in the several counties, and with all due respect to the Governor, he should not have the right to remove an official elected by the people of a certain section of the State. Sheriffs are not the only officials charged with the enforcement of the prohibitory law. Mayors of cities, selectmen of towns, and constables, are equally responsible for non-enforcement of that law. Now, why not apply this amendment to

them also? Mr. Speaker and gentlemen, I do not think we would want our mayor or selectmen, elected by the cities and towns, removed by the Governor. For the above reason I am opposed to the resolve.

Mr. MESSER of Union: Mr. Speaker, I suppose this matter will be decided by a yea and nay vote, and I wish to make my position clear on this matter as a Democrat in registering my vote. If this question did not carry the referendum with it, I should most assuredly vote against this resolve; but I do not understand that if this matter is passed, we place this in the hands of any one man or with the Governor and Council. If it were so, I should be opposed to it. We simply place it in the hands of the people to decide, and I, for one, am perfectly well satisfied and willing to entrust this measure to the hands of my constituents. I had much rather they would settle the matter than to settle it myself. For that reason I shall vote yes.

Mr. MURRAY of Bangor: Mr. Speaker, I move the previous question.

The SPEAKER: Those who are in favor of a vote being taken will please rise.

A sufficient number having arisen, the previous question was ordered.

On motion by Mr. Murray of Bangor it was voted that a yea and nay vote be taken.

The SPEAKER: The clerk will call the roll of names of the members. The Chair will state the question. Resolve proposing an amendment to the Constitution of the State of Maine relative to the tenure of office of sheriffs. The question before the House is the motion of the gentleman from Augusta, Mr. Farrington, that the resolve be finally passed. Those who are in favor of the passage of the resolve, as their names are called will answer yes; those who are opposed will answer no. The clerk will call the roll.

(At this point Mr. Murray of Bangor took the chair.)

YEА—Albert, Alden, Allan of Portland, Allen of Sanford, Ames, Anderson, Andrews of Norway, Andrews of Warren, Averill, Babb, Barnes, Baxter, Bonney, Bowman of Detroit, Brackett, Bragdon,

Brewster, Brown, Burbank, Buzzell, Cates, Chaplin of Bridgton, Chaplin of South Portland, Charles, Clark of Harrison, Clarke of Randolph, Clason, Clement, Clifford, Coffin, Cole of Eliot, Cole of Etna, Conary, Crediford, Cummings, Cushman, Daigle of New Canada Pl., Daigle of Wallagrass, Day, Dearth, Dutton, Eaton, Ellis of Gardiner, Ellis of York, Farrington, Fletcher, Flint, Frost, Gannett, Garcelon, Greenlaw, Gurney, Hanson, Hall, Hammond, Hart, Hill, Holley, Holt of Gouldsboro, Hooper, Howard, Hutchins, Jenkins, Jennings, Jordan of Baileyville, Jordan of Cumberland, Knight, Leavitt, Lenfest, Libby, Longley, Lyford, McNally, Merrill, Messer, Morison, Newcomb, Nicholas, O'Connell, Patee, Pendexter, Phillips, Powers, Purington, Ranney, Redman, Rowe, Russell, Ryder, Sisson, Snow of Mars Hill, Speirs, Stearns, Stanley, Stubbs, Tuttle, Wagg, Washburn, Watts, Williams, Wilson—101.

NAY—Berry, Besse, Billings, Bolduc, Boman of Vinalhaven, Boynton, Bussabarger, Corliss, Descoteaux, Dow, Driscoll, Drisko, Emerson, Fleming, Goldthwait, Grant, Harmon, Hartwell, Holt of Skowhegan, Hunt, King, Kneeland, Langley, Largay, Larrabee, Levesque, Meserve, Morin, Murphy, Murray, Nellon, Packard of Newburg, Packard of Rockland, Picher, Reed, Richards, Rounds, Sawyer of Eden, Sawyer of Madison, Snow of Bluehill, Tate, Turner, Watson, Welch—44.

ABSENT—Harris, Holbrook, Lawrence, Lewis, Muttly, Webb—6.

When Mr. Bussabarger's name was reached in the roll call, that gentleman stated as follows:

Mr. Speaker, a decent regard for the comments of mankind prompts me to explain my vote on this measure. Before I entered this honorable body, I gave our Governor my pledge not to play politics against him. I have not and never expect to stoop to such tactics. I believe as firmly as he does in the recall of unfaithful public servants. There are such servants, I believe, in my country; but an examination of the records of the 1913 legislature—a Republican legislature—reveals to me the striking fact that a Republican administration refused to enact a law advocated by the Senator from Cumberland giving the people of Maine the right to recall unfaithful servants. This indicates to my mind that the leaders of the dominant political party in Maine do not care to trust the people; but I believe in the people, even when they fail to see things as I do; and, at this crisis in the affairs of our nation, I am not willing to take power away from

the common people and concentrate it in the hands of a chosen few who might misuse it, as was done a few days ago by a dozen men to bring discredit upon the nation. Wherefore, because I believe the recall of unworthy public servants should be the undisputed right of the people who elect such servants, I am opposed to this bill. Mr. Speaker, I vote no.

(Speaker Bonney resumes the chair.)

The SPEAKER: The Chair will announce the result of the vote. Whole number of members voting, 145. Necessary number of votes to pass the resolve 97. 101 having voted yes, and 44 having voted no, the Chair declares the resolve finally passed.

On motion by Mr. Murray of Bangor, adjourned until nine o'clock tomorrow morning.