

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

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1917

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**HOUSE.**

Wednesday, March 28, 1917.

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

Prayer by the Rev. Mr. Hatch of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: An Act to amend Section 34 of Chapter 55 of the Revised Statutes of 1916, relating to public utilities. This bill comes from the Senate indefinitely postponed in non-concurrence. In the House the bill was passed to be engrossed.

On motion by Mr. Baxter of Portland, the House voted to recede and concur with the Senate in the indefinite postponement of the bill.

From the Senate: An Act repealing laws respecting the government of the fire department of the city of Portland. Came from the Senate indefinitely postponed. In the House passed to be engrossed.

On motion by Mr. Allan of Portland, the House voted to recede and concur with the Senate in the indefinite postponement of the bill.

From the Senate: An Act relating to the place of payment in this State of dividends prepared by foreign mutual fire insurance companies. In the Senate this bill was given its two several readings without reference to any committee and passed to be engrossed.

On motion by Mr. Dutton of Bingham, the House voted to concur with the Senate in accepting the bill, and on further motion by the same gentleman the rules were suspended and the bill was given its three several readings and passed to be engrossed in concurrence.

From the Senate: An Act to amend Section 34 of Chapter 55 of the Revised Statutes, relating to public utilities and

free transportation on same. Came from the Senate, House Amendment A indefinitely postponed; Senate Amendment A adopted; bill passed to be engrossed as amended by Senate Amendment A. In the House this bill was passed to be engrossed as amended by House Amendment A.

On motion by Mr. Allan of Portland, tabled until tomorrow morning.

From the Senate: An Act to create a Board of Prison Commissioners. This comes from the Senate, Senate Amendment A adopted, bill had its two several readings and passed to be engrossed as amended by House Amendment A and Senate Amendment A.

On motion by Mr. Rounds of Portland, the House reconsidered its vote whereby House Document No. 350 was passed to be engrossed as amended by House Amendment A. On further motion by the same gentleman, the bill was amended by adopting Senate Amendment A in concurrence as follows:

Senate Amendment A: Amend Section 2 by striking out in the second line the word "supervision", and inserting in lieu thereof the word "control" so that said section as amended by House Amendment A and Senate Amendment A shall read as follows:

"Sect. 2. The Commission shall have the general direction and control of the State Prison. It shall make and establish such rules and regulations, not inconsistent with law, as it may deem expedient for the direction of the officers of the prison in the performance of their duties; for the government, discipline, instruction and employment of the inmates; for the supply of food, clothing and bedding therein and for the custody and preservation of the property connected therewith".

On further motion by Mr. Rounds, House Document No. 350 was passed to be engrossed as amended by House Amendment A and Senate Amendment A in concurrence.

From the Senate: An Act to amend the charter of the city of Hallowell. This comes from the Senate read twice, Senate Amendment A adopted.

It was passed to be engrossed as amended by Senate Amendment A. In the House passed to be engrossed.

On motion by Mr. Farrington of Augusta, the House voted to reconsider its action whereby it passed to be engrossed House Document 576.

The SPEAKER: The Chair will read Senate Amendment A.

Section six of House Document 576, entitled "An Act to amend the charter of the city of Hallowell", is hereby amended by inserting after the word "thereof" in the sixth line the words "and by adding to said section the following: "neither the mayor nor any member of the Board of City Council shall be elected or appointed during his official term to any other office under the city government or as agent of the city for any purpose."

On motion by Mr. Farrington of Augusta, Senate Amendment A was adopted in concurrence. On further motion by the same gentleman, House Document 576 was passed to be engrossed as amended by Senate Amendment A in concurrence.

From the Senate: Report of the Committee on Education, reporting "ought not to pass" on An Act to provide for the distribution of State school funds available for the support of common schools. In the House Report A was read and accepted and the bill was given its three several readings and passed to be engrossed. In the Senate Report B, reporting "ought not to pass", was accepted in non-concurrence with the action of the House.

On motion by Mr. Allan of Sanford, the House voted to recede and concur with the Senate in the adoption of the report "ought not to pass."

From the Senate: An Act to amend Chapter 25 of the Revised Statutes, relating to State aid highways and to provide a mill tax fund for their construction. Came from the Senate re-committed to the committee on ways and bridges.

On motion by Mr. Washburn of Perry, the House voted to concur with

the action of the Senate in recommitting this bill to the committee on ways and bridges.

From the Senate: Resolve in favor of several academies, institutions, seminaries and colleges for maintenance and for repairs and improvements. This resolve came from the Senate, House Amendment A adopted in concurrence; Senate Amendments B, C and D adopted; resolve passed to be engrossed as amended by House Amendment A and Senate Amendments B, C and D. In the House it was passed to be engrossed as amended by House Amendment A.

On motion by Mr. Pattee of Harmony, the resolve and the various amendments were tabled until tomorrow morning.

#### Senate Bills on First Reading.

Senate 288. An Act to accept the benefits of An Act of Congress to provide for the promotion of vocational education.

Senate 306. An Act to amend Section 24 of Chapter 58 of the Revised Statutes of the State of Maine, relating to unclaimed baggage and merchandise transported by street railways.

Senate 351. An Act to provide for card index for probate registry of Aroostook county.

Senate 344. An Act to amend Section 8 of Chapter 65 of the Revised Statutes, relative to time for hearing of libels for divorce.

Senate 379. An Act to amend Chapter 452 of the Private and Special Laws of 1897, relating to the trustees of the fund for the support of the Episcopate of the Protestant Episcopal church in the diocese of Maine.

Senate 386. An Act to amend Chapter 117 of the Revised Statutes, increasing the salary of county attorney and of assistant county attorney for Cumberland county and to provide clerk hire therefor.

Senate 387. An Act to amend Section 20 of Chapter 117 of the Revised Statutes, increasing the salary of the chief clerk in the department of education.

Senate 388. An Act to create a State department of health.

Senate 389. An Act amending Section

17 of Chapter 45 of the Revised Statutes relative to granting lobster licenses.

Senate 390. An Act in relation to the duties of county attorneys.

Senate 391. An Act to grant a new charter to the city of Auburn.

Senate 392. An Act to amend Section 36 of Chapter 26 of the Revised Statutes, fixing a fee for registering motor cars in neutral automobile zones.

Senate 397. An Act to amend Section 32 of Chapter 117 of the Revised Statutes, increasing the salary of the clerk of the board of State assessors.

Senate 348. An Act to amend Section 28 of Chapter 45 of the Revised Statutes, relating to violations of the lobster law.

Senate 394. An Act to amend Chapter 73 of the Revised Statutes of 1916, relating to sales of real estate by license of court.

Senate 395. An Act to amend Revised Statutes, Chapter 117, Section 16, increasing the salary of the State treasurer.

Senate 396. Resolve in favor of Mrs. Mabel G. Sanborn of Augusta for money expended in support of Kate C. Robbins, a State pensioner now deceased.

The rules were suspended and the bills and resolves were given their several readings and passed to be engrossed in concurrence.

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

#### Appropriations and Financial Affairs.

By Mr. Bragdon of Westbrook: Resolve in favor of the stenographer to the committee on temperance.

#### Legal Affairs.

By Mr. Barnes of Houlton: An Act to amend Section 36 of Chapter 117 of the Revised Statutes, relating to manner of payment of salaries.

#### Reports of Committees.

Majority report of the committee on agriculture, reporting "ought to pass" in a new draft under same title on bill, "An Act to amend Section 3, Chapter 130 of the Revised Statutes, relating to the sale of milk."

(Signed) Messrs. Conant, Brackett, Grant, Averill, Cummings, Peterson.

Minority report of the same committee, on same subject matter, reporting "ought not to pass."

(Signed) Messrs. Bowman, Alden, Hall, Boynton.

(Both reports tabled by Mr. Purinton of Mechanic Falls pending acceptance of either.)

Mr. Hall, from the committee on agriculture, reported "ought to pass" on bill, "An Act repealing Paragraph 6, Chapter 10 of the Revised Statutes, relating to the exemption of certain live stock from taxation;"

Mr. Nicholas, from the committee on appropriations and financial affairs, reported same on bill "An Act to amend Sections 85 and 87, of Chapter 2, of the Revised Statutes, relating to the State contingent fund";

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

Same gentleman, from same committee, on Resolve for the publication of automobile registration, reported same in a new draft, under same title, and that it ought to pass;

Mr. Conary, from the committee on legal affairs, reported "ought to pass" on bill, "An Act to amend Section 51, Chapter 82, Revised Statutes, in relation to trial terms of supreme judicial court";

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

Mr. Harris, from the committee on sea and shore fisheries, on bill "An Act to amend Section 36 of Chapter 45 of the Revised Statutes, relating to seed lobsters," which was recommitted to them, reported same in a new draft, under same title, and that it ought to pass;

Mr. Holt, from the same committee, on bill "An Act relating to marking of lobsters in transit"; which was recommitted to them, 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 taxation, reporting "ought not to pass" on bill "An Act to amend Paragraph 1

of Section 14 of Chapter 10 of the Revised Statutes of 1916, relating to the taxation of personal property."

(Signed) Messrs. Swift, Holt, of Cumberland, Merrill, Allen, of Portland, Jordan, Gannett, Holt of Skowhegan.

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

(Signed) Messrs. Charles, Turner, Greenlaw.

(Tabled by Mr. Barnes of Houlton pending acceptance of either report.)

Mr. Alden, from the committee on agriculture, reported "ought not to pass" on bill "An Act to amend Paragraph 6, Section 6, Chapter 10, and Section 16, Chapter 9 of the Revised Statutes, relating to the exemption of live stock from taxation;"

(Tabled by Mr. Jordan of Baileyville, pending acceptance.)

Mr. Ellis, from the committee on State prisons, to which was referred an order, the Senate concurring, that the committee on state prison consider the advisability or feasibility of allowing time convicts in the State Prison a small compensation for their work and labor performed while in prison, to be paid to them when discharged, and in the event any such convict has a wife or minor child, or minor children, residing within the State, whether or not such compensation should not be paid, from time to time, to such wife, or minor child or children, and to report by bill or otherwise," reported that legislation thereon is inexpedient.

(Tabled by Mr. Boman of Vinalhaven pending acceptance.)

Mr. Gurney, from the committee on judiciary, on the following petitions and resolutions:

Petition of John Metcalf and 86 others of New Portland, Maine, in favor of changing the date of the State election from the second Monday of September to Tuesday after the first Monday of November;

Petition of Willie F. Paradis and 18 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;

Petition of Percy E. Higgins and 58 others in favor of same;

Petition of Fred A. Thurlough and 5 others in favor of an act to authorize and direct the county commissioners of Aroostook county to enlarge and repair the Court House at Houlton in said county;

Petition of C. F. Daggett and 24 others in favor of same;

Petition of Herbert W. Trafton and 29 others in favor of same;

Petition of Leonard A. Pierce and 29 others in favor of same;

Petition of C. H. Morey and 26 others favoring the establishment of the Knox Municipal Court;

Petition of Willie F. Paradis and 170 others for act to incorporate the Van Buren Light and Power District;

Petition of F. A. Higgins and 96 others in favor of same;

Petition of John Lawson and 50 others in favor of same;

Petition of Joseph Bernier and 56 others in favor of same;

Petition of J. H. Michaud and 25 others in support of same;

Petition of W. W. Thomas and 13 others in favor of same;

Petition of Emily Michaud and 11 others in favor of same;

Petition of A. L. Sloat and 25 others favoring amendment to the Constitution of Maine, granting equal suffrage to women;

Petition of C. W. Small and 18 others in favor of same;

Petition of White Oak Grange of Warren, Me., in favor of same;

Petition of Hattie Clement and 21 others in favor of same;

Petition of A. B. Wood and 14 others in favor of same;

Resolution of New Century Grange in the town of Dedham in favor of same;

Resolution of Portage Grange No. 515, unanimously favoring same;

Petition of Dr. F. C. Thayer and 42 others in favor of an act to regulate the practice of chiropody;

Petition of H. C. Buzzell and 36 others in favor of same;

And the following remonstrances:

Remonstrance of Willie Sirois and 42 others against granting charter to Van Buren Light and Power District;

Remonstrance of Geo. Theriault and 47 others against same;

Remonstrance of Paul J. Cormier and 37 others against same;

Remonstrance of Peter Bischard and 59 others against same;

Remonstrance of Lawrence Violette and 10 others against same;

Remonstrance of Vital R. LeVasseur and 31 others against same;

Remonstrance of Dr. J. E. Burgoine and 11 others against same;

Remonstrance of Chas. F. Hammond and 33 others against same;

Remonstrance of Joe Ouilette and 36 others against same;

Remonstrance of G. R. Watson and others against the passage of House Bill No. 138, entitled "An Act to enable the town of Presque Isle to assume the obligations of Presque Isle Village Fire Dept., arising out of a contract with the Presque Isle Water Co."

Remonstrance of Ernest G. McGlauffin and 330 others against same;

Reported that the same be placed on file.

The reports were accepted.

#### Conference Report.

The committee on conference on the disagreeing action of the two branches of the legislature on Resolve in favor of Joseph H. Underwood, have had the same under consideration and ask leave to report that the Senate recedes and concurs with the House in passing the resolve to be engrossed as amended by House Amendment A. Signed Messrs. Googin, Deering and Rupert H. Baxter, committee on the part of the Senate; Messrs. Farrington, Frost and Pattee, committee on the part of the House.

The report was accepted.

#### First Reading of Printed Bills and Resolves.

House 699. An Act to amend Section 108 of Chapter 16 of the Revised Statutes of 1916, relating to teaching of the principles of kindness toward birds and animals in the public schools.

House 700. An Act to amend Section 85 of Chapter 16 of the Revised Statutes, providing a maximum annual tuition in secondary schools of the State.

House 697. Resolve making appropriation for the support of the Bureau of Inspection for 1917 and 1918.

#### Passed to Be Engrossed.

An Act to amend Chapter 337 of the Public Laws of 1915, relating to the amount to be paid for clerk hire in Knox county.

Mr. Grant of Hope offered the following amendment and moved its adoption.

House Amendment "A" to bill, "An Act to amend Chapter 337 of the Public Laws of 1915 relating to the amount to be paid for clerk hire in Knox county."

Amend by striking out all the title and substituting therefor the following: "An Act to amend Section 45 of Chapter 117 of the Revised Statutes, increasing the amount of clerk hire in the Knox county registry of probate."

Amend further by striking out all after the enacting clause, and substituting therefor the following:

Section 45 of Chapter 117 of the Revised Statutes is hereby amended in the eighth paragraph by striking out the words "two hundred fifty" in the second line of said paragraph, and inserting in place thereof the words 'four hundred,' so that said paragraph as amended shall read as follows:

'Knox county; for clerks in the office of register of deeds, two hundred fifty dollars; for clerks in the office of register of probate, four hundred dollars; for clerks in the office of clerk of courts, three hundred dollars.'

The amendment was adopted.

The bill then had its third reading and was passed to be engrossed as amended by House Amendment A.

Mr. CREDIFORD of Shapleigh: Will that amend the bill satisfactorily, Mr. Speaker?

The SPEAKER: The bill never has been printed. It was substituted for the report.

Mr. FARRINGTON of Augusta: Mr. Speaker, I think I can explain to the gentleman (Mr. Crediford). House Document No. 693 on Bills in the Third Reading has not been reached yet. When it is reached I propose to table it for an amendment.

House 539. An Act to amend Section 7 of Chapter 38 of the Revised Statutes of 1916, relating to licenses of agents and dealers in nursery stock.

House 687. An Act to amend Section 51 of Chapter 82 of the Revised Statutes, relating to trial list of supreme judicial court for Aroostook county.

House 688. An Act amending Section 14 of Chapter 41 of the Revised Statutes, increasing the license fee for itinerant vendors.

Mr. DESCOTEAUX of Biddeford: I move that the bill be indefinitely postponed.

On motion by Mr. Allan of Portland, the bill was tabled until tomorrow morning.

House 694. An Act to amend Section 72 of Chapter 82 of the Revised Statutes of 1916, increasing the annual appropriation for the attorney general's department.

House 691. An Act to incorporate the Casco Water, Electric Light and Power Company.

Mr. Allan of Portland presented House Amendment A to House Document 691, and moved its adoption, as follows:

"Sect. 14. Nothing herein contained is intended to repeal, or shall be construed as repealing, the whole or any part of any existing statute; and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of Chapter 55 of the Revised Statutes of Maine."

The amendment was adopted.

Mr. BAXTER of Portland: Mr. Speaker, I wish to offer House Amendment B and move its adoption, as follows:

"Sect. 14. It shall be unlawful for said corporation to transmit electric current for sale or use beyond the limits of this State, or to contract with any person, firm or corporation for the transmission or sale of electric current beyond the limits of this State; and said corporation shall not be permitted to acquire in any manner the fran-

chises 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."

Amendment B was adopted, and the bill was passed to be engrossed as amended by House Amendments A and B.

House 693. An Act to amend Section 45 of Chapter 117, Revised Statutes, relating to clerk hire in county offices in the county of Penobscot.

Mr. Murray of Bangor presented the following amendment and moved its adoption.

House Amendment A to House Bill 693.

"Amend by striking out the word 'five' in the fourth line of the first paragraph of the bill as printed, and inserting in place thereof the word 'six.'"

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

House 682. An Act to amend Section 45 of Chapter 117 of the Revised Statutes, increasing the amount to be paid for clerk hire in the office of the recorder of the municipal court of the city of Portland.

On motion by Mr. Rounds of Portland, the bill was tabled pending its third reading.

House 685. An Act to insure the collection of taxes in unorganized townships.

Mr. BARNES of Houlton: Mr. Speaker, apparently there are before the House now two measures pertaining to the same subject matter and I move that this bill be tabled pending its third reading.

The motion was agreed to.

House 686. An Act to amend Section 33 of Chapter 9 of the Revised Statutes, increasing the taxation of owners of parlor cars.



House 684. An Act to amend Sections 16, 38, 39 and 40 of Chapter 26 of the Revised Statutes, relating to the operation of motor vehicles.

**Passed to be Enacted.**

An Act to amend Section 16 of Chapter 59 of the Revised Statutes, relating to compensation of inspectors of steamboats.

An Act to amend Section 1 of Chapter 34 of the Revised Statutes, providing for the appointment of a deputy commissioner of agriculture.

An Act to incorporate Maine Fire Insurance Company.

An Act to amend Section 82 of Chapter 115 of the Revised Statutes, relating to support of debtors in jail.

An Act to provide for the improvement and certification of seed produced in the state.

An Act authorizing the municipal officers of the town of Machias to close a bridge over tide-water.

An Act to amend the charter of the city of Augusta, relative to police.

An Act to incorporate the Smyrna and Oakfield Water Company.

An Act additional to Revised Statutes, Chapter 51, relating to corporations.

An Act to enable the town of Princeton to supply electricity and water.

An Act to amend sections 28 and 29 of Chapter 55 of the Revised Statutes, relating to notice by public utilities of changes in rates.

An Act to incorporate the Musquacook Stream Dam and Improvement Company.

An Act to establish the Presque Isle municipal court.

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.

An Act to amend section 27 of Chapter 52 of the Revised Statutes and to permit savings banks to invest in certain electric railroad bonds.

An Act authorizing the city of Augusta to raise money by taxation to assist Capital Park in maintaining grounds and conveniences for public amusements.

An Act to enable the chief engineer of the State Highway Commission to convey a certain lot or parcel of land owned by the State of Maine to the European & North American Railroad.

An Act to amend Section 60, Chapter 8 of the Revised Statutes relating to the Maine Forestry District.

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.

An Act to amend Section 6 of Chapter 42 of the Revised Statutes, concerning intelligence offices.

An Act to define certain terms used in Section 58 of Chapter 64, of the Revised Statutes, in relation to licensing children's homes and maternity hospitals.

An Act to amend Section 31 of Chapter 68 of the Revised Statutes, appropriating moneys in the State treasury credited to public administrator's fund.

An Act confirming the official acts of the officers of the plantation of Chapman, acting as officers of the town of Chapman, and the proceedings of the special town meeting of the inhabitants of the town of Chapman held December 27th, 1915.

An Act authorizing the bondholders or purchasers of Sanford and Cape Porpoise Railway Company and the Atlantic Shore Railway to reorganize said corporations.

An Act to provide a new building for the Augusta State hospital.

The SPEAKER: This act carries the emergency clause.

Mr. ROUNDS of Portland: Mr. Speaker, is that the building that burned?

The SPEAKER: It is.

Mr. ROUNDS: Mr. Speaker, of course this was rushed through under a suspension of the rules. I understand that that hospital originally cost \$75,000. That is what has been hinted around the State House here. Now, as I understand, they want \$60,000 to put on a roof with.

The SPEAKER: The sum of \$60,000 is hereby appropriated.

Mr. ROUNDS: Mr. Speaker, if that is to make it fireproof, I have no objection to it, but to put a roof on a \$75,000 building, \$60,000 looks to me like quite a heavy expense. I do not want to stop this measure because I think it is all right, but I would not like to go home and have them say, "What are you doing—putting on a roof that costs more than the building?" I would like to have this explained here by some of these gentlemen that know about it before we vote on it.

Mr. PHILLIPS of Southwest Harbor: Mr. Speaker, I am chairman of that committee on the part of the House. I would say that the \$60,000 is to be used to make a fireproof building of the whole building. The roof of the second story, as well as all inside was completely burned out; the building itself from top to bottom was injured by fire and water, and they propose to make a fireproof building and want \$60,000 with which to do it.

Mr. ROUNDS: Mr. Speaker, that is all I wish to know.

The SPEAKER: As many as are in favor of the final enactment of the measure will rise and stand until counted.

A division being had,

One hundred and twenty-four having voted in the affirmative and none in the negative, the bill was passed to be enacted.

#### Finally Passed.

Resolve in aid of navigation on various lakes, rivers and thoroughfares in the State of Maine.

Resolve authorizing the treasurer of State to reissue matured State highway bonds.

Resolve in favor of Ernest E. Graffam of Poland.

Resolve for laying the county taxes for the year nineteen hundred eighteen.

Resolve reimbursing the town of Presque Isle for money expended on account of a certain pauper.

Resolve for the payment of expenses of last sickness and burial of Allan Shenneck, formerly a private, Company L, Maine Infantry, N. G. S. M.

Resolve in favor of the University of Maine for maintenance and for the construction of new buildings.

Resolve in favor of the Trull Hospital Aid Association for the care, support, medical or surgical treatment of indigent persons.

Resolve, appropriating money for the protection of trees and shrubs from the ravages of dangerous insects and diseases.

This resolve carrying the emergency clause requires a two-thirds vote of all the members of the House on its final passage.

A division being had,

One hundred and nineteen having voted in the affirmative and none in the negative, the resolve was finally passed.

Resolve, proposing an amendment to the Constitution, in regard to apportionment of representatives in accordance with population.

Mr. SISSON of Island Falls: Mr. Speaker, what is the number of this resolve, please?

The SPEAKER: House Bill No. 423.

Mr. SISSON: Mr. Speaker, I move that this resolve be indefinitely postponed.

Mr. JORDAN of Baileyville: Mr. Speaker, I second the motion.

Mr. BREWSTER of Portland: Mr. Speaker, I am responsible for this resolve and it has so far gone along without difficulty from anyone who has understood the purposes for which it was introduced. Several members of the House have spoken to me in regard to it as they did not understand what its effect would be, and I should be very glad to explain, as I did before the committee, its exact purpose and its exact effect. I do not know whether many other members of the House are inter-

ested, but perhaps ten or a dozen have spoken to me in regard to it and every one of them have been entirely satisfied after the matter was explained. Whether it is wiser to take up your time now or to table this until I can talk with the gentleman from Island Falls (Mr. Sisson) I am uncertain, but perhaps it would be wisest to discuss immediately his motion, if it is susceptible of discussion.

The apportionment of representatives under the original Constitution was under Section 3 as given in this act, giving as there set out one representative for 1500 inhabitants, and they have proceeded along with that down to this time. The only limitation was that no town—and by that they meant also any district sending a representative—should have more than seven. The immediate occasion of this resolve was the situation in Portland, where some ten years ago, when we had seven representatives, we annexed Deering, which had two representatives, and we then lost the two representatives because no place could have more than seven.

At present, conferences are going on between the cities of Portland and South Portland in regard to a merger. You are now putting through here a bill for the Portland Harbor District which expresses the entity that there is between those two places, located on that harbor as you witnessed, recently welded together by the bridge which you have here assisted in building, and the future development of that harbor and of those cities must be upon the South Portland side. The community of interest that exists between them—and I speak in this matter with the full agreement of the South Portland representative—must be strengthened by welding them together and creating a city of considerably greater size. The result of a merger, however, will be that South Portland or Portland, whichever they may choose to call it, will then lose two of the representatives which they now have.

The committee which heard this matter represented all classes and all communities and after a full consideration unanimously recommended that this

limitation should be removed from the Constitution. What will be the effect of that? It will not affect in the slightest degree the present existing apportionment. The apportionment of representatives comes not under this section which you see in this act but under the previous article of the Constitution, which says that in not less than five nor more than 10 years the legislature shall apportion representatives. The legislature under that has full discretion in the apportionment, subject only to the ordinary rules of reason.

You understand also that as the present situation exists and as it would then exist, the representatives will always be apportioned to Cumberland county. It will only affect the distribution in that county. It will not now and it cannot ever affect the number of representatives which any other county will have because your Constitution under the previous article provides that the representatives shall be apportioned to the several counties in accordance with their population. That is done now and that will always be done. It will only be a question of how they shall be distributed within Cumberland county.

I have talked with perhaps six or eight of the representatives from other sections of Cumberland county, and the gentleman from Bridgton, Mr. Chaplin, was a member of the committee which considered this matter, and they all agreed that Cumberland county itself, which was the only county which could be affected or which could be interested in this matter in any way, had no desire to impose any obstacle on the union of those two cities.

Now, would it be an obstacle? When that union is under consideration between those two cities, one of the most pertinent considerations is going to be this matter of representation. Ten years ago in the case of Deering and Portland they let the matter pass and lost their representatives, but when it comes further, when it comes to a case of South Portland losing two of her representatives, it is going to be a most important consideration in the minds of those people in determining the matter.

Is it of any consequence to any of the rest of the State whether you do place any obstacles in the way of that result being achieved? It seems to me that it is, because the development of that harbor is going to affect very vitally, it seems to me, the development of the whole State, and any restriction or any hampering that comes to that union and to the harmonious development of that harbor is going to affect to a certain extent the rest of the State.

But, waiving that matter, it seems to me on a simple question of justice that the representatives here assembled would certainly not object to leaving it—where? With yourselves. The legislature now has and will always have full powers of apportionment, and this cannot affect in the slightest their action in the future.

With that explanation I trust that I have covered all the points. I should be glad to answer any questions that might arise in any of your minds in regard to it. In private conversation I have found no one who after consideration wished to take any action to hamper this relieving of the legislature from that limitation. In the Senate two or three senators spoke with me in regard to it, and they agreed in the wisdom of that act. I am aware that the action of the Senate is not a very good authority in here, but the question I am perfectly willing to leave with your sense of justice. I think that I have stated the case exactly as it is, that it does not affect the existing apportionment in any way, that it cannot ever affect any future apportionment except so far as the legislature itself here assembled shall see fit to adopt it, and that it will be a substantial restriction on the harmonious development of the situation there in Cumberland county if we do not have this limitation cleared away.

Mr. BARNES of Houlton: Mr. Speaker, what is the Constitution, among friends? If we are going to amend the Constitution of Maine five or six times next September, let's give her another dig. It is a preposterous statement that this harmless little bill, 423, will not affect repre-

sentative apportionment! Have you read it? Have you read the Constitution of Maine since you were in the high school? Article 4, Section 2, says, the House of Representatives shall consist of 151 members. It is not Article 2 we are going to amend. Article 2 will stand, and the next House will number 151.

It will not affect representative apportionment? The best way to argue a proposition is to come right out square and use words that have no ambiguous sound. A week ago there was a debate here; I wear no muzzle; there are no strings on me, and I discussed the proposition from my viewpoint at the Augusta House. Late that night I was confronted by a gentleman, who is not a farmer, who notified me in so many words that my future was zero. Granted. That don't worry me any; I have no political ambitions. And he said that the cities of Maine would come to the next legislature prepared to take care of themselves, and I smiled.

Bless the cities of Maine! Hurrah for Portland! Let her annex the whole State and call herself "Greater Portland," provided she will be fair to us who feed her and clothe her, pay a portion of her bills for education and are asked, and properly, to assist her. The first call that interests Maine has been issued from Washington relative to the condition we are in now. What was it? Was it to the cities of Maine? Read the paper. What is first? The United States Secretary of Agriculture publishes over this broad land an appeal that comes out today. To whom? To the men who keep the United States going—to the men that feed the lawyer that makes the talk—to the farmers of Maine—that they plant heavily—that they put in big crops. That is the first call. Will not change the representative apportionment?

Mr. WILSON of Portland: Mr. Speaker, I rise to a point of order.

The SPEAKER: Will the gentleman state his point of order?

Mr. WILSON: Mr. Speaker, the gentleman is not discussing the matter before the House.

The SPEAKER: The Chair is of the opinion that the gentleman is discussing the matter before the House and cannot regard the point of order as well taken.

Mr. BARNES: (Continuing) Will not affect the representative apportionment? Think of the old Constitution as you studied it in high school! Think of the cities that you were taught in high school! What do you know about the law? The law is that there shall be now and there will be until Section 2 of the Constitution of Maine is changed, 151 men in the House of Representatives. Let me repeat that. The law is and the law will remain, until the Constitution is changed, that there shall be 151 members, no more and no less, in the House of Representatives of this State. The law is and has been since 1911—the law is, and has been since 1911, that the apportionment shall be as follows: Androscoggin 12, Aroostook 15, and Cumberland 23, if I have got my figures right. Now, then, the law is, and will so remain until changed by the legislature, that certain towns are classed together and certain towns send one man, certain towns and cities send two men, and no city can send more than seven men.

Will not affect representative apportionment? If this law goes into effect and this legislature sees fit to change the legislative classes, Portland may have more representatives than seven. Will not affect the apportionment? So sure as Portland has more than seven, the country sections of Cumberland county will have less than they have today.

If this were a frank and fair proposition that you could discuss with your neighbors on the street corners at home, in your offices and in your homes, they would be presenting to us this proposition, that Section 2 should be changed so that there might be more than 151, or they would have already introduced a bill, which under the law they have a right to do, to change the apportionment, to change the classes and redistrict the state—is the word we used in 1911.

Gentlemen, the only result of accepting this report is that the representation from the cities will increase at

the expense of the representation from those sections of Maine that are not cities. It may very well be that the men from the country can raise crops and children. He must never, however, raise his voice to speak for what he considers his inalienable rights. To that doctrine I do not subscribe, and the men of Maine who can vote, to the number of nine out of every ten agree with me and do not subscribe to it. In many matters the wisdom of the gentlemen of the cities excels anything that can be brought from our rural sections; in many matters they are wiser, but they are not otherwise, however, and we still have our say.

I have not overdrawn the proposition. I have not stepped outside the realm of strict truth. The attempt is one of those insidious, subtle attempts to drive in the entering edge of the wedge and its whole dissevering body is to follow.

Now, we have had our joke, if joke it is—and it seems to appeal to some classes of wit—as to Aroostook. Pass it all up. I am not talking for Aroostook. The major portion of Maine is country sections still. In the country sections of Maine we are bringing up the boys to take the lead and do the business of the cities, not only of Maine, but of every city in the world. That is the law of Nature. Bred in the fields under the sunlight, into their stalwart frames they store the strength that enables them to go into the cities and put their shoulders to the herculean tasks of the men who live in the great centers. They are represented here; they do not ask to control the legislature; they are satisfied with the apportionment of representation which they have today, and until that matter has been thoroughly discussed, until the matter is known from one end of the State to the other, until there is a call for a change in representation, I hope that you, who represent the men that sent you here, will put your foot on this measure in spite of any recommendation of any committee which we have before us. (Applause)

Mr. PURINGTON of Mechanic Falls: Mr. Speaker, the gentleman from Portland, Mr. Brewster, has stated here

that he has heard no protest from the rural parts of Cumberland county in regard to this matter. I have. It happens that the northern part of Cumberland county comes up pretty near my section and I frequently communicate with some of the people. At their request I introduced a little electric light measure here to give light and water to the villages down in Casco, a few miles from my town. That measure has been kicked and cuffed about here and amended by Portland gentlemen so that they will not recognize it, gentlemen, when they see it, and I have had some communication from part of Cumberland county.

As I understand it, Cumberland county now has 23 representatives apportioned to them. Portland has seven, leaving 16 to be divided around amongst the rural towns. My informant, and I agree with his figures, informs me that, if this bill goes through—this amendment to the Constitution—Portland will have 12 representatives and the remaining parts of the community will have the rest, and that they will have four representatives transferred from the rural towns into the city of Portland.

Now, I do not think that is a fair thing. Our forefathers in their wisdom made this a part of our fundamental law, that no city should have more than seven representatives, and when the city of Portland absorbed Deering both municipalities went into it with their eyes open and they knew what the result would be. If their ambition is to assimilate South Portland, they must take it with the consequences.

I sincerely hope that this measure will not pass. It looks to me to be a dangerous and disastrous thing for the State of Maine in the rural communities. If Portland can do it, then Lewiston, Bangor and other cities can do it. (Applause.)

Mr. BREWSTER: Mr. Speaker, it probably is not necessary for anyone to discuss the matter further as the sentiment of the House is, perhaps, sufficiently apparent, but I do wish simply to put into the record my protest against the exhibitions which we have here from time to time by attacks upon the character

and integrity of representatives from the city, noting this charge, "This is an insidious attempt to undermine the country districts." If these gentlemen were fair, if they wished to do what was right and square in this matter, would not they submit to a proposition that that limitation should simply be raised from seven to nine or ten? I do not believe any of you gentlemen who have considered this matter fairly, believe that that would be an unfair proposition. I am perfectly willing to do anything that will simply handle the situation which we have before us there. I simply appeal to you in fairness and justice to consider the matter in that way. You control this legislature and you will control future legislatures. As my brother from Houlton, Mr. Barnes, has well said, the country districts do predominate.

I do, however, have to disagree with him when he says that the country districts are never heard from—that their representatives come down here and hold silence during the entire session. I do have to take exception to that portion of his remarks.

But coming squarely to the issue of the comparative occupation of the record here by the several districts, we have had an illustration during this session of a gentleman who has first confessed that there was a time when he did not know all there was to know about taxes, but that was not the present time. Later he went along, and we heard that he knew all there was to know about the big woods, not the foxes; and we found later that, not only did he comprehend all that knowledge, but he even took in the humble lobster. Then he again with his knowledge reached out with the tentacles of the octopus to grasp the sea and shore fisheries commission. And later we heard all there was to know of the final summary on the school fund. And now we come to a constitutional question, and again the last word must be said and the oracle must speak. I simply wish to register my protest; I care not for the fate of this other than it affects the justice of the representation of this State.

There was one question, however, that

he avoided. When the gentlemen fails for argument, he uses sarcasm. It glosses over the weak spots. Now, he says the city of Portland will double its representation if this bill goes through. In the first place it rests solely within this legislature as to how they shall apportion. Have they discretion? I see before me here representatives from the several cities and the representatives from the city of Portland, practically one for 8000 inhabitants. If it was within the limitation of this Constitution, if you removed the restriction, we would have you understand that Portland would get the same apportionment as other cities or towns. Well, what if they did? I can turn and across the hall here see a gentleman from Sanford, Mr. Allen, who represents, not 8000 people, but 12,000 people, and that under the existing apportionment, without limitation in the constitution. That shows the discretion which the legislature has, and that shows the falsity of the charges which that gentleman from Houlton (Mr. Barnes) would hurl across the hall. The legislature does have full discretion, and it will always have, and the existing apportionment, as I stated in the beginning, will not be affected by this resolve.

Now, gentlemen, you may do as you please. I told the people of my vicinity that in coming here I would simply present this case, as it was one of the obstacles to the advancement of the districts from which I come. You may do as you see fit. But, if these gentlemen simply wish justice and equity, wouldn't it be the fair and equitable proposition simply to raise that limitation from seven to nine? Will they make any proposition like that? No. They simply say that their forefathers, far back there when the people little realized what the developments of the future would be, when they had no conception of the future commercial progress and prosperity of this State and its communities, when they had no suspicion that such a situation would ever arise as confronts us now, put that limitation there because that was the limit at that time of any district getting representatives. We do not need any more representatives than 151.

Why should it be charged that we would extend that matter. It is simply a case of continuing the existing apportionment under the discretion of this legislature until the legislature shall see fit in its wisdom to change it, and I do not feel that I am guilty of any insidious acts or that I am imposing upon the credulity of this legislature or these men, or that I can ever do so, in simply asking you to leave this question to the people and to this legislature. That is all that it will be left to. Some other gentlemen do not seem as prepared to trust either the people or this legislature. I, for one, am not of their class.

I apologize for having consumed your time, but I do wish my position to be made clear and my honesty to be vindicated if it can be against the charges which were leveled against me. (Applause).

Mr. CHAPLIN of Bridgton: Mr. Speaker and Gentlemen of the House, it is not my purpose to take up any time in this matter; I think we yield to the city in the matter of taking up time in discussion, but I wish to square myself, as I have been quoted as being favorable to this resolve by the gentleman from Portland (Mr. Brewster).

As I recall it, the day that he was drawing the bill in the committee room, I asked him what he was up to. He explained to me what he was up to, and the conversation ended, and I have had no conversation with him since then about the matter.

I feel that the representatives of towns in the northern part of the county understand what this means, and I think they have their minds made up as to how they will vote. I think it is votes that will count, rather than words, here. The good sense of the members of the legislature will see the objects of this resolve, and I feel that we can safely leave it to that good common sense. I simply wish to square myself on the record, and I think I voice the sentiment of all the representatives in the county of Cumberland as they will voice it later on this matter.

Mr. BREWSTER: Mr. Speaker, I would like to inquire of the gentleman from Bridgton, Mr. Chaplin, whether he was a member of the committee on legal affairs which considered this matter and unanimously reported that it ought to pass?

Mr. CHAPLIN: Mr. Speaker, it was considered in our committee and no minority report was reported therefrom.

Mr. BARNES: Mr. Speaker, after a man has been in court for a few years, it does not worry him any if he is belabored, but a man has to be in court a few years before he can get that equanimity of spirit so that he can take all sorts of thrusts with a smile. It is a grand thing for a man to learn, and all young men will learn it if they have experience in court. I am only saying this in regard to one proposition. When the record is ready next week sometime, the House will observe that a good many of the things which the representative of Houlton is charged with having said, were not said, and it is a great deal better thing to know so many things you know, than to know so many things that are not so. I charged that the act which we are to vote on today was an insidious and subtle attempt to accomplish something, if I can remember my words.

Gentlemen of the House, my reputation as a lawyer and my reputation for integrity is all that I have outside of my family. I stated to you that the law must be changed before a representative can be taken from a country section of Cumberland county and given to Portland. No man who reasons will dispute that, and, if this attempt to increase the representation in the cities to more than seven was made in an out and out fair manner, the first thing that would have been suggested would be, or a bill would have been introduced, to redistrict this State so that northern Cumberland county could know just which towns would be classed together, where the men would come from and which one would have to surrender or let go to Portland.

We will read the record when it comes up, and we will all of us—my Brother will have to and I shall be pleased to—stand on the record.

Mr. REDMAN of Ellsworth: Mr. Speaker and Gentlemen of the House, I am not going to take but just a moment of your time. I represent a city, a small city, and I represent several small towns in the northern part of my district, and I have always had the feeling that the interests and the welfare of that city that I represent and those towns that I represent are one and identical, and I think that the same principle applies to the State of Maine.

Since I came over here in January, I have noticed a constant clash in this legislature between the towns on the one hand and the cities on the other. I tell you, gentlemen, we are facing a national crisis in this country today. This is a time when we, in the State of Maine, should stand together whether we come from towns or from cities. And I say to you, gentlemen, that so far as this bill is concerned, if it does have merit in it, let's make the people or the representatives of Portland feel that they are not our enemies but that they are our friends.

I thank you. (Applause.)

Mr. MESERVE of Naples: Mr. Speaker, as a representative from northern Cumberland, I want to state before this House that I am opposed to this resolve, and I call for the yeas and nays on the motion that it be indefinitely postponed.

The SPEAKER: The Chair would suggest to the gentleman that as it carries the emergency clause, it would take 101 votes. Perhaps he would be satisfied without the roll being called.

Mr. BREWSTER: Mr. Speaker, I do not understand there is any emergency. As a resolve amending the constitution it requires a two-thirds vote. I do not understand how the emergency phrase got on it.

The SPEAKER: If it amends the Constitution, it requires a two-thirds vote of those present.

Mr. BREWSTER: Mr. Speaker, I should be very glad to have the record of this matter, but it will take considerable time. I think perhaps a division of the House would amply settle it.



The SPEAKER: Is that satisfactory to the gentleman from Naples, Mr. Meserve?

Mr. MESERVE: Yes.

Mr. FARRINGTON of Augusta: Mr. Speaker, I understand the motion before the House is to indefinitely postpone.

The SPEAKER: The gentleman is right, and the Chair stands corrected. The motion before the House is the motion of the gentleman from Island Falls, Mr. Sisson, that the resolve be indefinitely postponed. As many as are in favor of the motion to indefinitely postpone will rise and stand until counted.

A division being had,

Ninety-two having voted in the affirmative and 31 in the negative, the motion to indefinitely postpone prevailed.

Mr. FARRINGTON of Augusta: Mr. Speaker, I trust that the House will pardon me for just one word as it is not on any motion. During the balance of this week and during the week to come there are going to be a good many matters upon which we are going to have differences of opinion. I feel that we have the right to assume that every man who rises on the floor to make a motion or who by remarks endorses anything with which we do not agree, is entitled at our hands to the belief that he is sincere and that he has no motives which are not reasonable and right; and I trust that any debate which may be made upon the floor from this time out will be made with that in view. We cannot all agree; there will be many things upon which we will disagree, but I do think that we can agree on the one proposition of attributing to every man who is in favor of a measure the very best and the most sincere motives. (Applause.)

Mr. BUZZELL of Belfast: Mr. Speaker, in addition to what the gentleman from Augusta (Mr. Farrington) has already said, I wish to add a word. I think I am safe in saying that from our own viewpoint we are all good fellows, and I hope our fellow col-

leagues entertain that same idea of us. My position on any question is—and it does not matter what it is, whether little fishes or larger propositions—I want to satisfy myself, and when I feel I have voted the way I think, I know there is at least one man satisfied. In addition to what the gentleman from Augusta has just said, if we are going to vote in that way and going to be square with ourselves, I would like to see everyone vote one way or the other, for when a vote is called for, if there is anything I detest, it is to see a man sit still all the time. Let him vote one way or the other. (Applause).

The SPEAKER: The Chair lays before the House, An Act to authorize the Oxford Electric Co. to extend its lines to and within the town of Hebron and to purchase the equipment and franchise of the trustees of Hebron academy, for passage to be enacted.

Mr. BAXTER of Portland: Mr. Speaker, I move that we reconsider the vote whereby this act was passed to be engrossed in order that I may offer the following amendment.

The motion prevailed and the House reconsidered its vote whereby the bill was passed to be engrossed.

The SPEAKER: And the gentleman from Portland, Mr. Baxter, proposes the following amendment to An Act to authorize the Oxford Electric Co., and so forth, by striking out everything after the enacting clause and by substituting therefor the following—and the first four sections of the amendment are similar to the sections in the original bill, and Sections 5 and 6 are added, which the Chair will read if the House wishes.

Mr. BAXTER: Mr. Speaker, I move we dispense with the reading of all the sections except the last.

The SPEAKER: "Section 6. This act shall not take effect until said Oxford Electric Co. shall have filed at the office of the secretary of State a certificate showing that the company has accepted all the provisions of the said act by vote of its stockholders at a meeting held on or before January 1,

1918." This amendment is a combination of striking out and inserting and, of course, is permissible.

On motion by Mr. Baxter of Portland, House Amendment "A" was adopted, and on further motion by the same gentleman, the bill, being House Document No. 290, was passed to be engrossed as amended by House Amendment "A."

Mr. ANDERSON of Portland: Mr. Speaker, we have been here this morning assembled and have listened to the oratory and satire of the various members, but it is not my purpose to dwell on that at all. We have other duties to perform. We have performed our duty so far as well as we as individuals have seen it; we have worked hard and have been tired; we have voted justly on measures and have consequently felt that we have caused some feeling among ourselves, but after the vote was taken, good fellowship again reigned. At this time I thought possibly it would be an opportune time to bestow upon one of our brethren a token for which we have all contributed, and the presentation will be made by Mr. Baxter of Portland, to whom I yield.

Mr. BAXTER of Portland: Mr. Speaker and gentlemen of the House: You all remember that a week ago last Saturday you came to Portland at the invitation and as the guests of that city, of which we are all so proud. The citizens of Portland esteemed it a privilege to entertain you. We must not overlook the fact that of all those who helped make this occasion a success, there was one who took peculiar and a personal interest in it. We are under especial obligations to that member of the Portland delegation. The rest of us helped as we could, but the success of the undertaking rests entirely with that member, and I know that all of us appreciate what he did for us. There is no member of this House who has a bigger heart or who is more loyal to his friends than the member I refer to. We have taken a subscription from the members of the House in order that we might purchase something to present to this gentleman which would remind him of the affection and of the esteem in which

we hold him. Having been asked by those in charge to present this token, it gives me great pleasure, Mr. Speaker, and gentlemen of the House, to present this watch to our friend and our companion, Mr. Edgar E. Rounds. I hope that he may keep it throughout the remaining years of his life, and may live many years in which to enjoy it. I hope he will look back upon the days of this Legislature with pleasure and with kindly feelings toward us all. (Prolonged applause.)

On Mr. Rounds coming forward to receive the gift, the members rose to their feet and greeted him with cheers.

Mr. ROUNDS: Members of the Legislature: I cannot express my appreciation on this occasion. It is a great surprise to me, but the other day there was a gentleman here in the House who bet me a cigar that something was going to happen. Therefore, I thought there might something happen, and I have sent the assistant clerk out to get the cigars for the crowd, and he in a few minutes will be back with them. (Great applause.)

Mr. Farrington of Augusta then called for three cheers for Representative Rounds, which were given with a will.

The SPEAKER: The Chair wishes to state that the gentleman from Portland, Mr. Rounds, is true to life—always ready with the "come back."

Mr. BAXTER of Portland: Mr. Speaker, having been responsible in a way for the rule which we adopted at the beginning of the session, I feel it incumbent upon me to make a motion at the present time. Mr. Speaker, I move that the rules be suspended and that the House be allowed to smoke in consideration of the gift which Mr. Rounds presents to us. (Applause.)

The SPEAKER: Those in favor of the motion will say aye. The other side will not be put.

The SPEAKER: The Chair lays before the House for its final passage to be enacted the act amending Section 76 of Chapter 45 of the Revised Statutes relating to smelts.

Mr. PACKARD of Rockland: Mr. Speaker, I was very much surprised to find out the other morning, while I happened to be out of the House, that this so-called smelt bill, after being once indefinitely postponed, had been taken off the table and given three several readings. I inquired into the matter thoroughly and was advised and told that the so-called smelt bill had a kind of a political smell to it; and after seeing some members of the House who were inclined to believe that the bill was more political than for the benefit of the community, I got together some information which was not brought out the other day. I tried the last time to explain the thing very thoroughly and assured you, gentlemen of the House, that the bill was wrong, and I think that it was. I assure you now that I cannot for the life of me see wherein a sane man should abide by the statement that twenty men will steal the livelihood of one hundred and fifty or two hundred men. I have a letter signed by the Democratic and Republican town committees of the town of Waldoboro, stating that the thing is free from politics and protesting against the reconsideration of it. This letter is also signed by the Republican sheriff of Lincoln county. I have petitions from the Republican town committee of Wiscasset and about a dozen individuals of Wiscasset and Damariscotta. I also have a letter from the Damariscotta Leather Company, signed by its president, who is a Republican, and he ends by saying: "I therefore respectfully request that this bill be indefinitely postponed." And, gentlemen of the House, without taking any more of your time, I move you that this bill be indefinitely postponed.

Mr. HARRIS of Boothbay Harbor: Mr. Speaker and Gentlemen: I am opposed to the bill being indefinitely postponed; but at this late hour the members want to go to dinner, and although I could talk for a while if I tried very hard, I am not going to. This bill has been before the Legislature ever since, I think, the second week. It met with a favorable impression from the committee on sea and shore fisheries and that committee

unanimously voted that it ought to pass. Now that is about all I have got to say. The thing has been thoroughly talked over among the members here and out in the corridor and on the street, and I think almost every member of the Legislature understands it. I am not going to take up much more time, but just cite you to the fact that this bill received a unanimous report from the committee on sea and shore fisheries and met with a favorable reception in the Senate. So far as the town of Waldoboro is concerned, gentlemen, Waldoboro has nothing more to do with it than Skowhegan. It is the towns of Damariscotta, Nobleboro, Wiscasset, Edgecomb, Westport, Southport, Boothbay Harbor, Bristol, and those towns that are located around the Damariscotta and Sheepscot rivers. They are not asking to go up the river to Waldoboro, and therefore I do not see that Waldoboro should have any interest in it whatever; and I hope, Mr. Speaker and gentlemen, that the bill will receive its passage.

Mr. GOLDTHWAIT of Biddeford: Mr. Speaker, in support of my position as a member of the committee that reported unanimously upon the bill, I wish to say a word. This bill would amend the general law protecting the entire coast from Cape Small Point to Owls Head against seining of smelts. Now the situation as it appealed to us who reported the bill unanimously was like this: Down in these shore towns at the mouth of these rivers were fishermen who had to stand idly on the shore and watch the smelts go up the rivers twenty- or twenty-five miles to be caught by someone else. Absolutely they were prohibited from taking them with seines, and that is the only method by which they could take them. Now personally I am opposed to unrestricted seining. I would be the last one to do anything to put out of business the line fishermen up these rivers; but I have seen in other places cases where seining, restricted, as is proposed in this measure, was carried on as well as a successful line fishing. I think that may be true in this case; at least I felt so sure that I was willing to vote for this bill.

The SPEAKER: The question before the House is the motion of the gentleman from Rockland, Mr. Packard.

Mr. BUZZELL of Belfast: Mr. Speaker, I have no particular interest in this bill. When it was considered here in the House before, I said something on the proposition and my colleagues took exception to my attitude. I want to be thoroughly understood on this proposition as well as on all other propositions. My brother Barnes said today in the course of one of his most noble efforts that most all lawyers knew what it was to get the short end of the stick or the smutty end of the poker. We do appreciate that above all kinds of people. I stood here yesterday looking into the faces of certainly anything but a hostile gathering, but that really did not matter to me. I have practiced law for a while, also. It looked good to look into the eyes of people who were, to use that homely expression, "agin yer." You really could calculate just what humanity might do under some conditions notwithstanding the equity of the proposition. Now you know I have not very much interest in the smelts down in the Sheepscot and Damariscotta rivers. Probably I never shall drop a line in those two rivers—never in my life; but it was stated here after the discussion the other day—and I am going to treat this matter candidly—that there were politics one way or the other and that the leaders of the Democracy were meeting in seclusion. They said "Boys, go ahead and do so and so," and then there was an effort the other way to do something else. Now regardless of those two efforts I simply say that it is fair to use those two rivers the same as you use other rivers. This proposition has been tried out, as I understand it, before for several years, and the proposition was considered from the standpoint of the people down there to be a bad proposition and a poor law; so much so that they repealed it, and they said: "You shan't do any more seining in Sheepscot and Damariscotta rivers than you do in the other rivers that reach the coast of Maine." Consequently, that is my position, and

I love to vote with the minority just the same, if I feel that I am supporting my honest conscience. Now you know that I cannot really get over feeling that the people down in the city of Portland should not have just as many representatives according to their number as some town down in Washington county. I may be wrong about this, you know; but I cannot help believing that the people down in every section of Cumberland county, whether in Portland or some other section of the county, should not have the same representation as far forth as possible as other places—Washington, Hancock, Kennebec or elsewhere. Of course I am with the majority and I am perfectly willing to let that go. I will concede that you will say I was wrong; but I am like a lady,—I cannot be convinced in my own mind. Now shall we treat those little fishes down there in those two rivers just the same as we do in other places? When some of my Republican friends, either here in this House or in the Senate, make what I consider class legislation, I am going to disagree with them. Even though my position on the hunting proposition may be said by some to have been an unfortunate position on my part, I assume all the conditions, and am perfectly willing to do so. Nobody has got to assume them but myself. You know how we voted the other day and that I said I did not believe there was any politics in it. However I took certain steps to find out, and as the result of the first step I will refer you to what the State committeeman says about it down in that county. Then I will go to some of the town committeemen and I will see what they say about it. Then I will go to some of the representative citizens and see what they say about it, and this is what they say. Here is Mr. George A. Cowan, State committeeman down there. He says: "To the House and Senate of the Maine Legislature, now in session:

"Relative to the act 'to repeal the smelt law from Cape Small Point,' etc., now before the legislature, I wish to state that under the present existing law the smelt industry on Dam-

ariscotta Bay is of much importance and benefit to a large body of men and their families hereabouts" they are the fellows I am in favor of—the large body not the few seiners. I am in favor of the fellows plugging with the hand line. I do not say this with any feeling for anybody, but I simply want to go on record in favor of those fellows.

Continuing, Mr. Cowan says: "It has been called to my attention that claims are being made by some, I do not know whom, that the same is being made a political question. I wish to state that I am quite familiar with politics in the county of Lincoln and must condemn the statements, if any such have been made, that the citizens who are opposing a change in the law as it now exists are doing so for any political gain for individual or party, for they, I believe, are working for the greatest good for the greatest number interested. I am heartily in sympathy with maintaining the law as it is at present, for the purpose of giving a large number of men a chance to earn an honest living during the dull winter months.

If any member of the legislature wishes that I make any further statement or answer any questions relative to said present law or the proposed change, or regarding the same being a political question, I will be very glad to do so, believing it sound business and for the best interests of the county of Lincoln, as a whole, to maintain the present law.

Yours very truly,

(Signed) GEORGE A. COWAN."

There is George Cowan's word for it. Now I am not going to read the next letter, but it is from the State committeeman of the Republican party, Weston A. Hilton, and a very similar letter. Then comes the Damariscotta and Newcastle Board of Trade signed by George L. Pastorius, President, Isaac C. Stetson, Vice-President, H. W. Clifford, Treasurer, Leon A. Dodge, Secretary. I will just read a line or two from it. "The smelt fishing was in said river practically destroyed in that those years became unprofitable both to seiners and line fishermen." That

was when the law was that they might do a little seining there. I do not believe those fellows are taking this from the political standpoint.

Now I have a sort of an open letter from the selectmen of Damariscotta, the selectmen of Nobleboro. Three selectmen of Damariscotta are Republican and one of the three selectmen from Nobleboro is a Republican. For fear that you may think I am slipping over this a little hastily I will read: "We have been informed that the opposition to the passage of bill 'An Act to amend Section 6 of Chapter 45 of the Revised Statutes, relating to smelts', House Document No. 520, is confined to one political party. Such a statement in our opinion is contrary to the fact. We have never before heard the question of politics mentioned in connection with the bill. It is a matter that is of great interest to many people in this section."

Now here is a word from the selectmen of Newcastle, setting forth substantially the same facts as I have read in the others. Here also is a letter from the Damariscotta Herald, the editor of which is the recorder of the municipal court there and one of the selectmen of the town. He says "I wish to protest against the proposed legislation which opens Damariscotta and Sheepscot rivers to seining. I protest against the injustice which singles out the smelt fishery of these two rivers for destruction. I fail to see why, if seining is good for us, it is not also good for other rivers of the State and those adjoining us. I protest because it deprives hundreds of men and boys of employment in the winter time, when work is hard to get. I protest because experience has shown sadly that smelts cannot stand seining and a very short period of seining means the practical extermination of the schools in the rivers doomed by the proposed law. Once gone, the smelt is gone forever because in the case of this fish artificial propagation is impossible. Opening the rivers part way is the same in effect as opening the entire stream for the smelts leave the rivers in the spring and practically none can get past the seines. I protest because this law is class legislation and for a mighty small class,

too. It sacrifices the interests of hundreds for a temporary gain for a dozen. (Signed) George W. Singer."

Now, gentlemen, I feel, after presenting those petitions and the words of those people down there, that I have satisfied you of what I said the other day that there was no politics in it, and my position is the same today as it was then, regardless of what your minds are today on this proposition. I still am in favor of two hundred or two hundred and fifty hand liners to a dozen or twenty or twenty-five seiners. I thank you.

Mr. COLE of Eliot: Mr. Speaker, I presume whichever way the House votes it will vote wrong—there isn't any doubt about it—on this smelt proposition. It comes up every two years, and, if you pass this matter as it is asked to be passed today two years from now they will send it back here and have it repealed. Four years ago I was chairman of the committee on sea and shore fisheries and the same old bills were up then that are up now, and when I looked at the index to see what was on it, I found "Smelts in the waters of Egypt Bay, Franklin Bay, Taunton Bay and River", and all the others right along, just reversing it every two years; so that whatever you do today, they will be back two years from now to do it over again. It seems therefore a pretty good idea to change and give the other fellows a chance. That is just what happens to the smelt industry, Mr. Speaker, all along the coast. There is, however, another more serious side to it. We went all through this smelt industry at the time I mention and I remember it very well. There are men who earn their living and that of their families in the fishing industry. Their money is invested in the various nets and weirs which are needed to earn that living. They devote their entire time just as you devote yours to your business and I to mine. They take each line of fish in its season and catch what they can to support themselves and their families. When it is the smelt season, they try to get smelts; when it is the cod season, they try to get cod; when it is the best lobstering, they try to get lobsters. Fish-

ing is their livelihood. Now there are other men who are good citizens and who have some rights as citizens; but you would not say that you should make a law that would give a man an opportunity to go out one day a week when he wants to go smelting for pleasure and take away the every-day livelihood of the average man who makes that his every-day occupation. And that is what you are doing. You are class legislating in favor of a lot of men who want to go hand lining once or twice a week two or three months in the winter, and you are taking away the every-day livelihood of men whose families are dependent on them for what they can get while smelts are running. Let's look at it as a business proposition for men who are in the business of fishing and who have no other occupation. I remember one of these very bills on a certain river, and I do not know but it is this Egypt, bay, Franklin Bay, and so forth, that runs up through there with its ramifications into a lot of towns; and there was a stone mason and a blacksmith and a lot of men of various other occupations who came before us protesting against whatever the bill was. Those men said "When I want to take a day off and go out and get some fish, I ought to have the opportunity of doing it." If that man gets four smelts as long as his finger, he has probably had a good time and a day off for a vacation to try his luck. But that is not his usual occupation. His usual occupation is horseshoeing or cutting granite or something else; that is where he earns his living. I believe in every man for his job. I believe if we are going to legislate, Mr. Speaker, we should legislate in behalf of that class of people who are making it their principal occupation and earning their livelihood thereby. I am for the seiner in this case; and if he wants to catch them all this year and cannot have any next year, that is his fault. If it becomes necessary some time to protect the smelt in order that they may come back, let's come to this legislature and put on a close time, but let's not legislate against the fisherman whose occupation is fishing, in favor of the fellow who wants to take a day off and who

thinks he can earn four dollars a day catching smelts while they are running, leaving his occupation of cutting granite or shoeing horses or something of that kind.

Mr. PACKARD of Rockland: Mr. Speaker, if it was wise to kill this bill four years ago and report unfavorably on it two years ago, I think it is wise to do it now and I move the previous question.

Mr. WEBB of Cherryfield: Mr. Speaker and Gentlemen of the House: I just want to make a statement here in regard to fishing in Franklin Bay. It is not in my class, but I am very familiar with it. This matter came up here two years ago, and, as to reversing it, I want to say to this House that they just wanted to extend the hand line fishing and they found it a perfect success. They come here this year and still want to extend it down further—just the same as this proposition—down to the mouth of the river. I do not see why he claims it was reversing what they were here two years ago for. They never had handlining in those bays before; but two years ago they came here and had a hard time to pass it. After a while they got it through and they found it a perfect success. As the gentleman from Belfast (Mr. Buzzell) has said, it furnishes employment for a hundred or a hundred and fifty men where it did in the years past to a very few. I should say a dozen. I hope, gentlemen, when this is voted on that you will vote for the hundred and fifty or two hundred men instead of the dozen or fifteen.

The SPEAKER: Mr. Packard of Rockland has moved the previous question, and, unless the Chair hears objection, it will rule that the previous question has been ordered. That gives five minutes debate. The Chair recognizes the gentleman from Waterville, Mr. Berry.

Mr. BERRY of Waterville: Mr. Speaker and Gentlemen of the House: This question was thoroughly threshed out the other day and I cannot understand the attitude. It is said that a wise man changes his mind, a fool never, and I can

not understand this somersault. You voted to indefinitely postpone this question the other day 65 to 41. Why this change of heart? I am thoroughly in favor of the indefinite postponement of this bill and shall so vote. I hope everybody will vote intelligently in this matter and that it won't be back here again tomorrow.

Mr. LARRABEE of Bath: Mr. Speaker, I do not agree at all with my friend, Mr. Cole from Eliot. If Mr. Cole knows anything about the fishing business, he knows that what he says is not so; and if any man here in the House knows anything about fishing, or knows anything about the lay of the rivers down there that they are talking about, or the fish business, he will know that it is not so for this reason: There are perhaps a dozen seiners down at the mouth of the two rivers, the Damariscotta and the Sheepscot. If you catch all the fish down there by those seines, what are the men going to do at the other end of the river? My friend says that the men at the mouth of the river make it their annual business, in numbers, to catch smelts but they only run a few months in the year. Take that line of argument, what are the men in the Sassanoa river going to do? That river is opposite the city of Bath and affects the people I represent. They fish with the hand line and they fish through the ice and they have these houses. Perhaps the men in the northern part of the State do not realize that they have the small houses that they do right on the ice, and they may stay there for a week or a month or two months at a time, and they catch their fish and put them in boxes and send them to the New York market, and that is their livelihood for the winter days. Also at the upper end of the city of Bath, they have their lines and houses and they make it their business to do this sort of fishing through the winter. Now if you shut off the fish at the mouth of the river, what will the men do at the upper end of these rivers? I just put the proposition up to you as a business proposition,—what would you think if you were a fisherman in the city of Bath?

Mr. WILSON of Portland: Mr. Speaker, as the gentleman from Waterville has said this matter was discussed in this House some days ago. It seemed to me at that time, and I am more convinced of it now, that the matter was not intelligently discussed. Now I know something about this matter and I want these gentlemen who do not know to understand that these rivers are from a mile to two miles in width at the place where seining would be stopped under this bill. It is not a little stream where you could string a net across and stop all the fish. That is not the way smelts are caught. You were told the other day about a great seine that would go all around this building. That is not the fact and that is not the way smelts are caught. If your seine catches on the bottom and a hole is torn in it, away go your fish. Smelts are seined in narrow places with a small net that two men can use handily six or seven feet in depth. They get it by the corners and swing around and perhaps cover a space the length of that wall. They sweep around and they get what smelts there are. It was said that smelts are migratory. As a young chap I lived right on Casco Bay and I live there now a large part of the season. We have this smelt business there. When I was a youngster we had eight fish weirs,—and to show you how migratory those fish are, one of those weirs would catch perhaps 50 pounds some nights—they usually get them at low water in the night because they won't come in the day time when they can see. One of those weirs would catch perhaps 50 pounds and none of the other seven would get any. It would seem almost impossible that the fish would go by those weirs but they would and they would get into some one of them on the ebb tide coming down. On that same bay, every weir industry has died out years ago. In that same bay and within a half a mile of where the weirs were there is a little narrow channel which runs in at low water. That channel is no wider than from where I stand to the further side of this hall. It is perhaps a half mile long and is a favorable seining place for smelts. Fishermen go there in the fall and go there weeks before the law

is off, put down a stake and hire a dory so as to get their place reserved. They go in there with these little nets and they sweep that place and they keep at it every year. One year they will have poor luck and the next year good luck. The fish are there sometimes and sometimes they are not. This very last fall fishermen who went there and fished that little place made more money and got more smelts than had happened for years and they have been fishing there ever since I can remember. This is just a little narrow place which is not the case in this bill. This bill applies to a wide river—bay, I should call it—and it would be impossible, I should say, for the seiners at the mouths of these rivers, or within the territory covered by this bill, to catch all the smelts. They could not do it.

Mr. GRANT of Hope: Mr. Speaker, just for the information of the House, I would like to say that these little smelt nets he speaks of are only about six hundred feet long.

Mr. BUZZELL of Belfast: Mr. Speaker, there was a little matter that I forgot that was given to me by a man I have known for some time down at Damariscotta; and by the way I asked him for this information and told him I would like to get the expression of the business men of that place. So he sent, or gave me in hand, a petition with forty-six names of merchants, druggists, hardware men, shoe dealers, jewelers, clothing, and so forth and so on from that place. Thirty out of the 46 are Republicans, and they say they want the industry left as it is.

Now just one word in relation to the hand line fishermen and the seiners. It looks to me as if this law, if it was going to work out for the good of all, that the hand line fellows would not object to the seiners, and that if the seiners did first rate, why should they object to the proposition? It was reported to me upon very good authority that the hand line fellows took about eight thousand dollars out of Damariscotta river alone this winter—some two hundred of them. Now that is about forty dollars apiece for these fellows, an income of about forty dollars apiece. Now



had we rather have that eight thousand dollars in the hands of fifteen or twenty, or would it be better to have it in the hands of two hundred? There is the proposition.

Mr. HARRIS of Boothbay Harbor: Mr. Speaker, I do not want to take up any more time than possible, but if my friend from Belfast, the gentleman who just spoke, Mr. Buzzell, has any letters or petitions or anything to show against this bill from the towns of Boothbay Harbor, Boothbay, Bristol, Edgecomb, South Bristol, Westport or Southport, I would like to hear from him. Now these letters and petitions, of course, are from the people up there where the ice fishermen are. I am well acquainted with George Cowan; he is a particular friend of mine and our State committeeman. I expect all of those gentlemen up there, every man and every boy, to be in favor of fishing through the ice and against this bill; but how about the fellows down in these towns that I have mentioned? Whatever politics there may be in this thing do not exist there; they exist in the city of Augusta.

Mr. MURRAY of Bangor: Mr. Speaker, if politics have crept into this, either down there or up here, if they crept in up here we ought to be ashamed of ourselves. It seems to me that this legislature is too big and too great to mix politics, and ward politics at that, into a measure like this. It is none of our business what the people down there do or what they say. It is our business to discuss the best interests of the State. The one thing that sticks out before my eyes is this: Previous legislatures have made smelt laws or fish laws—I don't know what they are, they are one or the other—for our whole coast; and in those laws they have forbidden going into rivers and fishing for smelts with seines. Now the proponents of this bill come and pick out two rivers and they have not offered one single argument why those two rivers should be an exemption from previous laws. Undoubtedly the previous laws were made not to help the people of Southport, or Southboro, whatever it is, but to protect the people of the State of Maine as a whole. Now

this one thing must stick out to every mind: Those proponents have come with that exception to that law. Therefore the burden is on them to show by argument why there should be an exception.

Mr. AMES of Stockton Springs: Mr. Speaker, the committee on sea and shore fisheries reported unanimously in favor of this bill, and there was no politics in it at that time. The report of the committee ought to be supported. The politics came in later in the game.

Mr. HARMAN of Stonington: Mr. Speaker and gentlemen of the House: I was a member of that committee which reported unanimously in favor of this bill. Under the present law you cannot fish for smelts with seines along the coast there for many miles within one half mile of the shore. They came to us with this bill, and they said the only object of it was to allow them to fish for smelts along the coast but not in the mouths of the rivers. Now when they agreed on the line, we looked it over and thought it was not up far enough in the mouth of the river to interfere with the hook and line fishermen. I was not very familiar with the Sheepscot and Damariscotta rivers. Therefore, I thought that the line was all right. If it had been a section that I represented in my part of the State, I should have looked into the matter more carefully. Now we are changing a law which has been on the statute books for a number of years. We are making an exception of the Sheepscot and Damariscotta rivers. If we have not made any in other rivers of the State of Maine, I believe we ought not open up the mouths of these rivers for seining, as it will do a great injustice to the hook and line fishermen up the river. I trust that the motion of the gentleman from Rockland, Mr. Packard, will prevail.

The SPEAKER: Is the House ready for the question?

Mr. NEWCOMB of Scarborough: Mr. Speaker, I would like to say one thing. As a member of the sea and shore fisheries committee, I heard that mat-

ter under discussion not once, but many times. On this bay where these rivers empty into, there are four rivers that parallel each other around the different islands, Boothbay Harbor and peninsulars there, and we considered by looking at the charts that there was ample chance for the smelts to go up the other two rivers and still protect these fishermen in Boothbay and Boothbay Harbor in that industry. When the gentleman says that they fish with a smelt seine six hundred feet long, he certainly cannot know as much about smelt seines as I do. A smelt seine six hundred feet long you could not possibly use. These smelt seines are made purposely to catch smelts and they are short seines that a man and a boy can handle. The argument has been made that they catch the smelts and carry them up on the shore and leave a lot to spoil. I have no doubt the industry down in the eastern part of the state is the same as in the western part and that they carefully sort out these smelts and sell them according to their size and waste none of them. Gentlemen, I believe in justice to the smelt fishermen, and as the gentleman has said for the interests of the people of the whole state that the motion to indefinitely postpone should not prevail. I believe the committee's report should be sustained.

The SPEAKER: The motion before the House is the motion of the gentleman from Rockland, Mr. Packard, that the measure be indefinitely postponed. As many as are in favor of that motion will rise and stand until counted.

A division of the House being had,

Forty-two having voted in the affirmative and 73 in the negative, the motion of the gentleman from Rockland, Mr. Packard, was lost.

Mr. HARRIS of Boothbay Harbor: I move that the bill have its final passage.

Mr. PACKARD of Rockland: Mr. Speaker, I wish to introduce House Amendment A to that bill.

The SPEAKER: It is not in order unless the vote is reconsidered whereby the bill was passed to be engrossed. If the House wishes it, the Chair will entertain that motion.

Mr. PACKARD: I move you, Mr. Speaker, that the vote be reconsidered whereby the bill was passed to be engrossed.

Mr. DUTTON of Bingham: Mr. Speaker, it seems to me that we have smelt all the smelts we want to.

The SPEAKER: The question is on the reconsideration of the vote whereby the bill was passed to be engrossed. As many as are in favor of its reconsideration will say yes; those opposed will say no.

A viva voce vote being had,

The motion to reconsider was lost.

On motion by Mr. Harris of Boothbay Harbor, the bill was passed to be enacted.

On motion by Mr. Packard of Rockland,

Adjourned until 9.30 o'clock tomorrow morning.