

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

## Seventy-Ninth Legislature

OF THE

## STATE OF MAINE

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1919

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AUGUSTA  
KENNEBEC JOURNAL PRINT  
1919

**SENATE**

Wednesday, March 19, 1919.

Senate called to order by the President.

Prayer by Rev. A. A. Walsh of Gardiner.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act to amend Section 1 of Chapter 145 of the Public Laws of 1917, relating to railroad crossings and automatic signals.

House Amendment A was adopted in concurrence and the bill as amended was passed to be engrossed in concurrence.

**House Bills in First Reading**

H. D. 418: Resolve, authorizing the Governor and Council to pay all outstanding bills for material furnished and labor in the construction of Stevens cottage at Skowhegan, for the Reformatory for Women.

On motion by Mr. Deering of York, under suspension of the rules the bill was given its second reading and was then tabled.

H. D. 416: Resolve, in favor of the town of Livermore.

H. D. 417: Resolve, in aid of navigation on the lower lakes.

H. D. 413: An Act to amend Sections 11, 25 and 26 of Chapter 41 of the Revised Statutes, relating to itinerant vendors.

H. D. 414: An Act to amend Chapter 289 of the Private and Special Laws of 1907, entitled "An Act to incorporate the Livermore Falls Water District."

H. D. 415: An Act to amend Section 1 of Chapter 96 of the Revised Statutes, relating to the recording of chattel mortgages.

H. D. 433: An Act to amend Chapter 193 of the Private and Special Laws of 1917, entitled "An Act to create the Auburn Sewerage District and transferring it to the sewer system of the city of Auburn."

H. D. 435: An Act to amend Chapter 34 of the Private and Special

Laws of 1915, relating to the Eastport municipal court.

H. D. 434: Resolve, in favor of the inhabitants of the town of Industry, Franklin county, Maine.

H. D. 412: Resolve, for the maintenance and improvement of the State Park of Augusta.

H. D. 56: An Act to amend Section 37, Chapter 55 of the Revised Statutes, compilation of 1916 relating to the issue of stocks, bonds and notes.

H. D. 334: An Act to authorize Horace Cleland to erect and maintain a fish weir in tide water in front of his land in the town of Perry.

**Bills in First Reading**

S. D. 227: Resolve, appointing a committee to revise, collate, arrange and consolidate the collateral inheritance taxes and probate laws of the State of Maine.

S. D. 228: Resolve, in favor of Edward R. Parent, in payment of witness fees, counsel fees and disbursements made by him in the contested senatorial election case from Androscoggin county.

S. D. 229: Resolve, in favor of Dr. Henry L. Irish, in payment of witness fees, counsel fees and disbursements made by him in the contested senatorial election case of Androscoggin county.

**Reports of Committees**

Mr. Walker for the committee on education, on An Act to amend Section 122 of Chapter 16 of the Revised Statutes relating to the duties of the State superintendent of public schools (Senate No. 61), submitted the same in a new draft under the title of bill "An Act to amend Section 122 of Chapter 16 of the Revised Statutes relating to the duties of the State superintendent of public schools and providing for the teaching of common school subjects in the English language," and that it ought to pass.

Mr. Deering for the committee on judiciary, on An Act to amend Sections 49, 51, 53, 54, 55, 59 and 60, and to repeal Sections 50 and 52 of Chapter 64 of the Revised Statutes relating to the protection of children, as amended by Chapter 297 of the Public Laws of 1917 (Senate No. 31), submitted the same in a new draft un-

der the same title and that it ought to pass.

Mr. Dearth for the same committee, on An Act to establish a State Reformatory for Men (Senate No. 39), submitted the same in a new draft under the same title and that it ought to pass.

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

Report "A" of the committee on judiciary, on Resolve to create a State insurance fund (Senate No. 78), that the same ought to pass.

(Signed) DEERING  
DEARTH  
BAXTER  
CHAPLIN  
CONARY

Report "B" of the same committee on the same Resolve, that the same ought not to pass.

(Signed) HOWARD DAVIES  
MAHER  
BARNES  
MURCHIE  
BUZZELL

On motion by Mr. Dearth of Penobscot, the reports were tabled and assigned for consideration tomorrow morning.

Mr. Folsom for the committee on salaries and fees, on An Act to provide for the fixing of salaries and wages of subordinates of the several departments of the State government, reported same ought not to pass.

The report was accepted and sent down for concurrence.

#### Passed to be Engrossed

H. D. 169: Bill, An Act to amend Section two of Chapter 5 of the Revised Statutes, relating to qualifications of voters.

H. D. 171: Bill, An Act to amend Section seven of Chapter 303 of the Public Laws of 1917, changing the conditions under which loans may be granted by the farm lands loan commissioner. (On motion by Mr. Thombs of Penobscot, tabled pending passage to be engrossed.)

H. D. 317: Bill, An Act to amend Section 52 of Chapter 4 of the Revised Statutes as amended by Chapter 59 of the

Public Laws of 1917, relating to certificates for reimbursement of towns for burial expenses of honorably discharged soldiers and sailors.

H. D. 405: Resolve to reimburse the committee on insane hospitals for expenses to Bangor.

H. D. 406: Bill, An Act to regulate fishing in Kennebago stream.

H. D. 408: Resolve to reimburse the committee on State sanatoriums for expenses to Hebron and Fairfield.

#### Finally Passed

Resolve providing for a State pension for Mrs. Alfred Polk of Lewiston.

Resolve in favor of the town of Brownfield for damages done by dogs.

Resolve in favor of John G. Fleming for building a highway in the town of Wiscasset.

Resolve in favor of Benjamin H. Varnay, secretary of the committee on education.

Resolve reimbursing the town of Lyman for expenses incurred on account of State paupers.

Resolve continuing unexpended balance of appropriation provided by Chapter 321 of the Resolves of 1913, entitled "Resolve in favor of aid in the construction of a highway bridge across the St. John river between Fort Kent, Maine, and St. Francis, New Brunswick.

Resolve in favor of Jennie Hayford Tilley of Canton for State pension.

Resolve providing a State pension for Julia E. Adams of Litchfield.

Resolve in favor of the Penobscot Tribe of Indians for the general care, maintenance, relief and education thereof.

This resolve carried an emergency clause and required a two-thirds vote of the members of the Senate. Twenty-five senators voting for the passage of the bill it was finally passed.

#### Passed to be Enacted

An Act to authorize the construction of a weir in the tidewaters of Roque Harbor in the town of Jonesport.

An Act to amend Section 33 of Chapter 52 of the Revised Statutes, relating to deposits by savings banks in institutions outside of the State of Maine.

An Act to amend Chapter 151 of the Public Laws of 1917 entitled "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 176 of Chapter 16 of the Revised Statutes, as amended by Chapter 79 of the Public Laws of 1917, relating to the appropriation for teachers' pensions.

An Act to provide for the election of road commissioners by towns.

An Act to amend Section 136 of Chapter 16 of the Revised Statutes, relating to State aid for industrial courses in high schools and academies.

An Act to amend Section 4 of Chapter 40 of the Revised Statutes, relating to the filing of examination questions with the State librarian for public reference.

An Act to amend Section 12 of Chapter 76 of the Revised Statutes, concerning sale of estate of deceased non-residents or of minors out of the State.

An Act to amend Section 85 of Chapter 16 of the Revised Statutes, as amended by Chapter 229 of the Public Laws of 1917, relating to tuition paid by towns for secondary school pupils.

An Act authorizing the American Realty Company to locate, erect and maintain piers and booms in the Aroostook river.

An Act to authorize the appointment of the Deering High School Commission in the city of Portland, Maine.

An Act to amend Chapter 215 of the Public Laws of 1867, entitled "An Act to incorporate the city of Saco.

#### Today Assigned

The PRESIDENT: The Chair lays before the Senate S. D. 175, Resolve in favor of the Bangor State hospital for purposes herein enumerated for the years 1919 and 1920, tabled by the senator from Kennebec, Senator Chick, the pending question being adoption of Senate Amendment A.

On motion by Mr. Chick, tabled until Friday morning.

The PRESIDENT: The Chair lays before the Senate, S. D. 193, Resolve, providing for the care, support and the medical or surgical treatment of dependents in or by certain charitable and benevolent institutions and organizations not owned or controlled by the

State, and for other purposes, tabled by the senator from Cumberland, Senator Grant, pending its passage to be engrossed.

On motion by Mr. Grant, tabled until tomorrow morning.

The PRESIDENT: The Chair lays before the Senate, S. D. 226, Resolve in favor of the town of Porter, tabled by the senator from Cumberland, Senator Grant, the pending question being its passage to be engrossed as amended by Senate amendment A.

On Motion by Mr. Grant, tabled and specially assigned for tomorrow morning.

#### Orders of the Day

The PRESIDENT: The Chair lays before the Senate, S. D. 163, Resolve in favor of Horace Purinton Company for material furnished by them in the construction of the Women's Reformatory at Skowhegan, tabled by the senator from York, Senator Deering, pending its first reading.

On motion by Mr. Deering, tabled.

Mr. DEERING: Mr. President, a resolve came in this morning from the committee on claims which purported to provide for the payment of all of these bills that were contracted upon the Stevens cottage of the Woman's Reformatory, and I tabled it because I could not find my amendment. If I could have that particular resolve found so that I might have it amended by this amendment, then I would move to indefinitely postpone those resolves, because this new resolve takes care of the payment of them.

On motion by Mr. Deering, H. D. 418, Resolve authorizing the Governor and Council to pay all outstanding bills for material furnished and labor in the construction of Stevens' cottage at Skowhegan for the Reformatory for Women, was taken from the table.

Mr. DEERING: Mr. President, I desire to offer the following amendment and move its adoption. I will say as I look at it now—it was presented to me by the attorney general's department, and I do not think it is in proper form—it will have to be rewritten. I move the resolve lie on the table.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 344, An Act to amend Section 20 of Chapter 68 of the Revised Statutes, concerning the granting of administration without bond under certain conditions, tabled by the senator from Aroostook, Senator Thornton, pending its second reading.

Mr. THORNTON: Mr. President, this act, I believe, was reported from the committee on judiciary, and while I do not—as Senator Deering has overruled the attorney general—I do not want to overrule the judiciary, but there are certain things about this act to which I would like to call the attention of the senators before it receives a passage.

It seems to me that it is too far reaching to pass without discussion. The probate law, of which this is a part, is one of the most important of our State laws. It ranks with that of our banks and banking and savings banks, because they deal with the rights and property of widows and orphans, and we should not pass any law which is apt to cause a minor to forfeit his property rights because of his minority, or some unfortunate person who is confined in our home for feeble-minded or the insane asylum to forfeit his property rights because of his misfortune.

I think perhaps the judiciary committee did not have all the facts, or in the haste of their hearing did not look at these as carefully perhaps as they might. The act wishes to have the judge of probate grant administration to the widower without a bond. The law as it stands today on the statute book permits the judge of probate at his discretion to grant administration of the estate to the widow or next of kin without a bond. The act that is proposed here asks us to add to that list the widower.

The probate law has always required a bond of every administrator or executor from the beginning of our State almost until the year 1915. At that time the present law giving the judge of probate discretion to grant administration to the widow was passed by this Legislature. On account of my phys-

ical limitations resulting from pneumonia, and by the consent of the people of Aroostook county, I was placed in the position of register of probate in the Aroostook county courts, and for some years I have had the opportunity to observe and study human life as it flows through the practice of the probate court, and to my mind this opens up chances where perhaps some minor may lose his property rights without any intention on the part of the judge. At the present time, in the rush of business at a probate court, when a petition for administration is presented by a widower he has the right to be appointed at once on the presentation of the petition, but the law requires that as a pledge of his good faith, or his business ability, that he file with the judge a bond. The amount of that bond is left to the discretion of the judge, which according to the rules of court is about twice the amount of the personal property. I do not think it is any hardship on any man to require him to give a bond for the faithful discharge of his trust as administrator. In fact, to my mind anyone who is not in a position to give a bond as a guarantee of his business ability is not the proper man to be appointed administrator of an estate. I see this bill permits this appointment to be made upon those interested signing their consent. And I think that those who are interested in an estate are only the children, and many a parent, many a father can obtain perhaps the consent of his oldest daughter and yet have minor children who are not legally capable, who are not of full age, who are as interested as the one of full age—and having that written consent he comes to the judge with his petition in good form and asks for an appointment without bond.

The judge has not the opportunity to inquire into his business ability, and on the face of it he makes out a good case, receives his letters of administration, and at once goes to the bank, perhaps, and checks out the little saving that his wife had there, before the judge is aware of it. This law does not affect, of course, any title to real estate or the sale of real estate; it may only, of course, affect the personal

property. There is many an instance that might arise where the wife has been saving, worked hard and has not been willing to trust her husband with the result of that labor, but has been putting it away perhaps in a little saving place by herself. If this law passes, the same husband whom she would not trust can get a license from the judge of probate, his character unbeknown perhaps to him, and check that money out of the bank.

I do not think that the law should receive a passage. I think that the law is safe as it stands today. It has worked no hardship. There has been no complaint from 1850 down to 1915, but what administrators should give a bond before they were granted the right to deal with property in which they had no interest. And therefore, Mr. President, I move that the bill be indefinitely postponed.

Mr. DEARTH of Penobscot: Mr. President, I do not care to discuss this matter but simply to make a brief statement of why the judiciary committee reported as it did.

The bill does not make it mandatory upon the judge to appoint an administrator under such circumstances without providing for a bond. It is discretionary with the judge whether he shall require the administrator to file a bond or not. So that it is wholly within the discretion of the court; and in the petition which is filed asking for the appointment of an administrator the names of the interested parties, the heirs, appear, so that in case there were any minors their names would be before the court on this petition. So that the judiciary committee felt that there was not much danger from the source of which the senator from Aroostook speaks. We felt as though it could be safely left to the discretion of the court to take care of the minors in all cases.

This is a simple statement as to why the judiciary committee reported as it did. I leave the matter to the wisdom of the Senate.

Mr. GURNEY of Cumberland: Mr. President, may I ask the senator from Penobscot, through the Chair, whether or not under this bill it is not possible

for a judge of probate, by whom the facts are not entirely understood, to appoint a dissolute husband administrator of a wife's estate, with whom he has not been living, without any notice at all?

The PRESIDENT: Will the senator from Penobscot answer the senator from Cumberland, through the Chair?

Mr. DEARTH: Mr. President, it is certainly possible; of course if any man has a discretionary power lodged in him he can act within the limits of that discretionary power. But we do not assume that a man holding the position of a judge of probate will act unwisely or without proper discretion.

The PRESIDENT: Does that answer the question of the senator from Cumberland?

Mr. GURNEY: Yes, Mr. President. I would like to ask the senator a further question—whether or not it might not be possible in one of the larger counties for a judge who was approached by a plausible man who represented that he was a man entitled to the probate of a will, and not even living with his wife, or dissolute—it being impossible or impracticable for the judge to know that man's standing in the community, for a judge to appoint such a man without opportunity of investigation; whereas if the matter was advertised it would be brought to the attention of the heirs and they would have the opportunity to bring to the attention of the court the man's unfitness?

Mr. DEARTH: Those things are possible. Now I do not want the Senate to feel that I am trying to defend the report of the judiciary committee. I am simply explaining the view that they took of it, and as I stated, I do not care to discuss it. I do not feel as though there is very much danger from any source.

Mr. DAVIES of Cumberland: The question, Mr. President, before the Senate at the present time relates to An Act to amend Section 20 of Chapter 68 of the Revised Statutes concerning the granting of administration without bond under certain conditions.

Section 20 as amended by the act now before the Senate would read as

follows: "A judge of probate may in his discretion grant administration with the will annexed, upon an estate, to the widow or widower or next to kin, without requiring bonds for the faithful discharge of the duties of the trust, etc." The law as it now is reads to the widow but not to the widower. This act aims to insert in the law the words "or widower or next to kin," and without requiring bonds for the faithful discharge of the duties of the trust, whenever all persons interested in said estate who are of full age and legal capacity, other than creditors, assent in writing thereto.

The only change made in the law by the act now before the Senate adds to Section 20 of Chapter 68 the words "or widower". There is no other change. Now the reason for it was, Mr. President, the committee felt that that was a matter which could very safely be left within the discretion of the judge of probate. So many matters come within that discretion, Mr. President, that is, within the discretion of the judge of probate, we felt we could very safely and properly leave that to him.

Mr. GURNEY: Mr. President, may I ask the senator from Cumberland, through the Chair, whether or not he states correctly that that is the only change? You will notice that it strikes out in the sixth and seventh lines of Section 20 the following words, which is an objectionable feature: "provided that public notice shall first be given upon the petition for such appointment." Will the senator tell me whether or not that is not an important change in the first place.

Mr. DAVIES: That is true, Mr. President, but it did not strike me that it is of any importance, "provided that public notice shall first be given upon the petition for such appointment." No individual will certainly have any objection to that, when public notice is given. Indeed, that seems to me to establish my position rather than to take from it, for certainly there could be no objection to public notice on the part of anybody.

Mr. GURNEY: That eliminates it.

Mr. DAVIES: I do not think so.

Mr. GURNEY: It was provided that public notice first be given, and you now fix it so that notice shall not be given.

Mr. DAVIES: I do not understand the act in that way.

Mr. WALKER of Somerset: Mr. President, the argument of the senator from Aroostook appealed to me and I want to second his motion to indefinitely postpone this bill.

This law evidently has worked well in all the years of the past, and if there be even a slight chance of some unworthy person taking an advantage, I believe we better leave the law as it is.

Mr. THORNTON: Mr. President, I merely want to add perhaps one word, that while the law as it is does not put this in the discretion of the judge, I do not think, from my knowledge of the judges of the state of Maine or from my experience from watching the meetings of the probate court, that the judges wish that discretion. The law has always protected them up to the present time from making a decision requiring a bond in the case of a man who is a widower and the father of children, and he has not an opportune time to discover or study a man's character. It opens the door for perhaps a man who has habits that women do not have, habits of intoxication, or he may be a man who is a spendthrift, and whose character is not known to the judge, and on short notice unintentionally comes in and gets a license to take what little savings are in his wife's name. I do not think that is fair, or that a judge should have that responsibility placed upon him.

Again, take a man of some influence, when that discretion is put up to the judge it puts the matter into politics, and so far judges of probate have been protected from being in politics with their decisions very nicely.

I think we have no need whatever in our probate practice for this bill as it is drawn here. We have a commission which will revise the probate laws before another year, and per-

haps they will recommend some change if any is necessary, but at the present time I do not think this law will add anything to the safety of the minor.

The pending question being on the motion of the senator from Aroostook, Senator Thornton, that this bill, pending its second reading, be indefinitely postponed, a viva voce vote was taken. The Chair being in doubt, a rising vote was had and 21 senators voting for indefinite postponement, the motion was sustained and the bill was indefinitely postponed.

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The PRESIDENT: The Chair lays before the Senate H. D. 228, An Act to amend section 8 of chapter 6 of the revised statutes relating to ballots in primary elections and providing that the order of the names of the candidates on said ballots be determined by lot, tabled by the senator from Franklin, Senator Butler, pending its first reading.

Mr. BUTLER: Mr. President, this is a matter that I have no very decided views on. I tabled it from the fact that it didn't seem hardly worth while to encumber the statutes with a measure of that nature. There isn't enough at stake to make it worth while.

I would move that the bill be indefinitely postponed.

Mr. FOLSOM of Somerset: Mr. President, it is quite possible that it is not of enough importance to take the time of this senate for an extended discussion, but I think all the members have heard more or less of the discussion relative to the advantage which some candidate on the ticket may have by reason of his name being at the head of the list. Both Senator Butler and myself perhaps have been at the head of the list sometimes when we have been candidates, but in the interests of fairness I believe that this act should be passed so that no man will have any advantage over the other in this respect.

The PRESIDENT: The pending question before the senate is the motion of the senator from Franklin,

Senator Butler, that this bill be indefinitely postponed.

A viva voce vote being taken, the motion was adopted, and the bill was indefinitely postponed.

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The PRESIDENT: The Chair lays before the Senate S. D. 155, An Act to amend Sections 6, 10 and 33 of the Revised Statutes, relating to primary elections and the filing of nomination papers by independent candidates, tabled by the senator from Aroostook, Senator Thornton, pending its passage to be engrossed.

Mr. THORNTON: Mr. President, I move that lie on the table until tomorrow morning. I have an amendment to offer.

Mr. DAVIES of Cumberland: May I inquire through the Chair of Senator Thornton if he has the amendment to that bill which he discussed with me privately yesterday?

The PRESIDENT: The senator from Aroostook hears the inquiry of the senator from Cumberland.

Mr. THORNTON: Mr. President, I have not the amendment prepared which I wish to offer, at the present time. That is the reason I make the motion to table it.

Mr. DAVIES: There was a mistake in the bill as reported from the committee and Senator Thornton's vigilant eye discovered it and he was preparing an amendment.

The motion that the bill be tabled was agreed to.

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The PRESIDENT: The Chair lays before the Senate H. D. 278, Resolve in favor of Hahnel Bros. & Co., for labor and material furnished by them in the construction of the Woman's Reformatory at Skowhegan, tabled by the senator from Cumberland, Senator Grant, pending its second reading.

On motion by Mr. Grant, tabled until tomorrow morning.

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The PRESIDENT: The Chair lays before the Senate H. D. 299, Resolve appropriating money for the payment of Delano Mills Co. of Portland for material furnished in the construction of Stevens cottage at Skowhegan, for

the Reformatory for Women, tabled by the senator from Cumberland, Senator Grant, pending its second reading.

On motion by Mr. Grant, tabled until tomorrow morning.

The PRESIDENT: The Chair lays before the Senate H. D. 301, Resolve in favor of Mcquillan and Pooler for material furnished by them in the construction of the Women's Reformatory at Skowhegan, tabled by the senator from York, Senator Deering, pending its first reading.

On motion by Mr. Deering, tabled until tomorrow morning.

The PRESIDENT: The Chair lays before the Senate H. D. 303, Resolve in favor of the Blunt Hardware Co. for material furnished by them in the construction of the Woman's Reformatory at Skowhegan, tabled by the senator from York, Senator Deering, pending its first reading.

On motion by Mr. Deering, tabled until tomorrow morning.

The PRESIDENT: The Chair lays before the Senate H. D. 205, Resolve appropriating money for the care and maintenance of Fort William Henry in the town of Bristol, tabled by the senator from Cumberland, Senator Grant, pending its passage to be engrossed.

On motion by Mr. Grant, tabled until tomorrow morning.

The Chair lays before the Senate H. D. 277, Resolve making an appropriation to support the bureau of horticulture, tabled by the senator from Androscooggin, Senator Parent, pending its second reading.

On motion by Mr. Parent, the bill was given its second reading and passed to be engrossed.

On motion by Mr. Grant of Cumberland, the vote whereby this bill was passed to be engrossed was reconsidered, and on further motion by the same senator, the bill was tabled until tomorrow morning.

The PRESIDENT: The Chair lays before the Senate S. D. 136, Resolve in favor of Morrison Libby of Oakland, tabled by the senator from

Penobscot, Senator Thombs, pending its final passage.

On motion by Mr. Thombs, the resolve was finally passed.

The Chair lays before the Senate Resolve in favor of Susan E. Dumphe, widow of Charles Dumphe, late of Co. G, 6th Regiment of Infantry, Maine Volunteers, Civil War, tabled by the senator from Cumberland, Senator Davies.

Mr. DAVIES: Mr. President, at the time I made the motion to table this report from the committee with the accompanying resolve, the chairman of the committee on pensions, Mr. Gordon, was not in his seat. After I made the motion I talked with him in relation to it, and he told me that Governor Milliken had appeared before the committee on pensions and had made the statement to the committee that no resolve carrying a special appropriation of more than \$12 a month for a pension would receive his approval. That is correct, is it not, Senator Gordon?

Mr. GORDON of York: Mr. President, that was the suggestion of the Governor, that these special resolves that could be taken care of by our pension agent should be referred to him, and at the suggestion of the Governor the committee acted accordingly. This is one of those resolves which was referred to the pension department.

Mr. DAVIES: Mr. President, evidently I misunderstood the senator from York, Senator Gordon. It was not my intention to misstate the matter. Inasmuch as the committee on pensions feels that such resolves should properly be referred to the special pension agent, I move that this resolve be indefinitely postponed.

The motion was agreed to and the resolve was indefinitely postponed.

The PRESIDENT: The Chair lays before the Senate S. D. 120, An Act to amend Section 39 of Chapter 55 of the Revised Statutes, relating to increase or decrease of capital stock, or stock, bond or script dividend, tabled by Senator Davies, the pending question being adoption of House Amendment A.

(At the request of Senator Davies, House Amendment A was read by the Secretary.)

Mr. DAVIES: Mr. President, I am quite unable to understand how my name became attached to the amendment. I did not draw the amendment, and I do not remember making any motion in regard to this bill. In regard to the amendment I would like to inquire if there is any senator here who drew the amendment now before the Senate?

The PRESIDENT: The Chair would inform the Senator that the amendment was drawn by Representative Allan of Portland.

Mr. DAVIES: Some one may have taken advantage of my unsophistication.

The PRESIDENT: I hope not.

Mr. DAVIES: I trust not. I move we reconsider the vote whereby this bill was passed to be engrossed.

The motion was agreed to and on further motion by the same Senator House Amendment A was adopted and the bill as amended was passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate report of the committee on public utilities, ought to pass, on An Act to provide for the removal of electric wires and poles when necessary for the repair of streets or removal of buildings, H. D. 347, tabled by Senator Googin, the pending question being the acceptance of the committee.

Mr. GOOGIN of Androscoggin: Mr. President, I yield to the senator from York, Senator Lord.

Mr. LORD: Mr. President, I move the report be accepted.

The motion was agreed to and on further motion by the same senator the bill was given its first reading.

The PRESIDENT: The Chair lays before the Senate H. D. 5, An Act to amend Sections 11 and 13 of Chapter 6 of the Revised Statutes, relating to the enrollment of voters for primary elections, tabled by Senator Davies, the pending question being its passage to be enacted.

Mr. DAVIES: Mr. President,

that bill was tabled by me at the request of a Representative, and my understanding is that he is to see me further in regard to it.

I move that it lie on the table.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate, S. D. 137, Resolve to reimburse the People's Ferry Company of Bath, tabled by Senator Gannett, the pending question being its final passage.

Mr. GANNETT: Mr. President, I move that we reconsider the vote whereby this bill was passed to be engrossed.

The motion was agreed to and on further motion by the same senator the bill was recommitted to the committee on appropriations and financial affairs.

The PRESIDENT: The Chair lays before the Senate, report of the committee on legal affairs, ought not to pass, on An Act to incorporate the Western Maine branch of the Women's Board of Missions, tabled by Senator Parent, the pending question being acceptance of the report.

Mr. PARENT: Mr. President, this bill was tabled by me at the request of one of the representatives. I now yield to the senator from Cumberland, Senator Davies.

Mr. DAVIES: Mr. President, I move that the report lie on the table and be assigned for tomorrow morning.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate, S. D. 207, An Act relative to diseases, infectious, contagious or dangerous to public health, tabled by Senator Parent, the pending question being the second reading.

Mr. PARENT: Mr. President, I yield to the senator from York, Senator Deering.

Mr. DEERING: Mr. President, this matter has just been called to my attention, and I do not feel quite prepared to discuss it this morning, and therefore move that it be tabled until tomorrow.

The motion was agreed to and the bill was tabled.

The PRESIDENT: The Chair lays before the Senate, H. D. 363, report of committee on legal affairs, ought to pass, on An Act to amend Chapter 80, Section 21, relating to distribution of life insurance made payable to an estate, tabled by Senator Thombs, the pending question being acceptance of the report.

In the House this bill was referred to the committee on mercantile affairs and insurance.

Mr. THOMBS: Mr. President and fellow senators, after this matter was reported into the House certain gentlemen interested in the insurance business became aware of the fact that they desired to be heard upon the matter, and some one in the House, not understanding the usual procedure in such cases moved it be recommitted to the committee on mercantile affairs and insurance.

I have ascertained from those who desire a further hearing that they had no objection to the matter going back to the committee which originally heard it. I therefore move, Mr. President, if this is a proper parliamentary motion, that this bill be recommitted to the committee on legal affairs in noncurrence with the House.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate, S. D. 213, An Act to amend Section 21 of Chapter 127 of the Revised Statutes relating to sale of intoxicating liquors prohibited, tabled by the senator from York, Senator Deering, pending its passage to be engrossed.

Mr. DEERING: Mr. President, this is a bill which pertains to the definition of the term intoxicating liquors.

Now I suppose the committee on temperance has had this bill before it and listened to the evidence which has been adduced before the committee, and I desire to say that I am one of those people who believe in the enforcement of the prohibitory law in all the ways that it can be enforced, and have taken quite a large part in this legislature and the last legisla-

ture in writing and helping to pass laws that put teeth into that particular law. But now we have before us a proposition to declare that all liquors containing one-half of one per cent. of alcohol shall be deemed intoxicating. That is, no matter what the liquor is, if it has by analysis one-half of one per cent. we make a law that that is intoxicating. Now if that should be—and I think it is as a matter of fact not intoxicating—we are making a law to establish something that is not so. The original law does not include this particular phrase, but it reads that wine, ale, porter, strong beer, lager beer and all other malt liquors, and cider when kept or deposited with intent to sell the same for tippling purposes or as a beverage—and the last part of the section says that this enumeration shall not prevent any other pure or mixed liquors from being considered intoxicating.

Now that, it seems to me, is about as strong legally as it can possibly be. I do not know whether there are any lawyers on the committee of temperance, but if there had been any practicing lawyers upon it, they would have recollected that the courts of this state for years and years have laid down the principle that the question of whether or not any liquor is intoxicating is a matter of fact for a jury to determine. And when they say that is a matter of fact for a jury to determine they have fixed the law better than any way we can fix it by the passage of a statute which enacts something which is not so. And I therefore move that this bill be indefinitely postponed.

Mr. WALKER of Somerset: Mr. President, I do not care to enter into any discussion of this bill, because when you enter into any discussion of things in relation to prohibition you don't just know how you will come out. I speak from experience. I will simply make a statement.

In the inaugural message of our governor he stated that he would urge prompt legislation making the definition of intoxicating liquor uniform with that of the United States government, and suggested that "if

necessary information becomes available before you adjourn you enact suitable state laws to supplement the federal code, which will put national prohibition into effect." In the press comments of March 18, 1919, in the Kennebec Journal, I read this: "Brewers defy beer ruling." And the ruling of the revenue department, as I understand it, is that one-half of one per cent.

Therefore, to conform to that ruling and to meet the request of our governor in his inaugural message, the committee on temperance made the report which has been submitted to this body.

Mr. DEERING: Mr. President, I feel about the same in regard to the sentiment of these things as the distinguished senator from Somerset county feels. But I think that he has read, not from the law defining intoxicating liquors as defined by the United States government in regard to the enforcement of the prohibitory law, but from the revenue act which declares what shall be intoxicating liquors so that the revenue may be assessed upon it by the United States government.

Now, I do not propose to say anything derogatory to the United States government, but I do wish to remind this senate that the state of Maine has in practice and by law for the last fifty or sixty years been a prohibitory state, and we do not need anybody who is just beginning and who has not yet passed any rules and regulations in regard to what is intoxicating and what is not to tell us in this state just what portion of alcohol in a certain liquor makes it intoxicating. I believe that this state has had more practice than any other state in that particular matter, and we have more rulings by our court in regard to these particular things, and I believe that when the United States government finally concludes to make some laws for the enforcement of the prohibitory or the bone dry law as they may call it, they are going to look to the state of Maine to take their lesson from us, to see how we have managed these particular questions in the last fifty or sixty

years, rather than that we should look to the United States government, who are just beginning upon this great experiment.

The PRESIDENT: The pending question is on the motion of the senator from York, Senator Deering, that this bill be indefinitely postponed.

A viva voce vote being taken, the motion was carried and the bill was indefinitely postponed.

The PRESIDENT: The Chair lays before the Senate H. D. 294, An Act to amend Section 37 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, relating to the protection of moose, tabled by Senator Metcalf, the pending question being its passage to be enacted.

Mr. METCALF of Piscataquis: Mr. President, I have an amendment to that bill. I find that it is full of errors and should be amended. I move that the vote whereby the bill was passed to be engrossed be reconsidered.

The motion was agreed to.

The same senator then offered Senate Amendment A, which was read by the secretary, and moved its adoption.

#### **Senate Amendment A to House Document No. 294**

Amend House Document No. 294, now an engrossed bill, by striking out all after the word "of" in the ninth line of the third paragraph thereof and by inserting in place thereof the following: "not less than \$200 nor more than \$300 and costs for each offense, or imprisonment for 60 days, or both said fine and imprisonment."

"No person or corporation shall knowingly carry or transport from place to place any bull moose or part thereof in close season, nor in open season unless open to view, tagged and plainly labeled with the owner's name and residence, and accompanied by him while being transported and identified by him at such places as the commissioner of inland fisheries and game shall have designated by publication in the daily newspapers in the state, under a penalty

of not less than \$200 nor more than \$300 and costs for each offense, or imprisonment for 60 days, or both fine and imprisonment for each bull moose, or part thereof, transported or carried in violation of any provision of this section; any person not the actual owner of such bull moose, or part thereof, who, to aid another in such transportation, falsely represents himself to be the owner thereof, shall be liable to the same penalty; and it shall be prima facie evidence that such bull moose, or part thereof, that is being transported or carried in violation of any provision of this section, was illegally killed. No person shall, under the same penalty, sell or give away any bull moose, or part thereof, to be transported or carried beyond the limits of this State, nor shall any person under the same penalty, buy or accept as a gift, any bull moose, or part thereof, to so transport the same; nor shall any resident of this State, under the same penalty, carry or transport, in any manner, beyond the limits of this State, any bull moose or part thereof.

'Provided, however, that a resident of Maine who has lawfully killed a bull moose, may send the same to his home, or to any hospital in the State, without accompanying the same by purchasing of the commissioner of inland fisheries and game or of a duly appointed agent, a transportation tag, and said tag shall be attached to the bull moose, or part thereof, being transported, paying therefor a fee of \$5.00.

'Provided, further, that any non-resident who has lawfully killed a bull moose may send the same to his home by presenting to the agent of a transportation company his moose hunting license, duly issued to him under the provisions of Sections 59 and 60 of this chapter, as amended, whereupon the agent, after satisfying himself that the person presenting said moose is the person described in the license, shall detach from said license the two moose coupons and shall attach one to the moose, or part thereof, offered for such shipment, and said coupon shall

remain attached to said moose, or part thereof, while it is being transported in this State; the other moose coupon shall be duly filled out by said transportation agent and forwarded to the commissioner of inland fisheries and game at Augusta, Maine.

'Whoever lawfully kills a bull moose, shall, while the same or any part thereof, is being transported, preserve and transport it with the evidence of the sex of the same, under a penalty of \$300 and costs, and forfeiture to the State of the moose, or part thereof, being transported in violation of this requirement.

On motion by Mr. Thombs of Penobscot, the bill and amendment was tabled and assigned for tomorrow morning.

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The PRESIDENT: The Chair lays before the Senate H. D. 164, Resolve in favor of the town of Eagle Lake, to reimburse said town for a part of the excessive expenses incurred in the influenza and smallpox epidemics, tabled by the senator from Somerset, Senator Folsom.

Mr. FOLSOM: Mr. President, I yield to the senator from Aroostook, Senator Thornton.

Mr. THORNTON: Mr. President, I find that the motion in the House was made by a member of the committee on claims, and that he has perhaps, some new information to give us on this subject, and I would move that we insist and join in a committee of conference.

Mr. GRANT of Cumberland: Mr. President, I move that this be laid on the table.

The motion was agreed to.

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Mr. FOLSOM of Somerset: Mr. President, I move we reconsider the vote whereby we accepted the committee report ought not to pass on An Act entitled An Act to prevent the illegal assessment of taxes or the abatement thereof.

The motion was agreed to, and on further motion by the same Senator the matter was laid on the table.

Additional papers from the House:  
State of Maine, House of Representatives,

Augusta, March 19, 1919.  
Office of the Clerk,  
To Percy F. Crane,  
Secretary of the Senate.

The Governor of the State, having returned to the House H. D. 309, entitled An Act to amend Section 36 of the Revised Statutes as enacted in Chapter 258 of the Public Laws of 1917, and to provide for the construction of third class highways, with his objection to the same,

The House proceeded to vote on the Act and more than two-thirds of the members of the House voting in the affirmative, the Act received a passage, notwithstanding the objection of the Governor, and the Act accordingly received a passage over the veto of the Governor.

Respectfully,  
CLYDE R. CHAPMAN,  
Clerk of the House.

Placed on file.

(The President read the full text of the veto message, which was read in the House Monday, March 17.)

Mr. PEACOCK of Washington:  
Mr. President, I move that this act become a law without the approval of the Governor.

Mr. President and Fellow Senators, I regret to take this position, and if I did not believe that I am absolutely honest, and that it is in the best interest of State legislation and the best interest of the people of our State I certainly would not make this motion.

This Act we are considering is an act to change the distribution of the State Highway funds. During the Legislature of 1917, a mill tax highway fund was created, and that amounts to \$577,000 for the year 1919 and the same amount for 1920. Of that amount \$200,000 was set aside to use for State aid work, and the balance, \$377,000 is available for trunk line work. This present act takes \$96,000 from the trunk lines' money, leaving only available \$280,000 for trunk line work this year.

This \$96,000 for the years 1919 and

1920 is to provide, to meet money necessary to cover special resolves, which are scattered over 21,000 miles of highway that is not provided for or cared for under the general highway law.

This method of financing this work was suggested with an idea that the tax rate of the State should not be increased. And we felt, with the money that was available from the federal government, that it would not injure the State trunk line building program. There will be \$1,582,000 of money during the year 1919 which will be available from the federal government if we have the ability to match it.

The governor criticises this act, first because it proposes an unwise method for the distribution of funds for highway work.

This method which he has criticised is a method that has been pursued for years and years. It has been a common custom at every session of the legislature for the legislature to consider special resolves. Our governor was in the house and was in the senate and he voted in favor of these resolves year after year. And last year as governor he approved an appropriation of \$150,000 to take care of these special resolves.

If there had been some other plan suggested to the ways and bridges committee to provide for and protect the interests of these small towns, the committee would have been ready and willing to have accepted the suggestion, but no suggestion came from the governor or from the legislature whereby we could take care of the special resolve other than the method that we have pursued.

If something is possible in the future to improve this method we certainly would be pleased to indorse it, but nothing has been suggested in this session of the legislature.

The governor's second objection is that it seriously interferes with co-operation of road works between the state and federal governments of the year 1919. If this bill passes it does not become a law until July 1, and it provides that work covering these

special resolves can be done during the year 1919 to that amount, but from practical experience that money will not be needed to pay for these special resolves until October or November.

The work is laid out in July and is carried along in the fall, and the state will not be called upon to furnish the money to pay for these special resolves until after October or November. If the bond issue goes through at the time, there will be plenty of money to provide for not only this but for the trunk lines.

The governor criticises the remarks of some of our committee that we lightly considered the possibility of furnishing money from the contingent fund, or from the act that allows us to borrow \$300,000. The contingent fund is in the hands and under the control of the governor and council, but your committee thought it possible to receive money from that, as we all know that the last legislature appropriated for certain building construction \$250,000 that was not used during the last two years, through no fault of the administration. The federal government would not approve the building. We thought that money must be available for use, and I believe that regardless of our administration charges, which go along with a portion of the contingent fund, would be available to help finance the federal building program.

For these reasons, Mr. President, I feel that we ought to vote to have this act become a law, regardless of the governor's approval.

Mr. WALKER of Somerset: Mr. President, may I ask the senator from Washington, through the Chair, a question?

The PRESIDENT: The senator hears the question through the Chair.

Mr. WALKER: Would one-sixth of a mill add to the state tax for 1919 and 1920?

Mr. PEACOCK: No, it does not change our tax rate.

Mr. WALKER: It is already provided for?

Mr. PEACOCK: It is already provided for in our tax law.

Mr. BUTLER of Franklin: Mr. President, I move this matter lie on the table until tomorrow morning.

Mr. DAVIES of Cumberland: Mr. President, I hope that the motion of the senator from Franklin, Senator Butler, will not prevail. It seems to me that every senator present has made up his mind finally on this matter now before the Senate, and the time to dispose of it is the present time.

A viva voce vote being taken, the motion of the senator from Franklin, Senator Butler, failed of a passage.

Mr. BUTLER: Mr. President, I would like to have had this matter carried over for one day, but I fully realize the situation and that it makes no difference whether it goes over until tomorrow or is taken up today. It is not a matter of right or justice as I understand the matter, as this feature of the case has been going on, it seems to be well settled and is reduced down to a matter of discipline.

Now in regard to the facts in this case, I went over the situation only a day or two ago to some extent in regard to where this money is raised and the way, the manner in which it is distributed. You heard the argument in regard to the 21,000 miles of road which we have, with no provision for, which is of course correct. We have about 1300 or 1400 miles of the trunk line road, about 3000 miles of the State aid road in the different towns of the State, leaving 21,000 miles to be cared for that is not provided for in these funds. But remember that under this state aid law the money that goes into these towns is drawn from the larger places, as was the intent of the bill, and it seems to me the proportions are very liberal, and while we have this sliding scale, as it is termed, to distribute the state aid money, it was the talk that this was needed in order to better the condition of the roads for hauling and delivering at stations farm produce. When this sliding scale got to working it slid quite a part of the funds nearly into New Brunswick. They bring up quite extensively in Aroostook county and in Washington county. I do not suppose any of these

things could possibly have any bearing on the merits of the case, but it was held up to me only yesterday that as long as I was located on the trunk line system that might influence me in regard to trunk line construction. True, I am so located. I have seen the blueprint of the trunk line running from my place to Portland. I have not seen the trunk line further than that. But we all realize the disadvantages that the commission work under. These roads cannot all be built at one time, and they commenced at the New Hampshire line and have worked up through a long piece of the road.

At the present time we have had constructed 380 miles of this trunk line system. We have also had constructed on the trunk line system, but state aid construction, 300 miles more; so that to be built now is a little less than 700 miles of trunk line which if the funds could be left as they were intended to be, would only take a matter under the present law, if we had no help from the government, it would only take a matter of about seven years to build this trunk line system.

As I stated only a day or two previous in this assembly, the counties of Aroostook and Washington under the present highway law are not obliged to contribute one dollar either to state aid, third class roads or trunk line, over and above what they draw back through the state aid law from the state. You reckon their valuation of—I do not remember the amount that it is, but figuring each town, the valuation in each town at 1.6 mills, which is required to raise the original state aid fund, and reckon what each plantation and town receive under state aid from the state treasury, and it leaves the county of Aroostook a net gain of a little over \$11,000. We will have 175 miles of trunk line running up through their county—36 miles of it has already been built, leaving 138 miles more to be constructed,—and if these trunk line funds can be left as they are and the work continued, it will only be a matter of about seven years before this system will be completed and the road will be built

through Aroostook county to northern Aroostook.

I have not the exact number of miles looked up for Washington county but there must be a large number of miles there, a long mileage which will be eventually completed without any expense to Washington county. The state aid money that they draw back every year pays their assessment for all road work, including trunk line and state aid, and will give them a matter of a little rising \$10,000 each year in addition to that.

Cumberland county is one of the counties that is called on to produce the money to carry on this work. It costs them \$141,000 a year more than they receive back from the State; Androscoggin county \$41,000 more than they get back from the State; York county \$42,000 more than they receive; Kennebec county I have not worked through, but it must be fully as large, if not more than Androscoggin or York. And these amounts are carried over into the counties having so many of the towns and plantations with small valuation. It seems to me the amount is sufficiently large to give justice to all of the small places. Now if the manner of distribution is not right, change the state aid fund. That can be carried out in any form that justice may require. Of course we have had a form of distributing that; but if it is not satisfactory you could put it farther back, not build as good construction if it was deemed unwise. But I do not see any necessity of attacking this trunk line money to carry out these appropriations that have been made by the ways and bridges committee. It is only a matter of 1-6 of a mill on the valuation and it don't seem as if it were worth while to dodge the issue in regard to these appropriations.

Personally it seems to me that the ways and bridges committee is a better way of distributing these funds than by the highway commission. I have repeatedly stated that to different members, that the highway commission have the trunk line roads, the state aid roads, to care

for, meaning about 4500 miles of road that they have been obliged to look after and have become familiar with. That, as has been stated, leaves 21,000 miles of road outside for the highway commission to distribute this money. It would mean that they must canvass these sections quite extensively and become familiar with the comparative needs of the small towns, if they do it any more wisely than the ways and bridges committee, and after they have distributed it, one serious feature, as I see the matter, is that it will cause a great deal of dissatisfaction in the small towns that fail to draw money under this program. They may be dissatisfied now, but the ways and bridges committee go to their homes at the close of this session and there is no way of reaching them. The matter is settled. Another committee is formed in two years to take up the work, so that there is no serious harm comes of the matter there, while I think it would have a great tendency to disrupt our highway department if they were obliged to decide just which of these small places, where there are so many deserving, are to receive money out of this equalization fund.

But as I stated in the first place, this is not a matter of argument. The facts in the case, as I understand it, have nothing whatever to do with it. This scheme of delving into the trunk line money was not conceived by the sound sober judgment of one man or any body of men. In the room of putting in a resolve for the 1-6 of a mill necessary to take care of these appropriations and making an attack in the open, this trunk line money has been thrown up as a barricade, as a sort of defense for the attack.

When the vote is taken I would like to have it taken by the yeas and nays. The opinions have all been formed.

MR. DEERING of York: Mr. President, there is one feature of this particular question that I wish to discuss very briefly, and which I think has not yet been touched upon by any member of the Senate.

We are approaching a matter which is rare in legislative work. Perhaps

some of those here have never yet had an opportunity either to sustain the Governor's veto or to vote against it, and it might be well to remind, not only ourselves but everybody in the State House, that not the Governor, not the Senate, not the House of Representatives, is the State of Maine, but the State of Maine lies out over the hills and in the valleys, and consists of some 700,000 people who sent us here, not to disagree and quarrel, not to have different ideas and make columns of figures, but to harmonize matters which pertain to the interests of the people whom we are representing.

I wish to touch upon that feature of this case at this particular time, because I believe that the interests of the State are at stake, and the interests of the country people are those who live upon our country roads, and those interests appeal to me vastly more than any opinion that the ways and bridges committee or the Governor or anybody else has.

It seems that for several years we have had a habit or custom of coming to the Legislature and asking for various appropriations for different roads. People come from all parts of the State for that particular piece of road designated which they wish to have an appropriation for, and for years the ways and bridges committee have sat in session and designated different pieces of road and different appropriations of money which could be applied to those particular pieces of road. The resolves have passed, both the House of Representatives and the Senate, and have been signed by the Governor of the State, even up to two years ago and these people have received the appropriations which they came here and asked for, if they made out a case which the committee on ways and bridges deemed was meritorious.

Now it seems that two years ago friction arose between the ways and bridges committee and the Chief Executive, and I am not able to say and do not care to discuss who created the friction or from what particular questions that difference of opinion came about. It was so, and along the latter part of the Legislature some \$150,000

was granted, and \$150,000 worth of resolves were signed, special roads resolves, the same as these are, in order that the people coming from the country roads might designate some small stretch of road that was extremely bad and have the appropriation which they asked for that particular piece.

It is claimed by some that there was an agreement at that time between the ways and bridges committee and the Governor that that was the last time that that particular method should obtain. I think we all heard it, more or less. But if the ways and bridges committee two years ago made an agreement with the Governor it was not made sufficiently public, or it was not declared to be the State policy, so that at this time all the people throughout the State who have had a piece of road to fix are not informed that the State will not pursue the same policy that it has pursued in years gone by. That being so, at this particular session of the Legislature I think there were put before the ways and bridges committees resolves for particular pieces of road that were designated amounting to \$1400,000, and the ways and bridges committee in its wisdom have granted the sum of \$196,000 for the two years. Those figures may be a little erroneous, but they are substantially correct.

These hearings were advertised according to the laws, rules and regulations of the Legislature, and I do not think it is unfair to say that a thousand people saw those advertisements in newspapers throughout the State and came to the Legislature for the purpose of presenting their claims for particular resolves for the purpose of fixing pieces of roads that they themselves had designated; they came before the committee and made out cases to the amount of \$196,000, and the ways and bridges committee have said that they should have that.

Then the question arose, as I understand it, between the ways and bridges committee and the Chief Executive, as to where this money was coming from, and again they did not agree. And through all this session it has been a question of serious embarrassment to us who have tried to

hurry legislature through this particular session, that there should have been a disagreement between the ways and bridges committee and the Chief Executive in regard to spending a couple of hundred thousand dollars for country roads.

I desire to say now if there is not any way at the present time so that the people living on the back roads of this State can draw some money for particular pieces of road that they wish to designate, and the country men cannot have this money, it is time we made a law so that they can have it.

This particular law, if it passes over the Governor's veto, does not meet with my particular approval. I think it can be amended or bettered in a great many ways. It may not be the particular way to obtain money, but we have given the people of the State to understand that they should have in this year the same as they have had in every other year, a chance to come before the ways and bridges committee and designate a piece of road for which they wanted a resolve in years past, and we have given it to them, and a thousand people came here this year asking in good faith for the things they asked for in years past, and their wishes should be given some consideration by us.

I desire to say that I do not agree with all the legislation that the ways and bridges committee have evolved. I think I have come nearer agreeing with the method propounded by the senator from Franklin, Senator Butler, but at this particular time, we are now in the twelfth week of the legislature, and nobody has got together and harmonized this road program, but they have held off and embarrassed us by the differences which they were not able to harmonize.

I desire to say that there is nothing further for the Senate to do at this time except to sustain the motion of the senator from Washington, Senator Peacock, because he is sustaining the same method that has obtained for years. And if it is desired to change the method by which these road resolves may be later handled, giving notice, so that the people will not flock here to the

State House through the whole session, and so that the ways and bridges committee may not meet day and night through the session in order to gratify the desires of those who wish to designate some particular piece of road, then there can be no complaint on the part of those asking for appropriations for special resolves if their resolves are denied.

I do not desire to enter into any discussion in regard to who is right or who is wrong about the method under which they intend to spend the money, because I believe it is sufficiently strong for us when we know that the people have come here expecting the Legislature to grant them the same rights and privileges they have already granted in the past, and no notice has been given them that we will not do so.

Therefore I hope the motion of the senator from Washington will prevail.

Mr. DAVIES of Cumberland: Mr. President, a great deal has been said by the senator from Franklin, Senator Butler, and much could be drawn from what he has said by the way of inference and innuendo, that this is not a matter of argument, but a matter of discipline. That I deny.

Senator Deering has had a great deal to say about the friction existing between the committee on ways and bridges and the Executive at the present time, and he has elaborated upon it. So far as I am concerned I know nothing about that, Mr. President. I am governed here entirely by what I believe to be right for the State of Maine. It is a matter of argument with me, and the arguments have convinced me that the Governor is wrong.

I have absolutely no concern, Mr. President, with the friction existing, if it does exist, between the committee on ways and bridges and the Governor. I am only concerned with what I believe is the proper policy for the State of Maine as it relates to the building of the roads in the small towns. And my belief, after a careful consideration of all the facts and of all the evidence that has been presented to me, is that the plan suggested by the ways and bridges

committee is the plan which will far best serve the interests of the people of the State of Maine.

Mr. THOMBS of Penobscot: Mr. President.—I promise you, Mr. President and fellow Senators, that my remarks will be exceedingly brief. I think the matter has been covered so fully that any expression of opinion on my part would not aid you in arriving at a conclusion that would justify your vote. I should not arise at all at this time, if the Senator from Franklin in his closing remarks had not said that he believed that this was the result of a scheme of a few men to delve into the state highway fund. Now if I have correctly quoted him, and if I correctly get his meaning, I desire to say to you, gentlemen, that I am perfectly willing if he refers to the committee on ways and bridges, to be counted in with them as one of the schemers.

This committee, doing more work than any other committee, I think, in this whole legislature, does not need to be defended by me. They are brought into touch with every man in the legislature and with more people in the State of Maine than any other committee, and I say to you, Mr. President and fellow Senators, that I believe that they have given honest, conscientious work and time to this matter, and that they have evolved for our consideration today a plan that they are asking us to accept upon their recommendation as being the best that may be had at this time.

Gentlemen of the Senate, this is not a matter that is going to be everlasting. The legislature two years hence, if it sees fit, may change this law and add this sixth of a mill to the state highway fund. It seems to me that it is an emergency matter, if you please, to take care of a peculiar condition that faces us now.

In these times I believe that it behooves us to draw the limit beyond which we shall not go in spending the people's money, and if that limit which we set for ourselves does not allow the financing of these several

resolves, I believe that we might well do what the committee says to us is a means of providing for these needs. I believe the people of the State of Maine are going to stand behind this legislature, if you exhibit to them a spirit of fair dealing, and I want to ask you, senators, in the words of the senator from Cumberland the other day, whether you think that there is anything high and holy about the state roads or the state highway fund? Are not you willing to be fair with the fellow who lives at the end of the road? Are not you willing to be generous with the small town and plantation that is struggling with a debt that it would take them years to pay? It seems to me that that is all there is in this question. It is possible for the state to raise so much money for highways, and the next question is how shall it be expended? Isn't it fair to consider the needs of the whole state and not alone the needs of the state highways or state aid highways? And gentlemen of the Senate, I hope and I expect that you are going to endorse the attitude of the committee on highways.

Mr. COBB of Kennebec: Mr. President, I am not going to speak on this subject, but I resent anything where anyone compels me or anyone else in the Senate to vote on any subject.

For the last 20 years I have been travelling over these country roads and I have always said if I got a chance to vote to help them, I would. For the last 10 years I have been travelling over the State on these roads, and when I have come to these bad places I have said if I ever got a chance to vote for those matters I should do it.

Now I am not going to vote today because I do not like our Governor. I do like our Governor, but on one subject he and I cannot agree. Therefore I must vote against him.

Mr. DEARTH of Penobscot: Mr.

President, I think that we understand the question at issue very well from the discussion that has taken place. I therefore move the previous question.

A viva voce vote being taken, the pending question was ordered.

The PRESIDENT: The pending question before the Senate is, shall this bill become a law notwithstanding the veto of the Governor? and it requires the votes of two-thirds of this body for the passage of this bill over the veto of the Governor. The clerk will call the roll.

The following senators voted yes: Messrs. Ames, Babb, Baxter, Chick, Clement, Cobb, Creighton, Davies, Deering, Folsom, Gannett, Googin, Gordon, Grant, Gurney, Higgins, Holt, Lewis, Lord, Metcalf, Parent, Peacock, Ricker, Stanley, Thombs, Thornton, Tuttle, Walker—28; the following senators voted no: Messrs. Butler, Dearth and Emerson, 3.

Twenty-eight senators having voted in the affirmative and three in the negative, the bill became a law notwithstanding the objection of the Governor.

Mr. CHICK of Kennebec: Mr. President, I move we reconsider the vote whereby we tabled this morning S. D. 175. Resolve in favor of the Bangor State hospital for purposes herein enumerated for the years 1919 and 1920, and I will say in explanation that it was specially assigned for Friday morning, and I would like, if my motion prevails, to make a motion to table it until tomorrow morning.

The motion was agreed to, the matter was taken from the table, and on further motion by the same senator it was specially assigned for tomorrow morning.

On motion by Mr. Ricker of Hancock,

Adjourned until tomorrow morning at 10 o'clock.