

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

AUGUSTA
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1919

SENATE

Friday, March 21, 1919.

Senate called to order by the President.

Prayer by Rev. M. G. Folsom of Gardiner.

Journal of previous session read and approved.

The President called the senator from York, Senator Deering, to the Chair.

Papers from the House disposed of in concurrence.

From the House: An Act to regulate the practice of the system, method or science, known as osteopathy, creating a board of examination and registration for those desiring to practice the same, and providing penalties for violation of this act, S. D. 66.

In the Senate this bill was passed to be engrossed.

In the House it was referred back to the committee on judiciary.

On motion by Mr. Davies of Cumberland, the bill was tabled.

From the House: Resolve, in favor of the Western State Normal school of Gorham, for addition to the recitation building.

In the Senate this bill was referred to the committee on education.

In the House it was indefinitely postponed.

Mr. WALKER of Somerset: Mr. President, I move that we concur with the House, if that is the bill I think it is.

The PRESIDENT pro tem: Would the senator like to have the bill read?

Mr. WALKER: Mr. President, if I understand the bill there shall be no construction at the Western State Normal school—if that is the central idea of the bill, I move that we concur with the House.

The motion was agreed to and the bill was indefinitely postponed in concurrence.

From the House: 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 candidates on said ballots be determined by lot.

In the Senate this was indefinitely postponed.

In the House it was passed to be engrossed, and the House insists and asks for committee of conference.

On motion by Mr. Thornton of Aroostook, the bill was tabled.

House Bills in First Reading

H. D. 431: An Act creating a bureau of animal industry.

H. D. 382: An Act to amend Section 32 of Chapter 33 of the Revised Statutes as amended by Chapter 219 of the Public Laws of 1917, relating to the pollution of the waters of the State by sawdust and other mill waste.

On motion by Mr. Lord of York, tabled pending second reading.

H. D. 237: An Act to amend Section 19 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, relating to the protection of landlocked salmon, trout, togue, black bass and white perch.

In the House this bill was indefinitely postponed.

On motion by Mr. Davies of Cumberland, the Senate concurred with the House in the indefinite postponement of the bill.

H. D. 446: An Act to amend Section 7 of Chapter 62 of the Revised Statutes, relating to the name of state in title of a corporation.

H. D. 447: An Act to amend Section 58 of Chapter 4 of the Revised Statutes, relating to the purposes for which cities and towns may raise money.

H. D. 448: An Act to amend Chapter 51 of the Revised Statutes as amended by Chapter 144 of the Public Laws of 1917, relating to the formation of corporations having stock without par value.

H. D. 445: An Act prohibiting weighers of coal, hay, straw, junk and other articles and measurers of wood, bark or charcoal from giving certificates of weights or measure

until they have qualified for the faithful performance of the duties of their offices.

H. D. 450: An Act to repeal Chapter 147 of the Private and Special Laws of 1911, relating to the Baskahegan Dam Co., under the title An Act to amend Chapter 147 of the Private and Special Laws of 1911; entitled, An Act to amend Section 1 of Chapter 313 of the Private and Special Laws of 1864, entitled An Act to incorporate the Baskahegan Dam Co., as amended by Chapter 272 of the Private and Special Laws of 1903, and by Chapter 147 of the Private and Special Laws of 1911.

H. D. 311: An Act to amend Section 1 of Chapter 272 of the Public Laws of 1917, entitled, An Act to require certain vehicles to carry lights at night and to control the glare of headlights.

An Act to provide for the presentation of medals and testimonials to soldiers and sailors who served in the European war.

In the House this bill was referred to the next Legislature.

In the Senate the acceptance of the report of the committee was reconsidered and the bill was recommitted to the committee on military affairs.

Mr. GURNEY of Cumberland: Mr. President, in the absence of the chairman of the committee on military affairs I move this bill lie on the table.

The motion was agreed to.

An Act to provide for the acceptance by the State of gifts of land and for the establishment of State parks and forests.

In the House this bill was recommitted to the committee on State lands and forest preservation.

On motion by Mr. Ames of Washington, the Senate concurred with the House in the recommitment of the bill.

An Act to provide for the purchase of land by the State for forestry purposes.

In the House this bill was recommitted to the committee of State lands and forest preservation.

On motion by Mr. Ames of Wash-

ington, the Senate concurred with the action of the House.

H. D. 451: An Act to exempt certain bonds from taxation.

(On motion by Mr. Baxter of Sagadahoc, tabled pending second reading.)

From the House: The majority report of the committee of inland fisheries and game, ought not to pass, on An Act to repeal Section 73 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, prohibiting Sunday fishing.

The minority report of the same committee on the same bill, that it ought to pass.

In the House the majority report ought not to pass was accepted.

In the Senate on motion by Mr. Parent of Androscoggin, the majority report was accepted in concurrence.

Communication from the Clerk of the House

STATE OF MAINE

House of Representatives,
Office of the Clerk

Augusta, March 20, 1919.

To Percy F. Crane,

Secretary of the Senate.

The Governor of the State of Maine having returned to the House of Representatives the "Resolve authorizing Michael Burns to bring a suit at law against the State of Maine," with his objections to the same, the House proceeded to vote on the question of the resolve becoming a law over the veto of the Governor. The required yeas and nays were taken, 34 members voted in favor, and 94 against, and accordingly the resolve failed to receive a passage over the veto of the Governor.

Respectfully,

(Signed)

CLYDE R. CHAPMAN,
Clerk of the House.

Placed on file.

From the House: The veto message of the Governor in relating to Resolve authorizing Michael Burns to

bring his suit at law against the State of Maine, was read by the Chair.

Mr. DAVIES of Cumberland: Mr. President, I move that the veto message of the Governor be considered at the present time, and that the vote be taken by the yeas and nays.

A sufficient number arising the yeas and nays were ordered.

The PRESIDENT pro tem: The question is shall this bill become a law the objections of the Governor notwithstanding. Those voting yes vote that the bill shall become a law notwithstanding the veto of the Governor; those voting no vote to the contrary.

The Secretary called the roll. Mr. Davies voted yes; those voting no were: Messrs. Ames, Babb, Baxter, Chick, Clement, Cobb, Creighton, Emerson, Googin, Grant, Holt, Lewis, Lord, Metcalf, Parent, Ricker, Stanley, Thombs, Thornton, Tuttle, Walker—21. Absentees: Messrs. Butler, Dearth, Folsom, Gordon, Gurney, Peacock—6.

Mr. DAVIES: Mr. President, I merely desire to say in explanation of my vote that this resolve as passed by the judiciary committee, of which I happen to be chairman, merely gives Michael Burns of Augusta the right to sue the State of Maine, that the courts may determine whether or not he was entitled to recover anything from the State of Maine.

It is a matter that has been before the Legislature for the last twenty-five years, and returned every two years to be passed upon.

There has been much difference of opinion among the members of the various legislatures to which these resolves have been referred as to whether Michael Burns was entitled to receive any sum of money from the State of Maine. I could think of no way, Mr. President, that was more fitting and more proper than that the highest legal committee of the Legislature should permit this claimant, if he be one, to sue the State of Maine that he might establish his rights, if he had any, in the courts of the State.

One senator having voted yes and 21 senators having voted no, the veto of the Governor was sustained and the bill does not become a law.

Message from the Chief Executive To the Honorable Senate:

I have carefully examined Senate Document No. 135 "Resolve in favor of the Sagadahoc Agricultural and Horticultural Society" and respectfully return the same without my approval.

This is a special appropriation to this society growing out of the fact that the fair was not held in 1918 and therefore the State stipend did not become available.

The request for this appropriation was not filed with the State auditor last November in accordance with the law and the appropriation is not provided for in the budget.

The general law makes the stipend proportionate to premiums actually paid out for agricultural exhibits. I am aware of the valuable service which this important fair renders to agriculture but I cannot overlook the fact that many other fairs in Maine were cancelled in 1918 and to some extent this occurs every year. So long as the general rule established by statute makes the payment of the stipend conditional upon the premiums actually paid by the fair this rule should be adhered to and all the agricultural fairs of the State should be treated alike.

(Signed) CARL E. MILLIKEN,
Governor.

Dated at the
Executive Chamber
March 21, 1919

The PRESIDENT pro tem: The Senate has heard the veto message of the Governor on Resolve in favor of the Sagadahoc Agricultural and Horticultural Society. What is the pleasure of the Senate?

Mr. BAXTER of Sagadahoc: I move that when the vote be taken it be taken by the yeas and nays.

The PRESIDENT pro tem: The question is shall this resolve become a law notwithstanding the veto of the Governor? Those voting yes vote that the resolve become a law notwithstanding the veto of the Gov-

error; those voting no vote to the contrary.

The Secretary called the roll. Those voting yes were: Messrs. Ames, Babb, Baxter, Chick, Davies, Folsom, Grant, Lewis, Lord, Peacock, Stanley, Thornton, Tuttle—13. Those voting no were: Messrs. Clement, Cobb, Creighton, Emerson, Googin, Holt, Metcalf, Parent, Ricker, Thombs, Walker—11. Absentees: Messrs. Butler, Dearth, Gannett, Gordon—4.

The PRESIDENT pro tem: 13 senators having voted yes and 11 having voted no the resolve has not received the required two-thirds vote and does not become a law.

Bills in First Reading

S. D. 232: An Act to amend Section 49, 50, 51, 53, 54, 55, 59 and 60, and repeal Section 52 of Chapter 64 of the Revised Statutes, relating to the protection of children, as amended by Chapter 29 of the Public Laws of 1917.

Mr. THOMBS of Penobscot: Mr. President, I desire to offer a motion out of order, that when we adjourn that we adjourn to meet at 8 o'clock tomorrow morning, and that the record be changed to conform to that motion.

Mr. DAVIES of Cumberland: Mr. President, it seems to me that that motion should be in the form of an order or some written document. Inasmuch as the Chair has announced up to the present time that action on the various matters that have come before the Senate shall be at 10 o'clock tomorrow morning it seems to me that there should be a written order to conform to the motion of the senator from Penobscot.

Mr. THOMBS: Mr. President, I will suggest that I will file a written order.

The PRESIDENT: The senator from Penobscot, Senator Thombs, suggests that he will file an order incorporating this motion.

The motion was agreed to.

Bills in First Reading (Continued)

S. D. 233: An Act to establish a State Reformatory for Men.

S. D. 234: An Act to amend Section 122 of Chapter 60 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.

Mr. Walker for the committee on education, on Resolve in favor of the several state normal schools and the Madawaska Training School for permanent repairs and improvements of buildings, reported that the same ought to pass.

The report was accepted and the resolve tabled for printing under the joint rules.

Mr. Walker for the committee on education, on Resolve appropriating money for repairs and permanent improvements on the buildings of the Aroostook State Normal school, reported that the same ought not to pass.

Mr. Walker for the same committee, on Resolve in favor of the Washington State Normal school at Machias for the completion of the school building, reported that the same ought not to pass.

Mr. Walker for the same committee, on Resolve in favor of the Eastern State Normal school at Castine for erection of a building, reported that the same ought not to pass.

Mr. Walker for the same committee, on Resolve appropriating money for the construction of a new school building at the Aroostook State Normal school, reported that the same ought not to pass.

Mr. Walker for the same committee, on Resolve in favor of the Eastern State Normal school at Castine, for repairs and permanent improvements, reported that the same ought not to pass.

Mr. Walker for the same committee, on An Act to amend Section 55 of Chapter 16 of the Revised Statutes, as amended by Section 1 of Chapter 188 of the Public Laws of 1917, relating to supervisory unions appeals, reported that the same ought not to pass.

The reports were accepted and sent down for concurrence.

Mr. Folsom for the committee on military affairs, on An Act to amend Section 32 of Chapter 117 of the Revised Statutes, as amended by Chapter 18 of the Public Laws of 1911, relating to the salaries of the board of state assessors and for clerk hire in said office, reported that same ought to pass.

The report was accepted and the bill tabled for printing under the joint rules.

Mr. Walker, for the same committee, on An Act to amend Section 137 of Chapter 16 of the Revised Statutes, relating to the maintaining of evening schools, and to provide for Americanization and the reducing of illiteracy. (House No. 425) reported that the same ought to pass.

The report was accepted, and the bill received its first reading under suspension of the rules.

Mr. Walker, for the same committee, on An Act to amend Section 146 of Chapter 16 of the Revised Statutes as amended by Chapter 64 of the Public Laws of 1917 relating to the appropriation for the support of normal and training schools (Senate No. 106) reported that the same ought to pass.

The report was accepted and under suspension of the rules the bill received its first reading.

Mr. Walker for the same committee, on An Act to amend Section 33 of Chapter 16 of the Revised Statutes, relating to vacancies in the membership of superintending school committees, reported that the same ought to pass.

The report was accepted and the bill tabled for printing under the joint rules.

Mr. Walker for the same committee, on An Act to amend Section 20 of Chapter 117 of the Revised Statutes as amended by Chapter 179 of the Public Laws of 1917, relating to the employing of clerks and agents by the State superintendent of public schools (Senate No. 203) reported that the same ought to pass.

The report was accepted, and the bill was given its first reading, under suspension of the rules.

Mr. Thombs for the committee on legal affairs, on An Act providing for the enforcement of rules and regulations and providing punishment for violation thereof, reported that the same ought not to pass.

The bill was accepted and sent down for concurrence.

Mr. Gannett for the committee on military affairs on An Act to enable towns or cities to procure State aid in the construction of armories (Senate No. 201) submitted the same in a new draft under the title of An Act to enable towns or cities to procure State aid in the construction of armories and that it ought to pass.

The report was accepted and the bill tabled for printing under the joint rules.

Mr. Peacock for the committee on sea and shore fisheries on An Act regulating the taking, selling, packing and canning of clams, authorizing the survey of clam bottoms and the leasing thereof by the State, prohibiting the taking of clams from leased areas, except by the lessee, authorizing the selection and reservation of areas for experimentation in clam conservation and propagation, establishing the boundaries of polluted areas from which the taking of clams is prohibited and the repeal of all existing laws inconsistent therewith, reported that the same ought not to pass.

The report was accepted and sent down for concurrence.

Majority report of the committee on sea and shore fisheries on An Act to amend certain Sections of Chapter 45 of the Revised Statutes, relating to the licensing of persons engaged in the lobster fisheries (Senate No. 132) submitting the same in a new draft under the same title and that it ought to pass.

(Signed) MESSRS. PEACOCK
HOLT
CLEMENT
STACEY
COLE
STEVENS

Minority report of the same com-

mittee, on same bill, that the same ought not to pass.

(Signed)

Messrs. PERKINS

PARKER T. FULLER

J. S. WYMAN

P. W. JORDAN

Mr. PEACOCK of Washington: Mr. President, I move that the majority report be accepted.

Mr. DAVIES of Cumberland: Mr. President, before the motion is put will Senator Peacock be kind enough to tell us just what the law is as proposed in the new draft?

Mr. PEACOCK: Mr. President and fellow senators, this law was passed in 1917. It is a law to license lobster fishermen, and was passed with the object of better enforcement of the lobster fisheries. In the working of the law the last two years errors and discrepancies have been found in the law and this act was to strengthen the law where the weak points were found so that it would be a more workable law than it has been in the last two years.

Mr. DAVIES: Mr. President, might I inquire just what the change is as proposed in this law over the law passed in 1917?

I come from a district where there are a good many lobster fishermen and I would like to be informed on that.

The PRESIDENT, Will the senator from Washington answer this question of the senator from Cumberland?

Mr. PEACOCK. Do you want me to go over in detail the changes of the bill?

Mr. DAVIES: Mr. President, the senator stated that the purpose of the bill was to strengthen the old law in the enforcement against violators of the lobster law that was passed in 1917. I desire to know just what is the language of the new bill which strengthens that law.

Mr. PEACOCK: There are several corrections to be made that were found in the old law. One section perhaps conflicted with another, and the first change made in the law is in Section 17, which under the old law read that "no person, firm or corporation convicted for any violation of any law relat-

ing to lobsters, either by themselves or their agents shall be entitled to a license hereafter."

We felt that this was perhaps an arbitrary proposition, and we felt that after a man had been convicted of violation—if he was found guilty—that he was entitled at the end of the year to renewal of his license.

Mr. DAVIES: Mr. President, I wonder if the senator would make any objection to a motion that both the report and the bill lie on the table.

Mr. PEACOCK: No. I would be pleased to have the senator make that motion.

Mr. DAVIES: I understood the senator to say that if a lobster fisherman was convicted under the law of 1917 that that would prevent him from procuring a license in the future and that seems to be too strenuous.

Mr. PEACOCK: There are a great number of changes. We went over the bill very carefully. In order to take it up in detail I would like to look it over very carefully, and I now move that it be tabled until Tuesday.

Mr. DAVIES: It will come up automatically Wednesday.

The bill was then tabled until Wednesday.

Mr. Peacock for the committee on sea and shore fisheries, on Remonstrance of Alder P. Swett and 167 others against a repeal of the laws preventing seining for herring within 2000 feet of a fish weir in Sheepscot river, reported that the same be placed on file.

Mr. Peacock for the same committee, on Petition of C. H. Workman and 10 others of Hancock county; of Joseph Wall's and 32 others of Bar Harbor, and of S. R. Pettie and 53 others of Gouldsboro, requesting the enactment of legislation to prevent the gill netting of all ground fish in certain waters in Frenchman's bay and limiting and prohibiting the crew of any one fishing boat from using more than 1000 hooks on a trawl or trawls within the same waters, reported that the same be placed on file.

Mr. Baxter for the committee on taxation, on Resolve proposing an amendment to the constitution relative to the authority of the Legislature to impose

taxes (Senate No. 2), that the same ought not to pass.

The reports were accepted and sent down for concurrence.

Final Reports

Committee on claims.

Committee on pensions.

Passed to Be Engrossed

H. D. 166: Resolve proposing an amendment to Section 1 of Article 2 of the constitution of the State of Maine, providing for the continuation of the right of suffrage to a person otherwise qualified to vote for Governor, senators and representatives in this State, in the town or plantation where his residence for suffrage purposes has been established, for a period of three months after his removal therefrom to another town or plantation within this State.

H. D. 194: An Act to amend the charter of the city of South Portland.

The report of the committee was accepted.

The PRESIDENT pro tem: This bill comes from the House amended by House Amendment A. The amendment, I will state, has three pages.

Mr. DAVIES of Cumberland: Mr. President, I move the bill and the amendment lie on the table and be printed.

The motion was agreed to.

H. D. 302: An Act repealing Chapter 181 of the Private and Special Laws of 1911, Chapter 135 of the Private and Special Laws of 1913, Chapters 156 and 178 of the Private and Special Laws of 1915, Chapter 75 of the Private and Special Laws of 1917, granting the county commissioners of the county of Cumberland the right to sell or lease certain property.

The report of the committee was accepted.

The PRESIDENT pro tem: This bill comes from the House amended by House Amendment A.

House Amendment A was read.

Mr. DAVIES of Cumberland: Mr. President, I move the adoption of the

amendment in concurrence with the House.

The motion was agreed to and the bill as amended was passed to be engrossed.

Mr. WALKER of Somerset: Mr. President, may I ask for unanimous consent to make a motion out of order?

The Speaker of the House, Mr. Farrington, is in the Senate chamber. I move he be invited to take a seat at the right of the President.

The PRESIDENT pro tem: The Chair will state that if he had seen Speaker Farrington he would have invited him.

H. D. 380: An Act to amend Chapter 42 of the Private and Special Laws of 1886, relating to Martin's Point bridge.

H. D. 403: An Act to amend Section 46 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, relating to the protection of certain fur-bearing animals.

H. D. 407: Resolve appropriating money for the purpose of obtaining information in regard to wild lands for the purpose of taxation.

(Tabled pending its second reading by Mr. Thornton of Aroostook.)

H. D. 411: An Act to increase the salary of the deputy secretary of state.

(Tabled pending its second reading by Mr. Grant of Cumberland.)

H. D. 432: Resolve to amend Chapter 18, Resolves of 1917, relating to animal husbandry.

(Tabled pending its second reading by Mr. Grant of Cumberland.)

S. D. 231: An Act to provide for the support of dependents of soldiers, sailors and marines.

Mr. GURNEY of Cumberland: Mr. President, in order that the committee may consider a slight error that has crept into that, I move it lie upon the table, pending acceptance of the report of the committee.

The motion was agreed to.

S. D. 230: An Act to amend Section 1 of Chapter 319 of the Public Laws of 1915, as amended by Chapter 304 of the Public Laws of 1917, entitled An Act to provide for state and county aid in the construction of highway bridges.

Finally Passed

Resolve, in favor of the Augusta State Hospital, for the construction of a new building for patients.

Resolve, to reimburse C. H. Robinson Company of Portland, Maine, for goods sold and delivered to the State, and for which purchaser failed to file with the State auditor a copy of the order.

Resolve, to reimburse certain cities and towns for money expended for the support of dependent families of members of the National Guard.

Resolve, providing for the compilation, printing and distribution of an index to the Private and Special Laws and to the Resolves of the State of Maine.

Resolve, providing for the payment of certain deficiencies that accrued prior to January 1st, 1918.

Resolve in favor of Mary F. Fernald, for military pension.

Passed to be Enacted

An Act to amend Sections 73 and 74 of Chapter 16 of the Revised Statutes, and Sections 5 of Chapter 16 of the Revised Statutes, as amended by Chapter 67 of the Public Laws of 1917, relating to the classification of High schools.

An Act to amend the charter of the city of Calais providing for biennial elections.

An Act to revise, consolidate and amend the charter and laws of the city of Augusta.

An Act authorizing the Clark Power Company to construct and maintain a dam or dams on Saco waters in the cities of Saco and Biddeford.

An Act to provide for co-operation between the United States department of agriculture and the Maine department of agriculture in the collection and publication of statistics.

An Act to regulate the employment of legislative counsels or agents and to provide a legislative docket in secretary of state's office, open to public inspection, disclosing information to such employment.

An Act amendatory of and additional to Section 12 of Chapter 127 of the Revised Statutes, relating to tools and implements for gambling, counterfeiting and burglar's tools.

An Act providing for the preparation of the State Budget; creating a committee on budget; prescribing its powers and duties; making an appropriation to defray the expenses of this committee; and repealing Sections 92, 93, 94 and 95 of Chapter 2 of the Revised Statutes.

Today Assigned

The PRESIDENT: The Chair lays before the Senate the bill recalled from the committee on engrossed bills on a Senate order, An Act to amend Section 16, Chapter 9 of the Revised Statutes, to provide for inventory of exempt livestock, S. D. 185.

On motion by Mr. Davies of Cumberland, the bill was tabled.

The PRESIDENT: The Chair lays before the Senate, from the House, Resolve in relation to the employment of discharged soldiers.

In the House, under suspension of the rules, this Resolve was read twice and passed to be engrossed.

In the Senate, on motion by Mr. Davies of Cumberland, the rules were suspended and the resolve was given its two readings and was passed to be engrossed in concurrence.

From the House: An Act to provide for fixing the salaries of the subordinate officers and employees of the State government.

On motion by Mr. Grant of Cumberland, this bill was recommitted to the committee on salaries and fees, in concurrence.

The PRESIDENT pro tem: The Chair lays before the Senate report of committee on legal affairs, ought not to pass, on bill, An Act to incorporate the Western Maine Branch of the Women's Board of Missions, tabled by the senator from Cumberland, Senator Davies, the pending question being acceptance of report.

Mr. DAVIES: Mr. President, there is pending before the legislature a general law which aims to accomplish precisely the same thing which this special act aims to accomplish. Therefore I move that this lie on the table for the present.

The motion was agreed to.

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

Mr. CHICK: Mr. President, I yield to the senator from Cumberland Senator Grant.

Mr. GRANT: Mr. President, I wish to withdraw the amendment which I presented a few days ago. I move that amendment be indefinitely postponed.

The motion was agreed to.

Mr. CHICK: I wish to offer an amendment and now move its passage.

The secretary read the amendment.

Senate Amendment B to S. D. 175

Amend Senate D. 175 by striking out the first paragraph thereof and by substituting the following:

Resolve that there be and hereby is appropriated for the Bangor State Hospital for purchase and installation of laundry machinery for the year 1919, the sum of \$2500; for the purchase of cows the sum of \$2500, and renovation of barn the sum of \$2000, for the year 1919; for finishing and equipping sleeping rooms for convalescent patients in attics D and F buildings, for the year 1919, the sum of \$18,000.

State Hospital for purposes herein

The motion was agreed to, Senate Amendment B was adopted, and the bill was given its second reading as amended.

Orders of the Day

Mr. WALKER of Somerset: Mr. President, I move we take from the table S. D. 109, An Act to amend Section 38 of Chapter 16 of the Revised Statutes relating to the duties of superintending school committees.

The motion was agreed to.

Mr. WALKER: Mr. President, I move we concur with the House in the Adoption of House Amendment A to House Amendment A.

Mr. DAVIES of Cumberland: Mr. President, I am not informed as to

just what the bill is. Will the Chair be kind enough to read it.

The Chair read the bill and amendments.

Mr. DAVIES: So that the amendment as it is now provided that the textbooks shall not be changed in less than three years, and only at the discretion of the superintending school committee—that is what I gather from the reading by the Chair.

The PRESIDENT pro tem: I should say that the senator from Cumberland was correct.

Mr. DAVIES: I move the adoption of the amendment.

The motion was agreed to and House Amendment A to House Amendment A was adopted.

The PRESIDENT pro tem: The pending question now is the adoption of House Amendment A as amended.

On motion by Mr. Walker, House Amendment A as amended was adopted and the bill as amended was passed to be engrossed.

Mr. THORNTON of Aroostook: Mr. President, I move to reconsider the vote whereby we accepted the report of the committee on education relating to the Presque Isle Normal school, and I wish to move that the report, pending acceptance, lie on the table.

The PRESIDENT pro tem: The Chair will state to the senator from Aroostook that there seem to be two resolves, one resolve appropriating money for repairs and permanent improvements on the buildings of the Aroostook State Normal school, and the other resolve appropriating money for the construction of a new school building at the Aroostook State Normal school. Please indicate which one, or if both are intended.

Mr. THORNTON: I move that each of those resolves lie upon the table at the present time.

The motion was agreed to and the votes were reconsidered whereby the reports of the committee on these resolves were accepted, and on further motion by the same senator the resolves were laid on the table.

By unanimous consent, Mr. Davies of Cumberland introduced a resolve in favor of the clerk and stenographer of the committee on judiciary for services rendered, and by motion of the same senator the resolve was referred to the committee on appropriations and financial affairs.

Mr. AMES of Washington: Mr. President, I now move to take from the table S. D. 125, Veto message from the Governor on bill An Act to authorize the construction of a weir in the tide waters of Roque Harbor in the town of Jonesport.

The motion was agreed to.

Mr. AMES: I yield to Senator Peacock.

Mr. PEACOCK of Washington: Mr. President, referring to the communication in reference to Act 125, I will say the Governor refers to Section 121, whereby a party wishing to erect a weir should file an application with the municipal officers. He is correct that this should have been done, but certain conditions were shown in this instance why the party did not file the application.

The Governor also claims as another reason for not allowing this that a bond is required to be filed. Now the law plainly states that a bond shall be filed with the municipal officers, but it does not require a bond filed with the State of Maine. The State of Maine has been granting these permissions to erect these weirs for 50 years, and in no case has there been a bond required by the State of Maine. So we feel that it is not necessary or legal to require this bond.

He refers to the question of interfering with navigation, that this weir shall not be erected if it interferes with navigation. As I understand it, the State of Maine has nothing to do with the navigation; that is a federal question, and the party under this act would have been compelled to go to the Federal government and get their permission in reference to navigation. He says also that it seems that it would affect the privileges of others located there. Mr. President, I have been connected with the weir fishery business for

over 40 years. I have been in this harbor, caught fish there and bought fish there, and in my judgment I do not feel that it would interfere adversely with others in locating this one. It could not come within a thousand feet of any other weir in that harbor, and I believe the Governor is mistaken in his judgment. Notwithstanding that fact, I move that we accept his veto.

Mr. DAVIES of Cumberland: I desire, Mr. President, to admit that I have not studied with any degree of care the veto of the Governor in relation to the bill now before the Senate. I have a general understanding, I think, however, of the conditions which may have influenced the Governor in refusing to give his approval to the act.

First, the law provides that men who desire to build weirs must make, as I remember it, Mr. President—must make their application to the municipal officers for the right to erect the weir. Now I think it is elementary to say that the municipal officers probably know more about the conditions in relation to the erection of weirs than the Legislature. In this particular case the people desiring to erect a weir made no application to the municipal officers for a license to erect it, and until that had been done and the license had been refused, it does not seem to me, Mr. President, that the legislature should attempt to license the people who desire to erect a weir near the town of Jonesport until such time as it has been shown, at least, that the municipal officers had refused to grant the license.

The PRESIDENT pro tem: The Chair would ask the senator from Washington, Senator Peacock, if he knows that there are only 16 senators present?

Mr. PEACOCK: Mr. President, I move that it be laid on the table until a sufficient number of senators are here.

The motion was agreed to.

On motion by Mr. Thornton of Aroostook,
Adjourned until tomorrow morning at 8 o'clock.