

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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SENATE

Wednesday, March 26, 1919.

Senate called to order by the President.

Prayer by Rev. G. P. Irving of Gardiner.

The President at this time invited ex-President Bailey of Penobscot to sit at his right. (Applause)

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act to provide for pensioning of firemen of the city of Lewiston who have served for thirty years or more.

This bill came from the House referred to the committee on judiciary.

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

From the House: S. D. 188, An Act to supplement Chapter 29 of the Revised Statutes and to provide for the care of persons requiring full support or more than temporary relief.

In the Senate this bill was passed to be engrossed; in the House it was indefinitely postponed.

Mr. DEERING of York: Mr. President, I desire to discuss this matter a little bit, and in order not to delay the regular proceedings of the Senate I move it lie on the table and I will take it up later under orders of the day.

The motion was agreed to and the bill was tabled.

House Bills in First Reading

H. D. 484: An Act additional to Chapter 48 of the Revised Statutes, relating to the State sealer of weights and measures.

H. D. 483: An Act to authorize the payment of additional sums for co-operative agriculture.

H. D. 182: Resolve making an appropriation for the control of contagious diseases among domestic animals.

Mr. DAVIES of Cumberland: Mr. President, may I inquire if that bill was referred to the committee on agriculture.

The PRESIDENT: It was so referred, and then it was recommitted to the committee on agriculture.

Mr. DAVIES: Mr. President, I think Senator Walker is a member of that committee, I am not quite sure, and he is out of the Senate at the present time.

The PRESIDENT: The Chair will inform the senator that Senator Tuttle of Aroostook is the chairman of that committee.

Mr. DAVIES: May I ask Senator Tuttle through the Chair what the merits or demerits are of this bill. From the title it may have some merit.

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

Mr. TUTTLE of Aroostook: Mr. President, I am not prepared to give a definite answer in regard to that. There are several bills, I move this bill lie on the table.

The motion was agreed to and the bill was tabled.

H. D. 478: An Act to amend Section 49 of Chapter 117 of the Revised Statutes, relating to the board of registration in medicine.

H. D. 485: An Act to prevent and punish the desecration, mutilation or improper use of the flag of the United States of America, and of this State, and of any flag, standard, color, ensign or shield authorized by law, and to make uniform the law relating thereto.

H. D. 481: An Act to amend Section 32 of Chapter 67 of the Revised Statutes, concerning probate appeals.

H. D. 480: An Act granting Bradbury Smith the right to establish and maintain a ferry between the towns of Sullivan and Hancock.

H. D. 479: An Act authorizing the Penobscot Development Company to construct and maintain booms and piers in the Aroostook river in the town of Ashland.

H. D. 474: Resolve in favor of the Fidelity Mutual Life Insurance Company of Philadelphia, Pa.

H. D. 469: An Act to prohibit the use of trawls of more than 4000 hooks, or more than 10 nets, within the following waters:

H. D. 386: Resolve, to appropriate money for the erection and furnishing of buildings for the Reformatory for Women at Skowhegan.

H. D. 476: An Act to amend Chapter 154 of Public Laws of 1917, entitled "An Act to provide State aid for the construction of highways extending continuously through three or more towns."

From the House: Report of the committee on conference on the disagreeing action of the two branches of the Legislature, on An Act authorizing George F. L'Abbee of Eagle Lake Plantation to maintain a dam in Wallagrass river, that the Senate recede and concur with the House in recommending the bill to the committee on interior waters.

The report was accepted in concurrence.

From the House: The majority report of the committee on judiciary, ought not to pass, on An Act to amend the new charter of the city of Waterville; minority report from the same committee on the same bill submitting a new draft under same title, H. D. 465, and that it ought to pass.

On motion by Mr. Davies of Cumberland, the bill and reports were tabled.

The following bill was presented on recommendation by the committee on reference of bills was referred to the committee on

Appropriations and Financial Affairs

By Mr. Thornton of Aroostook, Resolve, in favor of L. Ernest Thornton for services rendered to the secretary and assistant secretary of the Senate.

Orders

Mr. Thornton of Aroostook, presented the following order and moved its passage.

Ordered, the House concurring

that the chairman of the committee on judiciary, the chairman of the committee on legal affairs, the chairman of the committee on library on the part of the Senate, and the chairman of the same committees on the part of the House, be authorized to act as a special committee to examine certain manuscript now in the custody of the Secretary of State, for examination relating to the proceedings of the various legislatures from the year 1820 to the year 1920; such committee to report to the present Legislature by bill or otherwise.

Mr. DAVIES of Cumberland: Mr. President, I move that the order lie on the table pending its passage.

It occurs to me that it is very late in the session to burden the chairmen of the various committees with the immense amount of work that the order aims to accomplish.

The motion was agreed to and the order was tabled.

Bills in First Reading

S. D. 251: An Act to amend Section 67 of Chapter 82 of the Revised Statutes, relating to the appointment of assistants and deputies to the Attorney General.

S. D. 252: An Act amendatory of and in addition to Chapter 12 of the Revised Statutes, relating to indexes in registries of deeds.

S. D. 253: Resolve authorizing and instructing the Governor and Council to make such alterations and improvements of the residence of the late James G. Blaine, recently given to the State by Mrs. Harriet Blaine Beale, as may be necessary, and to furnish it suitably, to serve the purpose of an executive mansion, and to acquire by purchase such contiguous property as may be needed for said purpose.

The following committees submitted their

Final Reports

Commerce
Library
Public Health
State Sanatoriums
State School for Boys, State School for Girls and Women's Reformatory
Temperance.

Reports of Committees

Mr. Ricker for the committee on library, on Resolve to appropriate money for the purchase of a history of York, reported same ought to pass.

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

Mr. Gordon for the committee on public health, on petition of Elmer F. Dexter and 24 others of the town of Sangerville, in favor of An Act to prohibit the manufacture and sale of cigarettes and 32 other petitions in favor of the same; on remonstrance of Walter F. Coleman and 35 others against the adoption of proposed amendment to bill in relation to the State board of dental examiners; on remonstrance of P. P. Peakes and 27 others of Milo against House bill No. 90; and on remonstrance from Ashland Grange against House bill No. 90.

Reported same be placed on file.

The report was accepted and sent down for concurrence.

Mr. Peacock for the committee on ways and bridges, on Resolve amending Article 9 of the Constitution as amended by Article 35 of the Constitution increasing the amount of bonds to be issued for the purpose of building and maintaining of State highways and providing for the building and maintaining of intra-state, interstate and international bridges (Senate No. 197), submitted the same in a new draft under the same title and that it ought to pass.

Mr. Lord for the committee on Public Utilities on An Act to provide for the jurisdiction of the Public Utilities Commission over certain motor vehicles (Senate No. 209), submitted the same in a new draft under the same title, and that it ought to pass.

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

Passed to Be Engrossed

H. D. 116: An Act to provide for the collection of agricultural statistics by assessors.

H. D. 319: An Act relating to inspection and recount of ballots cast at primary elections. (On motion by

Mr. Thornton of Aroostook tabled pending second reading.)

S. D. 242: An Act to amend Section 1 of Chapter 69 of the Revised Statutes relating to the assessment and collection of inheritance tax.

S. D. 246: An Act to amend Chapter 319, Public Laws of 1915, providing for State and county aid in the construction of highway bridges.

S. D. 249: An Act to amend Sections 12 and 23 of Chapter 40 of the Revised Statutes relating to the duties of the bank commissioner in registering dealers in securities.

Mr. GURNEY of Cumberland: Mr. President, I was somewhat late in arriving and may I ask the secretary through you whether House bill 332, report of the committee on agriculture, came into the Senate this morning?

The PRESIDENT: The Chair would inform the senator from Cumberland that it is his opinion it did not.

Passed to Be Enacted

An Act to amend Section 61 of Chapter 8 of the Revised Statutes relating to the Maine Forestry District.

An Act defining prostitution, lewdness and assignation and providing punishment therefor.

These bills both carried the emergency clause and required a two-thirds vote of the members of the Senate on their passage to be enacted.

Twenty-nine senators voting for their passage both bills were passed to be enacted.

Additional papers from the House: Resolve in relation to the employment of discharged soldiers.

In the Senate this bill was passed to be engrossed; in the House that body adopted House Amendment A.

On motion by Mr. Deering of York, the vote was reconsidered whereby this bill was passed to be engrossed.

House Amendment A was read by the secretary and on further motion by Mr. Deering, House Amendment A was adopted in concurrence and the bill as amended was passed to be engrossed in concurrence.

From the House: H. D. 358, An Act to amend Section 127 of Chapter 27 of the Revised Statutes, relating to affidavits of plaintiffs.

In the House this bill was indefinitely postponed.

On motion by Mr. Davies of Cumberland, the bill and accompanying papers were tabled.

Today Assigned

The PRESIDENT: The Chair lays before the Senate H. D. 400, An Act to provide for the registration of resident hunters, tabled by the senator from Piscataquis, Senator Metcalf, pending first reading.

On motion by Mr. Metcalf the bill was given its first reading.

On motion by Mr. Walker of Somerset, tabled pending second reading.

The PRESIDENT: The Chair lays before the Senate, S. D. 240, An Act to enable towns or cities to procure State aid in the construction of armories, tabled by the senator from Androscoggin, Senator Parent, pending commitment to committee on bills in second reading.

On motion by Mr. Parent, the bill was committed to committee on bills in second reading.

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

Mr. LORD: Mr. President, I offer Senate amendment B and move its adoption.

The Secretary read the amendment.

Senate Amendment B to S. D. 226

Amend said resolve by inserting after the word "appropriated" in the second line thereof, the words "out of any funds in the treasury not otherwise appropriated."

The motion was agreed to, Senate amendment B was adopted, and the bill as amended was passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate S. D. 207, An Act relative to diseases, infectious, con-

tagious or dangerous to public health, tabled by the senator from York, Senator Deering, pending second reading.

Mr. DEERING: Mr. President, I understand there is to be an amendment offered to this particular bill, and I yield to the senator from York, Senator Gordon.

Mr. GORDON: Mr. President, I offer the following amendment and move its passage.

The secretary read the amendment.

Mr. GURNEY of Cumberland: Mr. President, this is a very important matter and I should like an opportunity to study that amendment. I move that the bill and amendment be laid upon the table until tomorrow.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 78, Report A, ought to pass, and report B, ought not to pass, from committee on judiciary on resolve to create a State insurance fund, tabled by the senator from Penobscot, Senator Dearth, pending acceptance of either report.

Mr. DEARTH: Mr. President, gentlemen of the Senate—this is a resolve to create a State insurance department and calls for an annual appropriation of \$25,000.

Now in view of the fact that this Legislature has adopted a policy of economy so to speak, that is, that it try to keep within the provisions of the budget, so that the rate of taxation shall not exceed seven mills and in addition thereto such amount as will be necessary to take care of the soldiers, sailors and their dependants—on account of that policy which I approve and have advocated, I am inclined to recede a little in this matter for fear that I would be criticised on the ground of inconsistency should I advocate it.

I therefore move, Mr. President that the bill with the accompanying reports be referred to the next Legislature.

The motion was agreed to.

Mr. BUTLER of Franklin: Mr. President, I move we reconsider the vote whereby this bill was referred to the next Legislature.

A viva voce vote being taken, the motion did not prevail.

The PRESIDENT: 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, pending acceptance of report.

Mr. DAVIES: Mr. President, I move that that lie upon the table for the present, I wish to confer with Senator Thombs, the chairman of the committee on legal affairs.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 185, An Act to amend Section 16, Chapter 9 of the Revised Statutes, to provide for inventory of exempt livestock, etc., tabled by the senator from Cumberland, Senator Davies. This bill was recalled from the committee on engrossed bills.

Mr. DAVIES: Mr. President, the bill was given to me by the Chairman of the board of State assessors. Afterward he handed me an amendment which I want to offer in the Senate to the bill, but inadvertently I have mislaid the proposed amendment and cannot find it. I move the bill lie upon the table until tomorrow morning and by that time I will find it.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 132, majority report, ought to pass in new draft, and minority report ought not to pass, from 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, tabled by the senator from Washington, Senator Peacock, pending question the acceptance of either report.

On motion by Mr. Peacock the majority report was accepted, and the bill was then tabled for printing under the joint rules.

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 candidates on said ballots be determined by lot, tabled by the senator from Aroostook, Senator Thornton.

In the Senate this bill was indefinitely postponed. In the House it was passed to be engrossed. The House insists and asks for a committee of conference.

On motion by Mr. Thornton the Senate voted to recede, concur with the House and join in a committee of conference.

The PRESIDENT: The Chair would appoint as such committee of conference on the part of the Senate, the senator from Aroostook, Senator Thornton, the senator from Penobscot, Senator Thombs, and the senator from Cumberland, Senator Davies.

The PRESIDENT: The Chair lays before the Senate, 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 or other mill waste tabled by the senator from York, Senator Lord, pending commitment to committee on bills in second reading.

Mr. LORD: Mr. President, I yield to the senator from Piscataquis, Senator Metcalf.

On motion by Mr. Metcalf the bill was committed to the committee on bills in second reading.

The PRESIDENT: The Chair lays before the Senate H. D. 194, tabled by the senator from Cumberland, Senator Davies, the pending question being adoption of House Amendment A.

On motion by Mr. Davies the bill and amendment were laid on the table.

The PRESIDENT: The Chair lays before the Senate H. D. 451, An Act to exempt certain public bonds

from taxation, tabled by the senator from Sagadahoc, Senator Baxter, pending commitment to committee, on bills in second reading.

Mr. BAXTER: Mr. President in view of the fact that there is another bill on the way from another committee amending the same section as this bill, I move it lie on the table.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 411, An Act to increase the salary of the deputy treasurer of State, tabled by the senator from Cumberland, Senator Grant, pending second reading.

Mr. GRANT: Mr. President, in view of the fact that there is a general bill that is expected to go through that will take care of this item, I move this lie on the table.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 432, Resolve to amend Chapter 18, Resolve 1917, relating to animal husbandry, tabled by the senator from Cumberland, Senator Grant pending second reading.

On motion by Mr. Grant, the resolve was indefinitely postponed.

The PRESIDENT: The Chair lays before the Senate, An Act to authorize the attorney general to appoint a tax attorney and to prescribe his powers and duties, tabled by the senator from Penobscot, Senator Thombs, pending printing under joint rules.

Mr. THOMBS: Mr. President, there is another bill relating to this same subject matter wending its slow way through legislative channels, and until it arrives in the Senate I move that this lie upon the table.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 431, An Act creating Bureau of Animal Industry, tabled by the senator from Aroostook, Senator Emerson, pending second reading.

On motion by Mr. Emerson the bill was given its second reading.

The secretary then read House Amendment A, which was adopted, and the bill as amended was passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate S. D. 205, Resolve for laying the county taxes for 1920, tabled by the senator from Cumberland, Senator Grant, pending its passage to be engrossed as amended by House Amendment A.

Mr. GRANT: Mr. President, there is another amendment being prepared and I move this lie on the table.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 206, Resolve for laying the county taxes for the year 1919, tabled by the senator from Kennebec, Senator Cobb, pending adoption of House Amendment A.

Mr. COBB: Mr. President, I move the adoption of House Amendment A.

The secretary read House Amendment A.

On motion by Mr. Grant of Cumberland the bill and amendment were laid on the table.

The PRESIDENT: The Chair lays before the Senate H. D. 235, An Act to amend Chapter 8 of the Revised Statutes, relative to the office of forest commissioner, tabled by the senator from Washington, Senator Ames, pending second reading.

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

The PRESIDENT: The Chair lays before the Senate S. D. 239, An Act to amend Section 32 of Chapter 117 of the Revised Statutes as amended by Chapter 183, Public Laws of 1917, relating to the salaries of the board of State assessors and for clerk hire in said office, tabled by the senator from Somerset, Senator Folsom, pending second reading.

Mr. FOLSOM: Mr. President, there is a general bill to take care of this and I move this lie on the table.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 243, An Act providing for the payment to judges of probate court on retirement at 70 years of age one-half pay, having served as such judge 20 consecutive years at least, tabled by the senator from Cumberland, Senator Grant, pending second reading.

Mr. GRANT: Mr. President, as this is an elective office and paid by the county, I move that this bill be indefinitely postponed.

Mr. DEARTH of Penobscot: Mr. President, gentlemen of the Senate, I hope this motion will not prevail. It seems to me this is the least that the great State of Maine can do for a man who has spent 20 years, 20 consecutive years in the position of judge of probate in any one of our 16 counties, and who has arrived at the age of 70 years, far beyond the point of much of any earning capacity. I hope that this great State will not, by the vote of this body to indefinitely postpone this matter—will not say to the decrepit old men by such action, your services have not been appreciated.

If you deny this motion and refuse to postpone the bill I will then make a motion that the unanimous report of the judiciary committee, ought to pass, be accepted. Now it is well for you to understand that this bill if passed, as I am informed, will affect only one man in the State of Maine, an ex-judge of probate of the county of Franklin, who has passed the 70th milestone of his active life. He served as judge of probate of that county 20 consecutive years at the small salary of \$600 a year, a man who had charge of the affairs of the widows and the minors of that county, faithful to his duties for 25 consecutive years, and now at the age of over 70 years, tottering as he is near the grave, can this great State by voting to support this motion say to him and to others that it is the policy of this State to deny him this mere pittance of \$600 a year? If this is to be the policy of the State, God forbid that I will assist in establishing such a policy.

Now the gentleman gives as the only reason in support of his motion that this is a county office. It is

true it is a county office. But let me tell you that the laws of this state place upon the probate judges of the counties of this state a great deal of additional labor under the inheritance tax law. Do you have any idea how much money has been paid into the treasury of the State of Maine the past year from this source alone—from the work that has been performed by the judges of probate of the several counties of this state? Why, it has been \$276,000 that this state has received during the last year from this one source, and that work has been done by the judges of probate. Oh, this thing is so ridiculous that it does not seem to me necessary for me to discuss it a minute. I cannot believe that you will for a moment insult these old gentlemen by sustaining such a motion.

I will be fair with you and say that there is a man in Penobscot county, an ex-judge, that will in a few years, if this bill is passed, come within the operation of it. It is Judge Eurgess, who was judge of the probate court for I think more than 25 years. He is approaching 70 years of age,—a man who has been upon crutches since his birth, who is trying to get a little practice, who has a little practice, but on account of his infirmities he gets but little. These are the only two men that I know of. One it will affect now, or upon the passage of the bill; the other it may soon.

Now gentlemen of this body, I am not going to argue this question any longer. I hope that there will not be a single vote, except the vote of the senator from Cumberland, in support of this motion.

Mr. GURNEY of Cumberland: Mr. President, I have grown so accustomed to following the lead of the good-hearted and generous senator from Penobscot, that it is with much hesitation that I rise to offer even feeble objections to his proposition.

It seems to me that it is fundamentally wrong, for the reason that there is absolutely no call for it outside of the one case that the distinguished senator from Penobscot county has mentioned. As late as last ev-

ening a judge of one of our counties, who is a judge of a probate court, said that he hoped the Senate or House would kill that bill because there was no requirement for it among the judges. They are self-respecting, they are able men, competent to earn a maintenance while they are at work, and at a later time in life, enriched by the additional service and experience they have gained in their respective offices, they pass out as probate experts, which is a very remunerative field for practice, and from consultations and other work their old age is well cared for.

The fact that there are one or two cases where hardship has come, that of Judge Burgess, for instance, who is going on crutches, is not due to the fact that he occupied this position. And that of the other man who worked for \$600 and performed his duties for so many years, if divorced from the particular circumstances of this case, would not be an argument for this bill or that we should give him a pension, and if you applied the test that these men have faithfully performed their works as judges of probate, we might carry it on and apply it to county treasurers or county commissioners, who might make the same sort of an argument.

Now it seems to me that there is no call for the requirements that the good hearted and generous senator from Penobscot would have us adopt at this time.

In the first place, these judges do not put in full time. Ordinarily they sit one or two days a month and for the rest of the time they are allowed to maintain their private practice.

In our own county, where the judge probably has as much practice as any judge in the state, there are only certain hours a week, with some few days, that he is not at his office in attendance upon his private practice.

So that with this opportunity before them it seems that we ought to consider carefully before we embark upon this proposition and add another burden to the tax payers at a time when they are heavily burdened, and when we are preaching economy, at

least preaching it, and that we ought to defer this until a time shall arrive when the call is more insistent than at the present time.

None of these gentlemen whom I have known have suffered from want and generally they retire with the respect of their fellow practitioners, and that opens the door to a very lucrative practice upon their retirement.

Mr. DEARTH: Just a word, Mr. President. The senator from Cumberland would have you believe that this is a new departure. Everybody knows that you are doing the same thing with the supreme court judges. It is not a new departure. It is treating the judges of the probate court with the same courtesy and with the same generosity and the same policy that you are treating the judges of the supreme court.

Mr. GURNEY: Mr. President, may I say in regard to that that the fact is the judges of the supreme court ordinarily leave a practice exceeding in value the income, the money they earn, \$5000 a year, when they accept a position on the supreme bench. Now these gentlemen do run along a private practice, ordinarily, in addition to their duties as judges of probate, so that it does not seem to me that the argument is entirely analogous.

Mr. DAVIES of Cumberland: Mr. President, may I inquire through the chair if the only judge at the present time who would come within the scope of this bill is a retired judge of probate from the county of Franklin?

Mr. DEARTH: That is the way I understand it, but I am not absolutely sure.

Mr. DAVIES: And he received a salary of \$600 a year?

Mr. DEARTH: Yes.

Mr. DAVIES: So that the only sum of money that this bill would pass at the present time would be \$300 for the judge of probate of Franklin county?

Mr. DEARTH: That is the way I understand it.

Mr. GRANT of Cumberland: Mr. President, may I ask the senator from Penobscot, through the Chair, if there is a demand for this bill?

Mr. DEARTH: Mr. President, I am

willing to leave that question to the members of the Senate, whether there is a demand for it. I leave it with the consciences of the members of this Senate as to whether there is a demand for it.

The PRESIDENT: Do I understand that that answers the question of the senator from Cumberland?

Mr. GRANT: My question was, does this particular party ask for this?

Mr. DEARTH: I cannot state that he made the request, and it would be below the dignity of the judge of any court to make such a request. And the fact that they have had this experience upon the bench has educated them to that nicety, that appropriateness, that they would not stoop to ask. It is for us in the generosity of our souls to recognize the situation and not put them to the humiliation of begging for these things.

Mr. WALKER of Somerset: Mr. President, when I think of many of the appropriations, big and little, which this Senate has passed without a murmur, and then to haggle over a little matter like this of \$300 to a judge of probate, a man who in order to become a judge of probate must ordinarily give up a large practice, I say when I think of these things I am surprised. It seems to me that we ought to be big enough to stand for this proposition, and I truly hope that the motion of the senator from Cumberland, Senator Grant, will not prevail.

The pending question being on the motion of the senator from Cumberland, Senator Grant, that this bill be indefinitely postponed, a viva voce vote was taken and the motion was lost.

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

The PRESIDENT: The Chair lays before the Senate S. D. 247, An Act relative to the surety bond business of trust companies and domestic corporations, and amending Section 90 of Chapter 52 of the Revised Statutes, tabled by the senator from York, Senator Lord, pending second reading.

Mr. LORD: Mr. President, I move that this bill take its second reading.

On motion by Mr. Davies of Cumberland, tabled pending second reading.

The PRESIDENT: The Chair lays before the Senate, An Act to authorize Horace Cleland to erect and maintain a fish weir in tide waters in front of his land in the town of Perry, tabled by the senator from Washington, Senator Peacock, pending passage to be enacted.

On motion by Mr. Peacock the Senate reconsidered the vote whereby this bill was passed to be engrossed. The same senator then offered Senate Amendment A and moved its passage.

On further motion by the same senator, the bill and the amendment were tabled.

The PRESIDENT: The Chair lays before the Senate H. D. 461, An Act to amend Section 25 of Chapter 18 of the Revised Statutes, relating to appointments of members of board of dental examiners, tabled by the senator from Androscoggin, Senator Parent, pending first reading.

On motion by Mr. Parent the bill was given its first reading.

Additional papers from the House:

"House of Representatives,
Office of the Clerk, March 26, 1919.
To Percy F. Crane,

Secretary of the Senate,

The Governor having returned to the House H. D. 346, Resolve in favor of John G. Fleming, for building a highway in the town of Wiscasset, without his approval, the House proceeded to vote on the passage of the resolve. One hundred and thirty-seven members voted in favor of the passage of the resolve notwithstanding the objection of the Governor, and four members voted against the same, and the resolve accordingly received a passage notwithstanding the objection of the Governor.

Respectfully,

(Signed) CLYDE R. CHAPMAN,
Clerk of the House."

The secretary read the message of the Governor. (For full text of the message see House report.)

Mr. DAVIES of Cumberland: Mr. President, I should like to inquire through the Chair of the chairman of the committee on ways and bridges as to the facts in relation to the resolve. There is a bare possibility that the Governor is mistaken in his investigation, and it seems to me that Senator Peacock might be able to give us some information that would be of value.

The PRESIDENT: The senator from Washington, Senator Peacock, hears the inquiry of the senator from Cumberland, Senator Davies.

Mr. PEACOCK: Mr. President, this matter was not submitted to our committee. It went before the committee on claims.

Mr. DAVIES: May I inquire through the Chair of the chairman of the committee on claims if he will be kind enough to give us the information. The Governor of the State makes a very strong statement in relation to this resolve and it seems to me that we should have information in relation to it.

The PRESIDENT: The senator from Androscoggin, Senator Googin, hears the inquiry of the senator from Cumberland, Senator Davies.

Mr. GOOGIN: Mr. President: The original claim was for \$4085. The allotment was \$2093. It appears that John Fleming was one of the first contractors, or sub-contractors that was employed by the highway commission. The highway commission at this time had not had a great deal of experience in this line of work; that is to say, the contract was vague in a way. After Fleming had started the road they of course had their engineer go down there and take charge and there were numerous changes made in the construction. These changes were made without any statement being made of the prices that they would give for the difference in construction from the contract and thereby a misunderstanding arose between the highway commission and the contractor.

And they were never able to agree and never able to settle their differences. We had a very exciting hearing the first time up in room 98, and

at one time it looked as though we might have a free fight there. At an adjourned hearing of the claims committee in the Senate everything was orderly, but no agreement could be gotten between the different parties.

After hearing all the facts it was the unanimous vote of the claims committee that this amount was a fair price to be paid. Any question that the Senator from Cumberland would ask further I would be very glad to answer if I could.

Mr. DAVIES: Mr. President, may I ask the chairman if he has any idea what the basis of the Governor's statement was that the resolve carries at least three times as much money as should be appropriated under it?

Mr. GOOGIN: In the second hearing upon the case the assistant attorney general admitted that there was something like \$600 that should be paid, and I imagine he based that calculation upon the admission of the assistant attorney general.

Mr. DAVIES: Quite likely.

Mr. THOMBS of Penobscot: Mr. President and Senators, it is with considerable reluctance and much diffidence that I assume to address you very briefly upon this matter. It is a serious matter, of course, in this body when we are considering a veto message. But I feel that I am warranted in doing this because I have had some connection and am somewhat conversant with the facts that have led up to the present point in this controversy between Mr. Fleming and the State of Maine.

The chairman has told you that several years ago Mr. Fleming had a contract with the State highway department for the building of a certain piece of road in the town of Wiscasset. It is a matter of common knowledge that in contracts of all kinds various changes are brought about in the process of the work, and it seems that in this particular instance there was no variation from this quite prevalent rule. Certain changes were asked for by the high-

way department and their wishes were acquiesced in by the contractor and the work was performed. So far as I know the work itself when finally completed was acceptable to the State of Maine, and so far as I know there isn't any controversy upon that point. They do not claim that Mr. Fleming ought not to have any compensation on account of the quality of the work.

Now my connection with this matter first began in 1915, I think, when I was a member of the House. The parties at that time had reached the stage where they had found that they could not agree as to the amount that was due Mr. Fleming for this extra work, he claiming a certain sum and the highway commission not being willing to grant him that sum. As a representative from the class in which Mr. Fleming lived, I was requested to introduce a resolve in this legislature, asking that the right be granted Mr. Fleming to bring a suit at law in any of the supreme courts of the State of Maine, in order that this matter might be decided upon the facts admitted by both sides, and in accordance with the law of the State of Maine.

It seemed to me that that was a perfectly fair proposition. The parties being unable to agree, what else was there left for Mr. Fleming to do except to offer to arbitrate this matter before a fair impartial board. And it occurred to him, and I think I endorsed it too, that the fairest way in which this could be done would be to ask that the State of Maine, by its representatives in the highway department, simply come into court, and before a jury, as other litigants are bound to do, take up this matter in detail, and after the matter was decided upon the facts and the law it would forever end the controversy. And I want to submit to you, Senators, that it seemed to me at that time, and I am of the same opinion still, that this was as fair a thing as Mr. Fleming could offer to do.

This resolve went merrily on its way through these two branches up

to the last act in this branch of the Legislature, and while I was dozing peacefully in the House some senator in this body—who I do not say had the least interest in the matter and I attach no blame to him whatever, but he moved its indefinite postponement and it was gone.

Then Mr. Fleming, like many of us, needing his money if it was possible to get it, was obliged again to seek through the commission an adjustment of his claim. But he did not meet with any better success than he had the first time. And I know that he and his assistants have made many trips to Augusta to try to reconcile these differences of opinion and arrive at something that might even be approximately correct. That was the status of the matter at the opening of this session of the Legislature.

Now Mr. Fleming was advised at this session that perhaps he had better seek his remedy in another way than asking the right to sue the State of Maine, inasmuch as that seemed to be a right that was jealously guarded by the Legislature. We have in these bodies a joint standing committee known as the committee on claims, and it seemed to be a perfectly proper matter to refer to them. This committee on claims, as its chairman has told you, very patiently sat through two long hearings and heard what purported to be the facts upon the one side and the other. Each side had ample opportunity to present their claims, to present any evidence that they might have to offer to substantiate them and to make such comment and argument as they deemed necessary or expedient. It seems to me, Senators, that this proceeding was not unlike the proceedings in a court at law. Here were ten men entirely, so far as I know, unacquainted with the facts in this matter until the subject was before them for consideration. I believe that they approached its consideration with open minds, desiring only to ascertain what the facts might be and to render their decision in

accordance with the same. And how well they have accomplished that purpose is illustrated by the proceedings that we have before us this morning. Here is a committee report, unanimous, the result of the combined minds and judgment of ten men who heard the evidence, and they recommend to this Legislature that this man should have in their opinion a certain sum. And the only quarrel that I would have with his Excellency over this matter is the fact that he states to us that in his opinion this man is not entitled to more than one-third of such sum.

By making a statement of that kind, it seems to me that he is trying to tell us his judgment in respect to the same in opposition to the judgment of the committee. And I submit to you, fellow Senators, that it seems to me that it is only a fair proposition for us to consider carefully how we should receive such a committee report. I do not know why it is not entitled to your and my serious consideration, and I feel that it should not be lightly set aside, notwithstanding the veto message just read in our hearing. And, gentlemen, I hope that when you come to vote on this matter, you will feel that this controversy so long continued—even if you and I might disagree a bit as to the exact amount due, taking into consideration the fact that the State of Maine admits that some sum is due—might very well be determined at this time and this man be given his money which he has been put to so much trouble up to the present time to try to get.

Gentlemen, I hope in voting upon this matter, that the committee report may have your serious consideration.

Mr. DAVIES of Cumberland: Mr. President, the seriousness of this matter must impress itself upon the minds of all of us. The veto message of the Governor states that a resolve has been passed in favor of Mr. Fleming which carries with it three times the amount of money which it should carry. The House has almost unanimously passed the resolve over the veto of the Governor.

It seems to me, Mr. President, that this is a matter which should be very carefully considered by the Senate, and therefore I move that the papers lie upon the table until tomorrow.

The motion was agreed to.

Orders of the Day

On motion by Mr. Peacock of Washington, An Act to authorize Horace Cleland to erect and maintain a fish weir in tide waters in front of his land in the town of Perry, was taken from the table. On further motion by the same senator the vote was reconsidered whereby this bill was passed to be engrossed, and the same senator then offered Senate Amendment A to H. D. 334, as follows:

"Amend H. D. 334 by adding the following section:

'Section 3. Said Horace Cleland before constructing a weir under this act shall give a bond as provided in Section 121 of Chapter 4 of the Revised Statutes.'

The amendment was adopted and the bill as amended was passed to be engrossed and sent down for concurrence.

Mr. GANNETT of Kennebec: Mr. President, I ask unanimous consent to present a resolve out of order.

Unanimous consent was granted and the secretary read the following resolve:

Resolve in favor of certain members of the 26th Division.

Whereas, the 26th Division, A. E. F., is about to return from foreign service and disembark in the city of Boston, and

Whereas, a review of said 26th Division is to be held before officials of the State of Maine in said Boston during the month of April, and

Whereas, many members of the 26th Division are now in Maine at their respective homes, in advance of the balance of the division, including the peerless 103d, so largely made up of the former 2nd Regiment, N. G. S. M., and

Whereas, an appropriation of money to make it possible for the State to assist in the celebration of the re-

turn of her heroes is an emergency measure immediately necessary for the public peace, health and safety,

Now therefore, be it

Resolved: That there be and hereby is appropriated, out of any moneys in the treasury not otherwise appropriated, a sufficient sum of money to defray the traveling and incidental expenses of each returned member of the 26th Division, A. E. F. from his residence to Boston and return, for the purpose of participating in the welcome and review of the 26th Division, said money to be expended under the authority and direction of the adjutant general.

Section 2. In view of the emergency cited in the preamble this act shall take effect when approved.

Mr. DAVIES of Cumberland: Mr. President, may I inquire, please, of Senator Gannett through you if he has any idea how much money this resolve would appropriate?

Mr. GANNETT: Mr. President, in answering that question I will say there is no way to tell. I went to the Northeastern Department last Saturday and found that the War Department could not pay the expenses of these men, for instance, 180 men of the trench mortar battery came home and were discharged. Their idea at first was to have them come home on furlough, and then the War Department would pay their expenses back, but that could not be arranged, and Gen. Edwards asked that some money be appropriated by the State of Maine to help defray the expenses of these men to Boston and return. They will take care of them up there, but the railroad fare would have to be taken care of in some other manner. It seems to me the only way to do that is for the State of Maine to appropriate money, or collect money by public subscription, and as this is a matter of interest to everybody in the State, I should think it would be right and proper for the State to set aside some amount of money, or leave to the adjutant general's department to make such arrangements as may be necessary.

There is a question as to whether

we can get reduced rates on the railroad, and that is now being considered by the adjutant general, and he will know shortly.

This covers, besides the trench mortar battery of 180 men, any men who have been wounded or sent home as casualties, and they would all want to go up there, and it is the request of Gen. Edwards that some provision be made so that they can get up there. As you know, most of these are poor boys not able to meet that railroad expense, and if we supply the funds for this purpose there will be no expense whatever to the men.

As far as the number of men goes, there is no way of telling, outside of the trench mortar battery of 180 men. They do not know at the Northeastern Department, and no one knows here in Maine. In the course of a week or two we can get at, approximately, the number by writing to the various communities and have them report here.

Mr. DAVIES: I think the senator has answered the question substantially, Mr. President, and I desire to say that there is no question about the interest in the State. I am very heartily in favor of both the letter and the spirit of the resolve, but there is still in my mind doubt as to what amount of money the resolve should appropriate. May I ask the senator again, please, through you, Mr. President, for his best judgment as to the amount of money this resolve would carry with it—your best judgment, senator, please?

Mr. GANNETT: I cannot answer that question.

Mr. DAVIES: All right.

The resolve was received under suspension of the rules, and on further motion by the same senator was given its two readings and was passed to be engrossed and sent down for concurrence.

Mr. GRANT of Cumberland: Mr. President, I desire to ask the unanimous consent of the Senate to introduce a resolve at this time out of order. It does not call for an appropriation of money.

Unanimous consent was granted and the senator presented a resolve in favor of the University of Maine.

Mr. GRANT: I wish to state that this is simply the renewal of a bond that comes due next June.

The resolve was given its first reading and its second reading was assigned for tomorrow morning at 10 o'clock.

Mr. DEERING of York: Mr. President, I move that we take from the tables S. D. 188, tabled by me this morning, An Act to supplement Chapter 29 of the Revised Statutes, and to provide for the care of persons requiring full support or more than temporary relief.

The motion was agreed to.

Mr. DEERING: Mr. President, this is a matter which is not new to the Senate or to the people of the State. It is an act entitled An Act to supplement Chapter 29 of the Revised Statutes and to provide for the care of persons requiring full support or more than temporary relief.

I will say that this act was criticised in the House, and one of the principal reasons given for the action which the House took, namely, indefinite postponement, was because the title of the bill was misleading. This bill has been known for the past four or five years under the name of the county alms house bill.

For a great many years an institution near Portland was known as a reform school, and the name reform school seemed to carry some degree of aspersion to those who entered that institution.

After a while it was deemed better to change the name, reform school, to "State School for Boys," so that the name would not imply that the boys were at that school for any reform. And so, following out the same principle, the title of this bill was purposely changed, and the word "almshouse" was stricken out so that it would read that the bill provided for the care of persons requiring full support or more than temporary relief.

I say that was one of the reasons advanced in the House why this bill got by them so easily and they did not have a chance to kill it sooner, or something of that kind.

We formed, about ten years ago,

a board of charities and corrections. That board of charities and corrections was formed after a great deal of argument. There seemed to be an opinion on the part of some people that it was absolutely unnecessary at the time to provide for that board. But such things grow only by educating the people to its need. And in due time the board of charities and corrections was established in this State, and since it was established the distribution of money for charitable purposes has had some system about it.

Previous to the establishment of this board there was absolutely no system in regard to the examination of the places that now come under the jurisdiction of the board, and there was no discrimination as to how much money ought to be expended upon any or all of the institutions that now come under the action of the board.

In establishing any sort of a commission or board it is to be presumed that the State of Maine has taken some thought upon the subject, and if it has taken that thought, and in this particular case I imagine that it has, there is no doubt, if it does its duty properly, it will make some study of the matter under consideration.

Now I do not care to go into any discussion as to facts and figures in this particular case, because they have been so thoroughly threshed out before the various committees before which this particular bill has been heard for several sessions.

Two years ago the bill was heard twice before the judiciary committee, and this year it was heard once by the judiciary committee, and the first time it was reported this year it was reported eight to two against it, and then it was recommitted to the committee on judiciary and the objectionable features of the bill were stricken from it, so that it now comes into the Senate with a unanimous report of the committee in favor of it. It passed the Senate and went to the House. Then what happened to it? It seems that

a sentiment prevailed there, more through fear and prejudice than through the dictates of logic and reason. This sentiment was largely based upon the fact that towns were compelled to go under the provisions of this act, but to quote from Section 1 the Senate will see that is not so. Section 1 reads "In each of the several counties of the State, the cities, towns and plantations situated therein, or a majority thereof, are hereby authorized to form a district composed of the cities, towns and plantations in said county which have accepted the provisions of this act in the matter specified in Section 11."

Now no city or town accepts the provisions of this act at all unless it votes to accept it, and it is not binding upon anybody unless it takes that vote. The entire provisions of the bill at the present time stand as a perfectly optional arrangement between the cities and towns themselves and if they desire to enter into such arrangement they can take a vote and become a district. Three-fourths of them in any county may form such a district. Now I do not think that the people who oppose this bill have made the study of it that the board of charities and corrections have. I know for a matter of fact that for six years the board of charities and corrections with its agent, its attorneys and other people who are interested in their work, have examined every single law in the United States to find out what is the best way to take care of the poor of our State. We have now the old town farm system. We fear to get away from it; and that is the reason why we have not adopted this before. If we are going to maintain the old town system through fear that we will come to something that is going to get cities and towns into trouble, we will never make any advance at all in the taking care of the poor whom we always have with us.

Now I might, if time permitted, and if occasion demanded, quote to the different members of the Senate reports from the town almshouses that there are in the State of Maine.

I might tell you how many of them have no sanitary arrangements whatever, how many have no place to take care of the sick at all, how many of them simply have kerosene lamps and wood stoves in order to light and warm the poor that go there. But it seems to me that it is not necessary at this time for me to enlighten the Senate on these particular things.

I will say, however, that for every two poor people in Maine it takes one to take care of them. Now that is a fact that we get from statistics. Every time you have two poor people you have to hire one person to take care of them. Even in the Insane Hospital across the river it takes only one to take care of four. But under our system of town farms it takes twice as many employees to take care of the poor as it does under our system of taking care of the insane, to take care of them. I maintain that that particular thing, where we have to have one, well, able-bodied citizen to take care of two poor people—that it is not an economical proposition.

Now this system having been worked out by the experts that it has been worked out by and the bills put before the last Legislature and this Legislature and explained, questions having arisen and been taken care of, the objections to certain parts of the bill having been taken care of by people who understood the provisions of it, it seems to me that the wave of the hand in the House that absolutely obliterated six years of earnest work by experts, was not a well-advised action. It strikes me that when we created the department to do the work that has been done in this particular act and bring the facts before the Senate and the House, and put them in such a bill as the judiciary committee of the Senate and the House would accept—that when we come before a judiciary committee as I say and all of those objections taken care of so that a unanimous report of that committee comes out—that it must be lack of understanding of the provisions of this bill and lack of knowledge of the subject

matter contained in it, that could acquaint any man either in the Senate or in the House to say this is not what the people of the State of Maine want. Now that is exactly what happened by simply a few minutes, ten or fifteen minutes' perhaps speech, and perhaps two or three days' time, somebody says that that is not what the people of the State of Maine want, when for six years we have had a board of experts studying upon these various things and get statistics and figures from all parts of this country in order to frame up a bill that would be acceptable to the committee of the Legislature so that this particular plan might be worked out.

And I say to you, gentlemen, that this plan is the plan that the State of Maine ought to adopt. It binds nobody unless the town or city votes to be bound by it. I know of three sections of the State at the present time that are anxious to have this bill passed so that they may take a vote to come under the provisions of it. And it is not a fair proposition that the rest of the State should shut them out from participation in this bill when that is what those three sections want. And I predict now without any fear of contradiction or without any fear of having my words come true, that in ten years after this bill is adopted every single town and city in the State will have adopted the provisions of it, be living under it, and be glad that they are living under it.

Therefore, considering the action that the House took in indefinitely postponing this bill after a few minutes talk and a few days study, I move you, Mr. President, that we insist upon our former action and appoint a committee of conference.

The motion was agreed to and the Chair appointed as such committee of conference on the part of the Senate, the senator from York, Senator Deering, the senator from Penobscot, Senator Déarth, and the senator from Kennebec, Senator Cobb.

Mr. DAVIES of Cumberland: Mr. President, I move to take from the table An Act to amend the charter of the city of South Portland, the same being H. D. 194. By the calendar this morning it was tabled on my motion, but I am confident, Mr. President that that is a mistake of the printer.

Nevertheless, I have investigated some of the facts in relation to it and move that we concur with the House in the adoption of House Amendment A, which was printed as Senate Document No. 236 on my motion of the 21st.

The motion was agreed to, the bill was taken from the table, the Senate adopted House amendment A, and the bill as amended was passed to be engrossed.

The PRESIDENT: The Chair will appoint on the executive committee to act in conjunction with the special committee for the reception of the 26th division, the senator from Kennebec, Senator Gannett, and the senator from Androscoggin, Senator Googin.

On motion by Mr. Holt of Hancock,

Adjourned until tomorrow at ten o'clock.