

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

## Seventy-Ninth Legislature

OF THE

## STATE OF MAINE

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1919

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AUGUSTA  
KENNEBEC JOURNAL PRINT  
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## SENATE

Wednesday, April 2, 1919.

Senate called to order by the President.

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

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

### House Bills in First Reading

H. D. 505: An Act to amend Sections 6 and 7 of Chapter 33 of the Revised Statutes, as amended by Chapters 219 and 244 of the Public Laws of 1917, relating to providing dams with fishways.

This bill came from the House passed to be engrossed as amended by House Amendment A.

On motion by Mr. Lord of York, Senate Amendment A to House Amendment A was adopted, striking out the last six words of House Amendment A, "and his decision shall be final," and the bill as amended was given its second reading under suspension of the rules and passed to be engrossed and sent down for concurrence.

From the House: Report of the committee on judiciary on joint resolution on the League of Nations, came from the House ordered placed on file.

In the Senate the report was accepted, went to the House and in that body was indefinitely postponed.

On motion by Mr. Thombs of Penobscot, the Senate receded and concurred with the House in the indefinite postponement of the resolution.

From the House: Report of the committee on judiciary, ought to pass in new draft, on An Act to provide for pensioning firemen of the city of Lewiston.

On motion by Mr. Lord of York, tabled pending acceptance of the report.

Mr. DAVIES of Cumberland: Mr. President, might I ask the senator

from York, through the Chair, when he will take this matter up and dispose of it?

The PRESIDENT: Prior to having the question answered I will state that it is the purpose of the Chair to recess until 3.30 this afternoon, and if necessary to recess again until 7.30 this evening, in order to expedite the business of the session. The pending question is on the motion of the senator from York, Senator Lord, that this matter lie on the table.

The motion was agreed to.

Mr. LORD: Mr. President, I will say that I tabled that bill at the request of a senator who is not present, and I think it will be taken up very shortly.

From the House: An Act to prohibit experiments upon living dogs.

This bill came from the House, read twice under suspension of the rules and passed to be engrossed.

In the Senate the rules were suspended and the bill was given its two readings and passed to be engrossed in concurrence.

### Message from the House

Augusta, Maine, April 2, 1919.

To Percy F. Crane,  
Secretary of the Senate.

The Governor of the State, having returned to the House of Representatives H. D. 401, An Act entitled An Act to grant additional corporate power to the Maine Title and Utility Company, without his signature and with his objections to same, the House proceeded to vote whether the bill should receive a passage notwithstanding the objections of the Governor. Eight voting in favor and 112 against, accordingly the bill failed to receive a passage over the veto of the Governor.

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

On motion by Mr. Thornton of Aroostook, the communication was placed on file.

From the House: S. D. 210, An Act additional to Chapter 45 of the Revised Statutes, relating to sea and shore fisheries, and prohibiting the transportation of lobsters beyond the

limits of the State, except by common carrier, until a permit for said purpose is issued by the commissioner of sea and shore fisheries.

In the Senate the majority report of the committee, ought to pass, was accepted and the bill was passed to be engrossed.

In the House the minority report, ought not to pass, was accepted.

On motion by Mr. Peacock of Washington, the Senate voted to insist and asked for a committee of conference.

The Chair appointed as such committee of conference on the part of the Senate, Messrs. Peacock, Deering and Davies.

Resolve for the pay of the chaplain and certain employees and for type-writing and stenographic assistance for the official reporter of the Senate.

On motion by Mr. Grant of Cumberland, without reference to a committee and without printing, under suspension of the rules, this bill was given its two readings, passed to be engrossed and sent down for concurrence.

Resolve on the payroll of the Senate.

On motion by Mr. Grant of Cumberland, under suspension of the rules, this bill was read twice, passed to be engrossed and sent down for concurrence.

### Orders

#### STATE OF MAINE

In the Senate, April 2, 1919.

Ordered, that bill, An Act to authorize Horace Cleland to erect and maintain a weir in tide waters in front of his land, etc., (H. D. 334) be recalled from the Governor.

The order was given a passage.

On motion by Mr. Thombs of Aroostook, it was

Ordered, that the Governor be requested to return to the Senate bill, An Act entitled An Act to amend Section 1 of Chapter 55 of the Revised Statutes, relating to causes determined by the public utilities commission.

Mr. GOOGIN of Androscoggin: Mr. President: I rise to a question of

personal privilege. The time has now come in the deliberations of this Senate when it is fitting and right that we should pause for a moment from our labors. Before long the Senate of the 79th Legislature will be a thing of the past. And before that time comes when each member of the Senate shall have returned to his home, I wish, at the request and in behalf of the senators over whom you have so fairly and efficiently presided, to say to you Mr. President, a few words.

From boyhood to manhood does not seem in the fleeting of time to be a great ways. But, from a water boy on a gravel train to the presidency of the Maine Senate is indeed a great accomplishment, and praise too high cannot be given you for this achievement. Today you stand as an inspiration to the youth of our state. Your record cannot fail but show to them, that if they will but use the best that is in them, they can accomplish great things. We, who have served in this Senate under your guiding hand and inspired by your fine personality cannot but feel that your position today is not the end of your service to your state.

And it is with a deep sense of pleasure and satisfaction that I herewith present you with this token of our regard and admiration. May this inspiration be reflected in this timepiece. And as you mark the passing of time upon its dial, it is our sincere wish that you will always remember that time can never efface the pleasant memories which your fellow Senators will always feel, in having served in this Senate with you as their President.

And Mr. President, may God in his infinite wisdom and mercy keep and prosper you. And when in due time you reach that haven of rest to which we all must go, give you life everlasting. (Applause.)

The PRESIDENT: Senator Googin, fellow senators, may I be pardoned at this time if I say that perhaps I am under a strain otherwise than this presentation this morning and if in any

way I give vent to my feelings I trust you will know that my thanks are none the less sincere.

It was indeed a proud moment in my life when I was elected to the House of Representatives to serve my city, and it was also a proud moment when they returned me for the second term. The city which I represented in that legislature had never had a senator. It seemed to me but fitting that I should become a candidate for the high position of senator, and in view of the fact that the southern end of Penobscot county and that side of Penobscot river had never had a senator, it seemed most fitting that we should be recognized at that time. I cast my lot with the other candidates for the position and out of a field of six, three to be selected, the good people of Penobscot county saw fit to name me as one of their three senators. I served with some of you in the last Senate, and this year being a candidate for re-election and being re-elected, it seemed to me that the highest honor that I could attain, having been honored by my fellows in the lower house as being the party candidate for speaker of the minority party, thereby making me their floor leader—the highest honor, I say, seemed to me to be your presiding officer, and with that end in view I became a candidate for this high office and you senators elected me as your president.

My one great ambition has been to serve you fairly and honestly and in the appointment of my committees, I have the list before me, and there is only one change made after that list was made up. It seemed to me that I recognized, in visiting each one of you senators, your intrinsic worth, and it was hard for me, I assure you, to decide just where I could place you to the best advantage, where you could give the best service to the state. But suffice it to say, I have never heard or received one complaint over my appointments. You have been splendid with me, and as I gave vent to the expression this morning, there is not a senator in this body that I would not defend to my utmost at any time or any place. You have been most loyal in your support of the

chair, and I want personally to say to you that I appreciate it more than tongue can tell.

My distinguished friend, Senator Googin, has referred to my position in life. I want to say to you, Senators, that I have done nothing in life but what you would have done under similar circumstances. Being called upon at the early age of sixteen to take care of my mother,—God bless her!—and two brothers and a sister, the only position obtainable that would pay an adequate compensation was that of water-boy on a gravel train. And if you men complain of getting water for the family, you may understand how hard it was to carry water for eighty men on a gravel train when it wasn't the day of steam shovels. I was fortunate enough to secure that position for the second year, keeping my studies up in the old gravel train car at night, reciting to my teacher on Sunday on my return home. I graduated with my class—not publicly, without honors, because I was not an attendant upon the school, but I had the satisfaction of knowing that I had accomplished something.

And with that end in view I determined to conquer life from my viewpoint. I started out and from then on I have devoted myself to that effort, and I shall so continue until time is no more, believing that we should aim for the very highest in life, and that we shall land where we are best fitted to serve.

I have not made an extended address or talk to the Senate, believing that my duties as presiding officer did not call for such action; but at this time, and as we have so much time today, I am sure the members of the Senate will pardon the president if he takes a moment, or a few moments of your time to review somewhat the work of this Senate. I want to say to you, senators, and restate it, that I believe in the history of the state of Maine there were never 30 more loyal senators gathered together to represent the state of Maine in its varied interests than are gathered in this 79th Legislature. I believe that when the history of this state is written, this Senate of the 79th Legis-

lature will go down as one of the most progressive, aggressive and efficient of any in its history. I want particularly to refer to some of the committees, and this is a first list that I made up of my appointments, and while it may appear to you a bit rambling as I have not prepared it—it is straight from the heart and I mean every word I may say in regard thereto.

Some of your members have served with me the entire four terms—I believe one of your members has served with me during that entire number of terms that I have served in the Legislature, and I refer to the distinguished senator from Hancock county, where I was born, Senator Ricker. In the appointment of the committee on agriculture I gathered the state under my eye and it seemed to me that if I could put that staunch Republican, staunch citizen, staunch man of the highest integrity, Senator Tuttle, as chairman of that committee, associating with him that senator from Cumberland whose illness prevented his coming to us at the organization, Senator Babb, and that senator from Kennebec who has acquitted himself in previous sessions and in this session with credit, Senator Chick, I would have accomplished what would be the highest desires of my heart.

On appropriations and financial affairs, my old committee, members of which I loved, the work of which I loved, I put that ranking senator who has given such splendid account of himself in this and the previous Senate, as chairman, Senator Grant of Cumberland, a man to whom we all owe a great deal for the successful handling of appropriations and financial affairs in the Senate. Associated with him was that splendid type of business man, my friend whom I delight to honor, Senator Emerson of Aroostook; and also the prince of good fellows and the senator who perhaps has done as much along certain lines as any other man in the Senate, Senator Gannett of Kennebec.

On banks and banking, my close personal friend, a man of whom I

think there are few equals in this or any other state, Senator Baxter of Sagadahoc, and with him my distinguished friend and a man for whom I have the very highest regard, Senator Creighton of Knox; and with him that senator who has returned to us for the second term, a man who has given a splendid account of his stewardship, Senator Stanley of Oxford.

On claims, that splendid baby of the Senate, and high type gentleman, a man who served the State with credit two years ago, and the gentleman who has just presented me with your gift, Senator Googin of Androscoggin; and associated with him was that retiring gentleman, modest but efficient, Senator Clement of Waldo; and that senator from Cumberland who perhaps has been worked on committees—the fault of the Chair somewhat—as perhaps few other men in the Senate, Senator Gurney of Cumberland.

On education, that old war-horse of the Senate, who has seen, I believe, longer service than any senator present, a man of high type character, who has done his work well and efficiently, Senator Walker of Somerset; and associated with him my friend, your friend, the friend of everybody, that splendid young business man, Senator Ames of Washington; and with them that distinguished senator from my own home county, or the county which gave me birth, Senator Ricker of Hancock.

At the beginning of this session it was stated that the most important committee, or one of the most important committees would be the committee on federal relation, and at the head of that committee I placed a man that I believed in every way capable of fulfilling the duties of that committee and the exacting duties that it was thought that there would prove to be, Senator Gurney of Cumberland; and associated with him the distinguished senator from Androscoggin, Senator Googin, and the distinguished senator from Aroostook, Senator Thornton.

On Indian affairs: My selection for

that committee was the splendid business man whom I have already referred to, Senator Ames of Washington, and associated with him Senator Ricker of Hancock and Senator Thombs of Penobscot.

On inland fisheries and game,—in casting about for the membership of that committee, it seemed that the state should be well divided, and I selected that splendid Senator, that gentleman in the highest sense, Senator Metcalf of Piscataquis, and associated with him that distinguished senator from Cumberland county, Senator Babb, and then feeling that perhaps the center of the state should be recognized, I intruded upon the generosity of my friend and fellow senator, Senator Chick of Kennebec.

On insane hospitals, one of the most exacting and one of the hardest worked committees of the senate, I selected my friend and former associate, Senator Chick, associating with him that prince of good fellows, Senator Holt of Hancock and Senator Peacock of Washington.

On interior waters, a committee requiring as careful consideration in its selection as any committee, one that has to do, perhaps, with more on interior waters than any committee, I selected that splendid business man, Senator Emerson of Aroostook, and associated with him the senator from York, Senator Lord, and the senator from Piscataquis, Senator Metcalf.

On judiciary, supposed to be the peer of them all, although some of us who have served on other committees feel perhaps that that is not wholly true, but certainly a committee that is composed of the highest type citizens of Maine, or any within the gift of this or any other body; and my selection for that committee I believe was based upon the qualifications of the men and of their service to the State, men who have been tried and not found wanting, men who have come to me on every occasion and have been splendid in their treatment, men who could not have done more had I been their next of kin; they have given me their unstinted support at any and all times. I selected for that committee perhaps the dean

of the body, Senator Davies of Cumberland, and associated with him those two splendid men whom it was my delight to honor as far forth as I possibly could, the senator from Penobscot, Senator Dearth, and the senator from York, Senator Deering.

On labor: In casting around for a chairman for this committee I selected the senator from Kennebec, centrally located and a man who was prepared to give his time and services on that committee, the senator from Kennebec, Senator Cobb, and associated with him the senator from Knox, Senator Creighton, and the senator from Oxford, Senator Stanley.

On legal affairs: It was perhaps in the selection of this committee that I might be pardoned if I suggest that if I had a leaning toward the appointment of any committee it was possibly this one, on account of the close friendship existing between the senator appointed and myself, a man for whom I have always had the highest respect and a man whom I shall always love, Senator Thombs of Penobscot—and associated with him those two splendid senators, the senator from Cumberland, Senator Gurney, and the senator from Androscoggin, Senator Parent.

On library, my friend, and the oldest and the only senator, if my memory serves me correctly, who has served with me during the entire four terms of my service to the State, Senator Ricker of Hancock, and associated with him Senators Grant and Walker.

On mercantile affairs and insurance: For this committee I selected the gentleman from Franklin, Senator Butler, who has given splendid service as chairman of that committee, and associated with him Senators Tuttle of Aroostook and Grant of Cumberland.

On military affairs: This committee, perhaps one of the most worked committees of the session, I selected that splendid citizen of the younger type of the State of Maine, Senator Gannett of Kennebec, who has been untiring and unceasing in his efforts to promote the welfare of the military department of our State; and associated with him Senator Cobb of Kennebec and Senator Gurney of Cumberland.

On pensions, that splendid senator whom we all love to meet and are delighted to greet, Senator Gordon of York; associated with him Senators Clement of Waldo and Walker of Somerset.

On railroads and expresses, the senator from York, for whom I have the very, very highest respect, a man to whom I am as closely drawn perhaps as any other senator of this body, Senator Lord of York; and associated with him Senator Folsom of Somerset and Senator Parent of Androscoggin.

The salaries and fees: When I came to this high office I said to my friend, the distinguished senator from Cumberland, that I was about to punish him with kindness, and I appointed the senator from Cumberland, Senator Grant, and associated with him the senator from Franklin, Senator Butler, and the senator from Somerset, Senator Folsom, and if you do not think they have earned their salaries in this one particular committee, please consult with them at your earliest convenience.

The sea and shore fisheries, my friend and your friend and the great friend of the State of Maine and all its interests, the senator from Washington, Senator Peacock, and associated with him Senators Clement of Waldo and Holt of Hancock.

The State land and forest preservation: Senators Ames of Washington, Emerson of Aroostook, Gannett of Kennebec, who have given of their time and attention to those matters referred to that committee.

State prison—the senator from Penobscot, Senator Thombs, the senator from Sagadahoc, Senator Baxter, and the senator from Knox, Senator Creighton; the result of their efforts on that committee is so apparent in the bills coming through that no words of eulogy on my part are necessary. They speak for themselves.

On taxation, the senator from Kennebec, Senator Gannett, the senator from Sagadahoc, Senator Baxter and the senator from Androscoggin, Senator Googin. They, too, have acquitted themselves with credit.

On ways and bridges, a committee that perhaps has done at least

two seasons' work in one, early and late, in and out, at all times and in all places, a committee that has given unceasingly of their time and attention to the more than two hundred bills referred to them. And they have passed upon them, as I believe, logically and with the best interests of the State of Maine at heart. And I desire in this especial way to compliment the senator from Washington, Senator Peacock, the senator from Sagadahoc, Senator Baxter and the senator from Lincoln, Senator Lewis, upon their efficient work as members of the committee on ways and bridges.

The joint select committee on public utilities, I want to especially compliment on their work for the session, and I also want to take this opportunity of saying that the chairman of that committee has introduced for your consideration, in fact it has received a passage, whereby two other committees will be merged with this committee at the next session of the legislature, and that committee will become, as it already is, one of the important committees of the Senate.

To the secretary, assistant secretary, messengers and assistant messengers, pages, door-keepers, postmasters, folders, and ladies in the secretary's office, I desire to express my sincere thanks for their cordial support, their unfailing courtesy at any and all times. I also want to make special mention of my secretary, Miss Georgie Fales, who has rendered splendid service to me as president of the Senate, and whose health will not perhaps permit her continuing until the end of the session; I desire to publicly thank her in this manner for her splendid service to me as secretary.

It seems to me that my lot could not have been cast in pleasanter or more sociable surroundings than I have had during this session of the Legislature, being associated as I am with that splendid type of American gentleman, the Speaker of the House, Hon. Frank G. Farrington, and with the members of the



lower House, splendid men every one of them.

It would seem to me that the climax of all good things would come to me at this time if—and I hope you will pardon this personal reference—if I could have with me my mother to witness the presentation of this beautiful gift, leaving me, as she did, a year ago last January, and knowing full well my ambitions—and I believe, fellow senators, that she is looking down upon us today and realizing that her son has achieved perhaps the height of his ambition. I trust you will pardon this personal reference, but I feel it and I want to pay this tribute to that woman who made possible my position today.

As I go forth from here I shall carry with me the sweetest memories of those with whom I have been associated, and the only thing that makes me feel bad is that we are about to sever our relations as members of the 79th Legislature. But I crave this further indulgence of you, that you will not forget me as I go forth, and I assure you that as you return to your several vocations in life you will ever be uppermost in my mind. And as I glance at this splendid gift of yours I shall think of you as the 30 men who gave me loyal support during the 79th Legislature, and as the hour is divided into 60 minutes, you shall each receive two minutes and the two minute rule will apply. Many of you, I trust, will return to the 80th Legislature. It is my earnest wish that you may be returned by even larger majorities than you were elected to this Legislature.

May God bless every member of this Senate and may you always feel that in your president, the present president, you have an everlasting friend.

Senators, I thank you from the bottom of my heart. (Applause.)

#### Committee Reports

Mr. Grant for the committee on appropriations and financial affairs, on the following resolves:

Resolve, in favor of Mildren Keene for services as clerk and stenographer of the committee on state lands and forest preservation.

Resolve, in favor of Miss Josephine C. Whalen for services as stenographer to the committee on public utilities and taxation.

Resolve, in favor of Edith B. Wilson, clerk of the House and Senate committees on engrossed bills.

Resolve, in favor of the clerk and stenographer, also messenger to the committee on inland fisheries and game.

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

Resolve, in favor of the clerk and stenographer to the committee on agriculture.

That the same ought not to pass as they are to be provided for by the Governor and Council.

The report was accepted and sent down for concurrence.

Mr. Grant for the same committee on Resolve in favor of Charles J. Hutchins for services in assisting members of the Legislature in drawing bills and resolves, that the same ought to pass.

The report was accepted, and on motion by Mr. Grant of Cumberland, under suspension of the rules the resolve was read twice and passed to be engrossed and sent down for concurrence.

Mr. Grant for the same committee on Resolve, in favor of the stenographers and typists in the office of the secretary of the Senate, that the same ought not to pass, as the same is provided for in Resolve, for the pay of chaplains and certain employees and for typewriting and stenographic assistance.

The report was accepted and sent down for concurrence.

Mr. Grant for the same committee on the following resolves:

Resolve, in favor of the clerk, stenographer and messenger of the judiciary committee for services rendered.

Resolve, in favor of Lawrence P.

Barton for services as clerk to the committee on legal affairs.

Resolve, in favor of Mildred L. Humphrey for services as stenographer to the committee on legal affairs.

Resolve, in favor of George H. Chick of Monmouth, Maine, for services as messenger to the committee on legal affairs.

Resolve, in favor of the clerk, stenographer and messenger of the committee on appropriations and financial affairs.

Resolve, in favor of Mellen Tryon, clerk and messenger to the committee on public utilities.

Resolve, in favor of Mellen Tryon, clerk and messenger to the committee on salaries and fees.

Resolve, in favor of Mellen Tryon, clerk and messenger to the committee on railroads and expresses.

Resolve, in favor of Louise G. Cony.

Resolve, in favor of the stenographer and typewriter to the committee on temperance.

Resolve, in favor of Louise C. Cony.

Resolve, in favor of C. Sumner Buckley for services rendered as clerk of the committee on taxation.

Resolve, in favor of Willis A. Frost.

Resolve, in favor of C. Sumner Buckley for services to the committee on insane hospitals.

Resolve, in favor of William A. Frost.

Resolve, in favor of Forrest E. Cross for services as clerk, stenographer and messenger to the committee on towns.

Resolve, in favor of Willis A. Frost.

Resolve, in favor of Ralph W. Faris for services rendered as clerk of the Senate committee on bills in the second reading.

Resolve, in favor of G. A. F. Tiffin for services as clerk to the House committee on bills in the third reading.

Resolve, in favor of Louise G. Cony.

Submitting the same in a new draft under the title of Resolve, in favor of clerks, stenographers and messengers of the several committees of the 79th Legislature, and that it ought to pass.

Mr. DAVIES of Cumberland: Mr. President. I want to inquire of the chairman of the appropriations committee in relation to the recommendation for the messenger of the judiciary committee.

The PRESIDENT: What is his name?

Mr. DAVIES: William Woodrow Wilson.

The PRESIDENT: \$150.

Mr. DAVIES: Mr. President, I wish to offer an amendment to that, and therefore move that it lie on the table. The committee recommended \$200. I talked with Senator Grant and he stated to me that he had talked with the messenger and the messenger was satisfied with \$150. I found, however, that Senator Grant in that statement was mistaken; that the messenger talked with Mr. Connory, a Representative of the House, who was responsible for his position, and I could not see how in the circumstances Senator Grant could have gotten the statement made by the messenger correctly.

Mr. Grant of Cumberland: Mr. President. I wish to make a statement, although it is not debatable, being laid on the table. I wish to say that we tried to make these things as nearly equal as possible, and if we had carried that rule out strictly we would have given this young man \$100, to have paid him on the same basis with the others. But he stated the fact that he had paid out about \$150 and had no other income. We felt we ought to go above the \$100 we had given the other boys doing the same work. I think I talked with his uncle from Aroostook county, one of the Representatives, and he said he thought that was entirely fair, and more than perhaps he had earned. The young man told us before the committee on appropriations and financial affairs that he realized that if we gave him \$150 we were giving him more than he had earned, but he would like to get enough to pay his board. We have given him \$50 more than any other man in a similar position. I do not think we ought to go beyond it.

The PRESIDENT: Would the senator from Cumberland, Senator

Davies, withdraw his motion to lay on the table so that this report may be accepted, and the amendment can be offered later.

Mr. DAVIES: Yes, Mr. President, I withdraw my motion with that understanding.

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

Mr. Grant for the same committee, on Resolve, in favor of the official reporter, typewriter operator and additional compensation in the preparation and completion of the Legislative Record, that the same ought not to pass, as the same has been cared for by the Senate pay roll.

Majority report of the committee on judiciary, on An Act for the development of water storage upon the Saco river and for other public purposes (Senate No. 221), that the same ought not to pass.

(Signed) DEARTH.  
CONARY.  
DEERING.  
MURCHIE.  
CHAPLIN.  
BUZZELL.  
MAHER.  
HOWARD DAVIES.  
BARNES.

Minority report of the same committee, on the same bill, that the same be referred to the next Legislature.

(Signed) BAXTER.

On motion by Mr. Deering of York, the majority report was accepted.

Majority report of the same committee, on Resolve, amending the constitution so as to provide for a bond issue for the development of water storage upon the Saco river in the state of Maine, that the same ought not to pass.

(Signed) HOWARD DAVIES.  
DEERING.  
MAHER.  
MURCHIE .  
DEARTH.  
BUZZELL.  
CHAPLIN.  
CONARY.  
BARNES.

Minority report of the same committee, on the same Resolve, that the same be referred to the next Legislature.

(Signed) BAXTER.

On motion by Mr. Deering of York, the majority report was accepted.

Majority report of the committee on sea and shore fisheries, on An Act to amend Section 71 of Chapter 45 of the Revised Statutes, relative to use of seines in traps, submitting the same in a new draft under the same title, and that it ought to pass.

(Signed) PEACOCK.  
STACEY.  
WYMAN.  
HOLT.  
COLE.  
JORDAN.  
CLEMENT.  
FULLER.  
STEVENS.

Minority report of the same committee, on the same bill, that the same ought not to pass.

(Signed) PERKINS.

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

Report of the committee of conference on the disagreeing action of the two branches of the Legislature on bill An Act to provide for the fixing of salaries and wages of subordinates of the several departments of the state government (Senate No. 245), that the House recede and concur with the Senate in the passage of the bill to be engrossed without House Amendment A.

(Signed) BUTLER.  
WALKER.  
GRANT of the Senate.  
BARNES.  
FOWLES.

CRABTREE of the House.

The report was accepted and sent down for concurrence.

Mr. Baxter for the committee on taxation, on An Act amending Section 23 of Chapter 9 of the Revised Statutes, relating to street railroad tax, reported legislation thereon inexpedient.

The report was accepted and sent down for concurrence.

The following committees submitted their

### **Final Reports**

Federal Relations.

Judiciary.

Salaries and Fees.

Sea and Shore Fisheries.

Telegraphs and Telephones.

Ways and Bridges.

### **Finally Passed**

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

The resolve, carrying an emergency clause, required a two-thirds vote of the Senate on its passage. 26 senators voting for the passage of the bill it was finally passed.

### **Passed to Be Enacted**

An Act to provide for the support of dependents of soldiers, sailors and marines.

This resolve, carrying an emergency clause, required a two-thirds vote of the Senate on its passage. 26 senators voting for the passage of the bill it was finally passed.

An Act relating to the assessment of the county taxes in the several counties for the year 1919.

This resolve, carrying an emergency clause, required a two-thirds vote of the Senate on its passage. 26 senators voting for the passage of the bill it was finally passed.

### **Finally Passed**

Resolve to continue the resolve under Chapter 90 of the Resolves of 1917, for the North Yarmouth Academy grant, township No. 1, range 4, Arrostook county.

Resolve in favor of the Penn Mutual Life Insurance Company of Philadelphia, Penn., for a tax credit.

Resolve in favor of the Provident Life and Trust Company of Philadelphia, Penn., for a tax credit.

Resolve in favor of the several State Normal schools and the Madawaska Training School for permanent repairs and improvement of buildings.

Resolve in favor of the Bangor State Hospital for purposes herein enumerated for the years 1919 and 1920.

Resolve making an appropriation to assist, encourage and develop the poultry industry in Maine.

Resolve in favor of the Board of veterinary examiners.

Resolve in favor of the commissioners of pharmacy of the State of Maine.

Resolve in favor of Francois X. Belleau of Lewiston in the county of Androscoggin, for services as clerk of the Superior Court.

Resolve in favor of Langeley Lake, Mooselucmeguntic Lake, and Cup-suptic Lake, in Franklin and Oxford counties.

Resolve in favor of the Bangor Anti-Tuberculosis Association, Bangor, for the care and treatment of persons affected with tuberculosis.

Resolve providing for the purchase of 100 copies of the Centennial history of Presque Isle.

Resolve authorizing the State librarian to purchase for the State 100 copies of the history of the town of Norway after same are printed.

Resolve for the maintenance and improvement of the State park in Augusta.

Resolve in favor of the University of Maine.

### **Passed to Be Enacted**

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

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

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.

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

An Act to amend Sections 6, 10 and 33 of Chapter 6 of the Revised Statutes, relating to primary elections and the filing of nomination papers by independent candidates.

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.

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

An Act to amend Chapter 298 of the Public Laws of 1917, relating to small loan agencies.

An Act amendatory and additional to Section 121 of Chapter 19 of the Revised Statutes, relating to public health.

An Act to amend Section 13 of Chapter 6 of the Revised Statutes, relating to penalty for violation of provisions in regard to conduct of primary elections.

An Act to provide for the acceptance by the State of gifts of land and for the establishment of a State park and forest within the State of Maine.

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

An Act to amend Section 32 of Chapter 67 of the Revised Statutes, relating to probate appeals.

An Act to amend Section 64 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, relating to the use of automobiles in hunting wild birds and wild animals.

An Act to amend Section 25 of Chapter 18 of the Revised Statutes, relating to appointments of members of board of dental examiners.

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.

An Act to amend the charter of the People's Ferry Company.

The PRESIDENT: The Chair lays before the Senate an act recalled from the Governor. An Act to authorize Hor-

ace Cleland to erect and maintain a fish weir in tide waters in front of his land, etc.

On motion by Mr. Peacock of Washington this bill was indefinitely postponed.

The PRESIDENT: The Chair lays before the Senate, recalled from the Governor, An Act to amend Section 1 of Chapter 55 of the Revised Statutes, relating to causes determined by the public utilities commission.

On motion by Mr. Gurney of Cumberland, tabled.

### Orders of the Day

Mr. DEERING of York: Mr. President, I move that the rules be suspended in order that I may introduce the workmen's compensation act, so-called, out of order.

This is a bill which is the result of the work of the joint committee on labor and judiciary, to which was referred all the bills which have been written at this Legislature and proposed for passage in regard to the same subject matter. It was found that when those bills appeared before the committee that there were eleven of them, and they comprehended almost every change that was possible in the workmen's compensation act as it was written; and in addition to the changes that were in the bills, the insurance commissioner, the commissioner on labor and industry, the chairman of the industrial accident commission, several insurance companies and various other interested people, appeared before that committee to suggest changes in the law.

It was found therefore, after a hearing and an appointment by the chairman of the committee of a sub-committee, that it would be necessary in order to make the law intelligible and arrange it in the books so that it could be easily found and comprehended, to rewrite the whole workmen's compensation law of the State, and upon that work for the last three weeks, working whatever time we had apart from our other duties and in addition to that seven nights and two

Saturdays and two Sundays, we have evolved the bill which I am introducing and we call it the committee bill.

The importance of this matter probably surpasses that of any other matter before the present Legislature, because it concerns all the employers of labor in the state who become assenting employers under the act and 72.9% of all the laboring men in the State, various insurance companies, and the economic relation of all those factors to each other. It was impossible, as you will readily see, that all members of the subcommittee could agree upon the various propositions placed before that committee in the many bills which we had under our consideration. There were propositions to increase the percentage of the average weekly wages, of which the employee now receives 50%, to 60%, 66% and 75%.

Another important factor contained in some of the bills was the reduction of the waiting period of fourteen days to ten days, to seven days, and to two days. One particular feature of the bill which gave us a great deal of trouble was leaving the waiting period at fourteen days, as it now is, and when a person's incapacity extended beyond that fourteen days, to let them collect compensation from the first day.

Another important matter was the increasing of the minimum and the maximum from the four dollar minimum which now exists up as high as seven, and the ten dollar maximum which now exists up as high as fifteen.

One of the most important changes asked, because this change involves the greatest rise in percentage of premiums of any of the changes, was the clause in regard to the employment of the physician and how much money should be paid for the restoration of the injured employee to health.

Outside of these four principal changes appeared another change which must be made if any material change were made in the four points which I have mentioned, because it was going to increase the work of the

industrial accident commission as we found from what evidence we had before us from 30% to 50%, and so in considering the work which must be done by that commission we were obliged to consider changes in the personnel and the compensation of the men who compose the commission. We therefore had to consider that element in connection with the other four elements.

Besides these things which I have mentioned, many administrative changes have been incorporated in this bill because sometimes they were necessary in order to correspond to matters which were changed in previous or later paragraphs, and sometimes because in the first bill that was written, which was largely of an experimental nature, there have been found to be great injustices in the practical operation of the law. I am aware at this time that this is not going to be a particularly spectacular speech, and it is not going to be particularly interesting from the point of view that most people consider a speech interesting, because it is absolutely necessary, in placing this matter before the Senate that I indulge in some figures and some matters which are dry to the ordinary man, but are absolutely of great importance to the employer and the employee and all the industrial and economic conditions of our state.

Now the first matter that we discussed, although as I said before all the matters are so inter-related that it is impossible to separate them, was the rise in percentage from 50 per cent. of the average weekly wages which the employee now receives, to 66 2-3 per cent. You can imagine that there were some very earnest arguments in the committee in regard to this particular matter. The question which naturally occurred to me as a lawyer was why should the raise be from 50 per cent. to 66 2-3 per cent. and not a soul either on the committee or in the insurance office, or the office of the commissioner of labor, or as far as I know in the State of Maine,

can give you any reason why that jump should have been made. And then looking back to the time when the other bill was made and asking why 50 per cent. was used as the correct percentage of the average weekly wages which an employee should receive, there was nobody who could explain to us why that particular percentage was placed at 50 per cent. However, the law as it is now written provides that 60 per cent. and I want to say that in the course of some studies which I have made of this particular proposition lately I am able to give a reason which is satisfactory to me, and I hope I may be able to make it satisfactory to the Senate and to the great number of the people in the State of Maine which this law concerns, why that should be 60 per cent.

Now the law was so new in the State of Maine, being only two years old, that no experience table has been compiled by which we could be guided in framing a law under the figures which would be produced by those experience tables on an average. And so I was obliged to depart from the State of Maine and find schedules which would give me some of the things which I desired. I found that under von Moltke in Germany, where the workmen's compensation arose, and this was carried into its perfection by the practice in England under Lord Salisbury. After that it drifted into the various countries and became quite actively supported in the United States, at a period beginning somewhere around 1905. And the tables from which I have taken the figures or experience are based upon the German tables, the English tables, the tables of Ohio, Minnesota, Wisconsin and Illinois. And taking them all, because there were no others at the time the principal works were written, and taking them from a pamphlet written by Mr. James Harrington Boyd of Ohio, who is probably recognized as one of the greatest experts on workmen's compensation in the world today, we find that out of 46,000 accidents in 1907,

16.80 per cent. were due to the fault of the employer, 29.89 per cent. were due to the employee, 9.94 per cent. were due to the fault of both parties, and 44.36 per cent. were due to the inevitable risks of the industries and other causes. That is a table which was carefully prepared when the first workmen's compensation acts were proposed in the United States, and by taking those percentages which were the fault of the employer, and half of the percentage which is the fault of both parties and the whole percentage which is due to the inevitable risks of the business, and adding them together, you will find that due to all of those causes in the aggregate were 66.17 per cent. of all the losses sustained by employees on account of injury. The other 33.83 per cent. were due to the fault of the employee and his participation in that figure which is composed of the faults of both parties.

Now since these figures were obtained from which I have quoted and the workmen's compensation law in various states has been in vogue, the experience of employers and the amount of urging and education which they have had from the various insurance companies, and the care which they have exercised to make their premiums as low as possible, have caused them to improve their plants by various devices to make the number of accidents smaller in their particular establishments. For instance, it has become a law in some states that it is a misdemeanor not to countersink a set-screw in a shaft; and it is a misdemeanor to have any gears uncovered in any kind of a mill. And by these various devices I find on examination of the authorities which I have had the time to look up, that between five and six per cent. of these out of this 66.17 per cent. have been abated by the companies. And subtracting that you will find that right around 61 to 62 per cent. would be perhaps the proper figure at the present time to put this particular percentage. Now that is one argument in favor of that.

Now to take another argument that perhaps may be just as strong but worked out from an entirely different angle. You will find that the fault of both parties plus the inevitable risk according to this table makes what we call the natural hazard of the business. In 1887 amongst three million workmen the natural hazard of the business was 52.97 per cent. In 1897, with the same number of workmen, it was 52.96 per cent., and in 1907, under the English law, it was 54.30 per cent. So by comparison of these figures taken in three different years, a decade apart, we find that the natural hazard of industrial business provides a risk to the security of the workman of from 52 or 54 per cent. Now if you add to that the fault of the employer during the same year,—or perhaps in 1907 will be sufficient—if you will add that to the 54.30 per cent to the fault of the employer you will find that in 1907, by figuring it another way, that 70 per cent is the correct figure which should be used for a percentage of the average weekly wages which would be just to the workmen.

Now the intricacies of this law are many and confusing. A study of it for a year would then disclose some things which a person's mind could not possibly comprehend. So I say to you that this committee working three weeks upon this and obtaining the information that they have from the various officers connected with the industrial accident commission, and the work which some of us have done in regard to compilation of figures, has become convinced that 60 per cent is as near correct as we can obtain for the percentage of average weekly wages which an employee shall receive for injury. Now this was a compromise because you can imagine that in cases of that kind there are people who desire to say that 50 per cent is enough, and there are those who say 75 per cent is what we ought to have. And when you have two parties standing up before you, one demanding the percentage to remain at 50 and the other demanding it go to 75, and not a soul among

any of them able to give you a single reason, you can see that about the easiest way to do with the whole thing is to split the difference, and that particular feature of making a law has occurred in this trial which we had in our committee room. And by compromising between the greatest demands of the employee, and the greatest demands of the employer, we have arrived at about the same figure which I have figured out by the tables which I have been able to find in Germany, England and the four states of the United States, and I say to you that when we adopt a figure on the other elements which I have mentioned it would be a crime for this state to change it unless it knew it was palpably wrong, until some experience tables have been compiled so that we will have something to go by besides the arbitrary methods of the employer and the arbitrary methods of the employee; because there must be in our industry in the state of Maine, and in any state of the Union, a right place for that percentage to be fixed, regarding the importance of the industries, the importance of the loss of the time of the employee, and considering also the great interest which the community has in this particular matter, because the theory is that the community itself must pay the bills in the end. And never will the demands of either side, neither that of the employer nor the employee, nor that of the community be satisfied on this particular thing until they are not actuated by the desires of those who are interested, but only at that time when actuated by that principle which makes justice the deciding factor and lets justice fix the right figure which should be placed upon the percentage of average weekly wages that an injured employee should receive.

Now in regard to the waiting time, waiting period so-called, we have changed the waiting period from a fourteen day waiting period to a ten day waiting period. Out of the accidents that were had last year some 2100 people participated in this particular law out of 16,322 accidents. It was admitted by the committee that that was too small a percentage



of the injured men participating in the benefits of this law, and that some reduction in the waiting period should be made so that more men in the state of Maine who were injured might participate in the benefits of this law.

There were propositions before us to abolish the entire waiting period. But this is a law which if it should be met with human nature perfect, perhaps we could change it in ways that would benefit a great many more people than it does now, but with human nature as it is, any person can see that the abolishment of the waiting period would cause a man to leave his work no matter how slight the injury was, if he expects to get pay for the time he was absent from his work. The workman being constituted as he is no doubt would take advantage of the law at the present time, and would take advantage a great deal more if he had more chance of coming under it. And for the dishonest workman, or the workman who is spleeny, a ten day waiting period seemed to us about the length of time that would force him to go back to work with a slight injury rather than wait until the ten days expired. By this change from fourteen days to ten days in the waiting period we included under the law about 3000 more cases in the state of Maine in a year.

Now the next important part of it was the change from the maximum of \$10 to the maximum of \$15, and from the minimum of \$4 to the minimum of \$6. This does not apply to a great number of people because the average wages in the textile industries in Maine are \$18.70 a week, and half of that, or sixty per cent of that would be below the maximum that we have now and did have before. So between \$6 and \$15 will land now a very large majority of the cases, 60 per cent of the wages of which would be within those two limits. So those two limits seemed to apply to the very poorly paid worker who would receive \$6 a week in any event, and to the highest priced worker whose 60 per cent would not set him below \$15 in any event. We have provided for those

two classes of workers by raising that minimum and that maximum so that they may not suffer unduly by the accidents which they receive. This will not increase the amount of premiums to any great extent. I had thought that perhaps the maximum that we had fixed at \$15 was too much of a rise in that particular respect, but I have become convinced that by the fewness of the cases which it may affect, that it will not make a great deal of difference in the premium to be exacted by the insurance companies for that rise.

Now the doctor: There has been a great deal of discussion as to who should employ the doctor to attend the injured man. When you see it one way it looks as if we were all wrong about it. For instance, you say that this man is hurt and he is the fellow most interested and he should have the right to select his doctor himself and exercise his liberty of choosing the physician which he requires. Now that sounds perfectly right to anybody who does not go into it any further. But here are some propositions which made it impossible for us to agree to the proposition that the employee should hire the physician, and upon that matter you must imagine that there was almost what you might call a violent difference of opinion in the minds of the committee. Now if a man should get struck on the head so that he lost consciousness, and the law said that the employee should choose his own doctor, there would be absolutely nobody provided by law to choose that doctor. Of course it would be possible that some humanitarian would pick out a doctor and have him there, but it would be illegally done. The man that is hurt naturally says "Send for a doctor," and does not stop to pick out which doctor he wants, but tells somebody to get one for him. And I do not believe that there is a great deal of difference so far as the employee is concerned, and I do not think that the employees really care very much whether the employer selects the doctor or not, and I do not think that really they have a great deal of opposition to letting the employer pick out the doc-

tor that shall attend him; because the old family physician who attends the family for their various ills, their **wives and their children, is not always** the particular doctor that you want when a man is injured. Four times out of five when a man is injured, you need a man who has some surgical experience, and probably nine out of ten of the doctors have had no surgical experience, and the employee would pick out the doctor in whom he had the confidence, not the doctor who had had surgical experience; but the employer knowing what it needs picks out a doctor who has had that surgical experience which is necessary to deal with injuries which are received in industrial establishments.

Now with the employment of the doctor in the hands of the employer we saw fit to liberalize the law in regard to the amount of compensation that should be given for the injuries of the employee. We have allowed a compensation during the first thirty days of the injury of \$100, and any further compensation after that is entirely in the hands of the industrial accident commission. Our former law provided that the first two weeks \$30 should be allowed for compensation for the physicians, and then it went on with the clause that when the employer and the employee failed to agree they could leave it to the industrial accident commission, or some other provision like that, and there are bills now before the present industrial accident commission of this state calling for \$597 for doctors' bills, and \$860 for doctors' bills, and bills the charges in which look almost unreasonable. Now by leaving the employment of the physician in the hands of the employer and letting the commission fix anything above the thirty-day period, we felt we had done a fair thing to both the injured and the employee. And in case the employee is dissatisfied with the doctor that is obtained for him, he may in cases of emergency select a doctor who shall be paid for by the employer. But that is entirely under the control and management of the industrial accident commission.

Now we have made a change in

the administration of the law. The creation of the industrial accident commission, formerly consisting of three men, of which the commissioner of insurance should be one and the commissioner of industry and labor should be the other, each with a \$500 salary added to his own salary as such commissioner for the extra work that must be done on account of his being a member of the industrial accident commission, has been retained, and to that commission has been added what we call an associate legal member. The chairman's salary has been raised from \$2500 to \$3500; the associate legal member will receive \$3000, and the commissioner of labor will receive \$500 more than he does now, and the insurance commissioner has the same. Now I am aware that this Legislature has established a policy that it would not raise the salary of the head of any department, and I wish to state briefly that that committee on salaries and fees has followed that doctrine conscientiously, believing that it was the will of this Legislature that no heads of departments should receive an increase in salary, and I know that that committee has turned down cases where they would have liked very much to increase the salary, but thinking themselves bound by that sentiment here in the Legislature, have denied to meritorious cases raises of salary which they themselves in their private individual judgment would have granted. But the committee felt this way about it—not all of them because this committee report, as I say, is a compromise and we have all signed it—the committee felt that with these changes and the evidence we had that we had increased the work of the department, of the industrial accident commission, from 30 to 50%, and if we had added to men who were then working upon that work such a great amount of extra effort, that they should receive an extra amount of pay. Now they are not comparable to the State treasurer, the State auditor or the commissioner of agriculture, because none of those officers have this year had their work

increased to any such extent as that. This commission has had its work increased to such an extent that the committee felt that they should receive extra pay for the extra work which we laid upon them on account of the great demand that there was for the liberalization of this law.

Now the Republican party has come out in favor of this law and so has the Governor in his message. The Democratic party also is in favor of the liberalization of this law, and every good man in the State of Maine, regardless of politics or creed is in favor of doing everything that he can for every other man and give him a fair show to take care of himself and his dependents when he is injured, and there is no particular difference, there is no party question here. It is simply a case of liberalizing this law in order to fix it so that injured employees may receive that compensation which will a little nearer compensate them for the time lost on account of injury.

Previous to the enactment of any compensation laws in this country, under the common law and statutory liabilities injured employees in only 12% of all the cases in the United States could collect anything, and only 5% of that that was collected was adequate compensation. So you see that in 95% of the cases under the old statutory and common law liability compensation was not adequate for an injured employee. And there was no statutory law that could be passed that would render that situation enough different to make it feasible to pass it. And so the proposition was made to change the system so that industry and finally the community should participate in all the loss which an injured employee entailed upon society. This law is not perfect, but it is the best that we can do with all the evidence that we have at hand; it best fits as we understand it; the demand of the people at the present time that this liberalization be granted to employees. We expect that there are some features about it which will not be entirely satisfactory to the employees. We expect that there are some fea-

tures about it that the employers and the insurance companies will not like; and we expect that the community itself may find some places to criticize in this particular bill. But we are pretty sure from the evidence we received that if the same people who would kick about this law had been placed in the position of the committee and heard that evidence, that they would not have been able to arrive in the time that we had at a law that would be perfect.

We have provided that when the chairman of the commission desires to take depositions he may take depositions under a commission issued by the supreme court of the State for the same reasons for which they are now taken in actions at law. And in order that there may be no misunderstanding about this section, I want to read it so that people will know what it is and not bring up later the idea that they did not understand what we had provided. It is named "V. Addition to Section 29.

"Section 10.

"Depositions taken for the causes and in the manner hereinafter mentioned may be used in all hearings before the industrial accident commission.

"The chairman of the industrial accident commission, or the associate legal member, may issue commissions to take depositions to any United States consul, United States vice consul, any judge of any court of record in the United States or any foreign country, or to any notary public or justice of the peace in the State of Maine, for either of the following causes:

1. When deponent resides out of or is absent from the State.
2. When the deponent is bound to sea, or is about to go out of the State.
3. When the deponent is so aged and infirm or sick as to be unable to attend at the place of meeting."

Those, gentlemen, are practically the same reasons for taking depositions as are now given in our laws for the taking of depositions in regard to actions before the probate court and the supreme judicial court of the State. That

is an added power which we have given to the industrial accident commission, because they say that in a great many cases it is absolutely necessary for them to do justice to the many cases which they have, to have granted to them at this time the power to take depositions for the three causes which I have read.

Now there is one thing which I forgot to mention in the provision in regard to the doctor, and I want to mention it because I want every single thing in this law to be as thoroughly understood as possible by every member of this Senate. There is no desire to get anything by without everybody reading it, and if you do not listen and get it now and study the law out and understand the whole thing so that you agree with it, it will be no time after this Legislature adjourns to come round to make any complaint against the committee or against any member of the Legislature for passing it. And I want to say to you that in the wording of the law in relation to the physician are features which some members of this Senate may not desire to agree with.

"The amount of such medical, surgical and hospital services, nursing and medicines and mechanical surgical aids shall not exceed \$100, unless a longer period or a greater sum is allowed by the commission, which in their discretion they may allow, when the nature of the injury or the process of recovery requires it."

Now the words "mechanical surgical aids" are the words to which I referred, and I wish to say that in court decisions of Connecticut they have been held to mean wooden legs and wooden arms and anything that would restore the man to perfect health again. And I want to tell the Senate frankly that that is in that particular section of the law, and it is for the Senate to consider whether it wants to go as far as that or not. The committee has thought, by an examination of the number of accidents which will require those particular things to be done for the injured employee, that they would be so few in number as not to increase the premiums which must be paid by the employer.

The former law had no provision which showed whether or not after

a man was injured and was drawing pay for say fifty weeks for any injury, and died from some other cause, his family or dependents could have the money that he had been drawing. For instance, supposing a man was hurt by the cutting off of a thumb for which he would receive 50 per cent. under the old law of his average weekly wages for a period of fifty weeks, and after that had been fixed by the commission and the agreement filed with the commission that he was to have the 50 per cent. for fifty weeks, and after drawing three or four weeks upon that particular arrangement he should die of pneumonia, or get killed in some other way—there was a great legal question arose as to whether the amount of money which was coming to him in weekly payments should stop or whether his family or dependents should receive that. After examining the authorities it was concluded that when that sum of money was fixed, the fifty weeks at so much a week was fixed, that money was his. The compensation was his then. The fifty weeks was simply an extension of time or a method of payment by which that should be done, and the money belonged to him at the time it was established to belong to him and it belonged to his heirs if he should die before that time expired. So we have changed that so that the dependents may receive that money which the law says that he should receive.

Now, Mr. President, I am not going to go through in detail any more of this act, but it is the desire of the committee that after the report is accepted, or after this bill is introduced, that it lay upon the table for printing, and that everybody make himself familiar with all the workings of it in the best manner that he can before tomorrow. And if there are any amendments, and I anticipate there may be amendments in regard to the salaries of these men, thinking as I do that the committee on salaries and fees may feel justified in following out their consistent attitude in regard to the

salaries of state officers—or any other amendment to be offered, I would respectfully ask the members of the Senate to be prepared to offer them tomorrow so that we may discuss them and get them out of the way and send this bill on its way to final passage.

The report of the committee was accepted, and on motion by Mr. Deering was laid on the table for printing.

On motion by Mr. Stanley of Oxford,

A recess was taken until 2.30 o'clock this afternoon.

### SENATE

(Afternoon Session)

Senate called to order by the President at 2.30 o'clock, according to adjournment.

Mr. DEERING of York: Mr. President, I desire to introduce an act out of order.

Unanimous consent being granted the senator introduced An Act to amend Section 21 of Chapter 127 of the Revised Statutes, relating to the sale of intoxicating liquor.

On further motion by the same senator, under suspension of the rules, the bill was read twice and passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate S. D. 166, An Act to amend Chapter 26 of the Revised Statutes as amended by the Public Laws of 1917, relating to the registration and operation of motor vehicles, tabled by the senator from Cumberland, Senator Davies, the pending question is adoption of Senate Amendment C.

(Tabled temporarily on account of the absence of Senator Davies.)

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 Penobscot, Senator Thombs, the pending question being second reading.

Senator Thombs yielded to Senator Dearth.

Mr. DEARTH of Penobscot: Mr. President, I offer Senate Amendment A and move its adoption. Senate Amendment A to H. D. 451.

Amend H. D. No. 451, by adding thereto a new section as follows:

"Section 4. This act is not intended to amend Section 61 of Chapter 9 of the Revised Statutes except as specified in the first paragraph of Section 2 of this act or in any respect to conflict with the amendments of said Section 61 specified in H. D. No. 336, entitled "An Act to amend Sections 60 and 61 of Chapter 9 of the Revised Statutes, relating to taxation of savings banks."

Mr. DEARTH: The sole purpose of the amendment, Mr. President, is to prevent any possible conflict between this act and the bill already enacted. There probably will not be any conflict, but this is put in as a safeguard. That is all.

The amendment was adopted and engrossed.

The PRESIDENT: The Chair lays before the Senate H. D. 482, An Act to amend Sections 3 and 12 of Chapter 36 of the Revised Statutes, relating to the marking of packages of agricultural seeds, tabled by the senator from Cumberland, Senator Gurney, the pending question being second reading.

Mr. GURNEY: Mr. President, I have an amendment I have just blocked out, and before the session ends I will present it. I move that the bill be tabled.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 301, report of the committee on legal affairs, ought to pass, on An Act relating to the term of service of the city treasurer and collector of the city of Portland, tabled by the senator from Cumberland, Senator Grant, the pending question passage to be engrossed.

Mr. GRANT: Mr. President, I move that the bill be passed to be engrossed.

Mr. DEERING of York: Mr. President, is that the bill, S. D. 301, which makes the term of the treasurer and collector of the city of Portland a term of three years?

The PRESIDENT: It is.

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

The PRESIDENT: The Chair lays before the Senate majority report, ought to pass, and minority report, ought not to pass, from the committee on public health, on H. D. 464, An Act to amend Sections 40, 41, 42, 43, 47 and 48 of Chapter 16 of the Revised Statutes, relating to medical inspection of school children, tabled by the Senator from Aroostook, Senator Thornton, the pending question being adoption of Senate Amendment A to the majority report, ought to pass.

Mr. THORNTON: I yield to the senator from York, Senator Gordon, chairman of the committee on public health.

Mr. GORDON: Mr. President, I move the adoption of Senate Amendment A to the majority report ought to pass.

Mr. DEERING of York: Mr. President, I move that House Bill 464, together with the amendment be indefinitely postponed.

The reasons that I have for making this particular motion I am going to put very briefly, but I think the Senate is entitled to know one or two of them. This bill in two years easily will cost the State \$15,000 for medical inspection of children, and in four years' time it was estimated it would cost \$30,000, and nobody knows how much it would cost in the course of six or eight years. And I believe at this time we should not pass any bill which proposes inspection and examination of children until something is done by our department of education, or by this Legislature, to raise the pay of the teachers in our public schools. When they devote \$15,000 in this Legislature for the next two years, and \$30,000 for four years from now to raising the pay of the teachers who teach the children,

that to my mind will be the greatest accomplishment that could be done to get better teachers in our schools.

This is spending money for something else when we already have in the schools matters not properly taken care of. I think a process of increasing the teachers' pay by some graduated law would be the best thing the State could do to hold better teachers. The teachers are leaving the State, going where more liberal methods are in vogue.

And I move, before we spend any money on any physical notions that we take care of our teachers and see that they have more pay.

I move that this bill be indefinitely postponed. (Applause)

Mr. RICKER of Hancock: Mr. President, I am sorry to take issue with the senator from York, but it is some of these troubles that I think this bill will correct. The original bill as stated was not a bill such as any city or town of the State would desire, but with this amendment it leaves the matter entirely in the hands of the city or town.

There are about forty places in the State already under medical inspection of their own free will. The sum of \$15,000 is in the budget and is to be raised and will be raised, and there is no way of saving it, and no way of spending it on some other direction, and it is in our seven mill tax.

This amendment leaves the selection or adoption of this to each city and town, so that when they do adopt it and have a professional nurse, physician or dentist, they will get back a certain proportion from the State.

For that reason I do not see why there should be any objection to this bill, and I offer this amendment and move its adoption.

The PRESIDENT: The pending question is on the motion of the senator from York, Senator Gordon, that the amendment be adopted.

Mr. GORDON: I withdraw that motion, Mr. President.

The pending question being on the motion by Senator Deering that the bill be indefinitely postponed—

Mr. DEERING: Mr. President, in answer briefly to the senator from Hancock, Senator Ricker, if I understood him correctly he said there are 40 cities and towns which have medical inspection now without this enactment?

Mr. RICKER: I understand from 38 to 40.

Mr. DEERING: It seems to me, Mr. President, if there are 38 or 40 cities and towns now carrying on this sort of inspection without any law, that we are going beyond our mark when we pass legislation authorizing them to do what they are already doing. I fail to see where that particular argument applies except in the matter of their getting back some of their money.

This money, it is true, has been appropriated in the budget, but many things have been appropriated in the budget that better could be used for something else than as allowed by that most holy document. I maintain my motion and hope the Senate will indefinitely postpone this bill.

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

The PRESIDENT: The Chair lays before the Senate S. D. 166, An Act to amend Chapter 26 of the Revised Statutes as amended by the Public Laws of 1917, relating to the registration and operation of motor vehicles, tabled by the senator from Cumberland, Senator Davies, the pending question is adoption of Senate Amendment C.

Mr. DAVIES: Mr. President, I tabled that bill and amendment for the purpose of conferring with the senator from York, Senator Lord, in relation to it. He has quite convinced me that the amendment should be adopted. Therefore I move the adoption of Senate Amendment C to S. D. 166.

The motion was agreed to and the amendment was adopted.

Mr. PEACOCK of Washington: Mr. President, can I have Senate Amendment B read to S. D. 166?

(The amendment was read by the secretary.)

Senate Amendments A, B and C to S. D. 166 were then adopted and the bill as amended was passed to be engrossed and sent down for concurrence.

The PRESIDENT: The Chair lays before the Senate majority report, ought not to pass, and minority report, ought to pass in new draft, from the committee on judiciary, on H. D. 465, An Act to grant a new charter to the city of Waterville, tabled by the senator from Cumberland, Senator Davies, the pending question acceptance of either report.

Mr. DAVIES: Mr. President, I move the acceptance of the minority report, ought to pass in new draft.

Mr. DEERING of York: Mr. President, it is with some reluctance that I rise to address the Senate upon this matter, inasmuch as the distinguished chairman of the judiciary committee and I have always agreed on matters of important legislation. I know what he is going to say when he begins to argue, and I know he is putting the burden upon me in beginning this particular argument. I have done the same thing so often when I was in his place that I realize it is a lawyer's trick.

Mr. DAVIES: No trick about that, senator.

Mr. DEERING: Now the proposition is to send back to the people of Waterville a demand that they vote upon what they are pleased to call a new charter, and it is going to be argued by my distinguished colleague that the only fair way for a people in a certain community to settle their local matters is to put that charter to a vote among themselves. Ordinarily, without any further explanation that would be satisfactory if there were a demand in that locality that this particular proposition be submitted to them for their decision, but this bill, in the first place, came before the judiciary committee on January 31. In November of last year the Waterville and Winslow chambers of commerce picked out a committee to draft a new charter for the city of Waterville, and it has never been made clear to me just what the town of Winslow had to do with it, but the chamber of commerce of Waterville and Winslow drafted this bill. On January 31st the bill was presented to the committee on judiciary and was kept on the table at the request of Mr. Berry of Waterville three weeks. After nine

days more it was set for a hearing and on the day that the osteopathy bill was heard the proponents of this bill asked for a further extension of time, which was granted to them. Then they came before the judiciary committee and had the hearing. There was a great deal of disagreement as to whether this bill should be submitted to the people of Waterville or not.

The bill was hastily drawn and probably not 25 people in Waterville had ever seen it. In the hearing there was a great deal of disagreement in regard to that charter. The last year under the charter of the city of Waterville, as I understand the testimony which we received, there was a saving of some \$21,000. That is, the city under the old charter reduced its indebtedness \$21,000 the last year under Mayor Wardwell, and he was re-elected by a small majority this year.

In order to get the sentiment of the men in Waterville on city charters—and I maintain that men who work under charters know more about the advantages and disadvantages of city charters than any others—I desire to state for the information of the Senate that I have in my hand letters from seven ex-mayors of the city of Waterville, Mayor Boothby, Martin Bartlett, F. E. Boothby, Mr. Redington and Mr. W. T. Haines, stating in different ways but in no uncertain tones, that this new charter is not a matter that is wanted, and that the people do not want to go to the expense of voting upon a city charter, as there is absolutely no demand in the city of Waterville which receives the approval of the largest tax payers there.

I believe we will be doing an injustice to the city of Waterville if we sent back to them a demand that they vote upon 30 or 40 pages of a city charter that has never been read by a majority of them before they had a hearing before the judiciary committee.

While it may be fair to submit to the people in certain communities the decision of their own affairs, it seems to me that there should be such a demand on the part of the principal tax payers that there could be no mistake that the matter is feasible and should be sub-

mitted to them. And with the disagreement as to the charter, to a great extent, and with the suggestions of the seven ex-mayors that the charter has not been properly before the judiciary committee, and that time enough has not been given for its consideration, and that the people in Waterville have not even read it, I believe it should not be our duty to impose upon them the expense of voting either for or against it.

I therefore hope that the motion of the senator that the minority report of the committee be accepted shall not prevail.

Mr. DAVIES of Cumberland: Mr. President, perhaps the senator from York would not object to my seeing the letters he has spoken of.

(The letters were handed to Senator Davies.)

Mr. DAVIES: Mr. President, if there is no objection on the part of the Senate, I move that the reports and bill lie on the table for the present, and I will take them off and dispose of them before the session is over, or before we have a recess.

The motion was agreed to and the matter was tabled.

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 Cumberland, Senator Davies, the pending question printing under the joint rules.

Mr. DAVIES: Mr. President, this is a matter I think Senator Thombs must have mentioned to the Senate, or personally at a previous session, and Senator Thombs is in the chamber and will correct me if I am wrong. I think he stated there was another bill which supercedes this one, and the provisions of it would take the place of this bill.

Mr. THOMBS: That is correct.

Mr. DAVIES: And may I ask the senator if he knows where the other bill is now that he refers to?

Mr. THOMBS: I do not know, but expect it is on its passage.

Mr. DAVIES: Mr. President, since I have talked with the senator about



it, I have examined the provisions of the other bill and I am quite satisfied that it takes the place of the provisions of this bill. I only want to be sure that the other bill is passed. That is all.

The bill was tabled.

The PRESIDENT: The Chair lays before the Senate the joint order to appoint a special committee in relation to the establishment of the State University of Maine, tabled by the senator from Hancock, Senator Ricker, the pending question, adoption of Senate Amendment A to the report of the committee on education.

Mr. RICKER of Hancock: Mr. President, I think there might be a question in regard to the adoption of this report, in that it has been changed since the committee signed it. I am bringing this up, not as a technical matter, but I think there may be a question, and in the absence of Senator Walker, I move it lie on the table until his return.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 475, An Act for the care and preservation of shade and ornamental trees, tabled by the senator from Cumberland, Senator Davies, the pending question, adoption of House Amendments A, B and C.

Mr. DAVIES: Mr. President, I remember perfectly what those amendments are and move their adoption in concurrence.

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

The PRESIDENT: The Chair lays before the Senate H. D. 511, An Act to amend Section 40 of Chapter 117 of the Revised Statutes, increasing the salary of the clerk of courts for the county of Lincoln, tabled by the senator from Somerset, Senator Folsom, the pending question, passage to be engrossed as amended by House Amendment A.

Mr. FOLSOM: Mr. President, the subject matter of this act was taken care of yesterday by an amendment in the general salary bill. I there-

fore move the indefinite postponement of this bill.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 478, An Act to amend Section 49, Chapter 117 of The Revised Statutes, relating to the board of registration in medicine, tabled by the senator from Aroostook, Senator Thornton, the pending question, passage to be enacted.

Mr. THORNTON: Mr. President, this bill was put on the table at the suggestion of a member of the House, and I would like to have it tabled at the present time until I have time for a conference.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 453, An Act amendatory and additional to Chapter 197 of the Public Laws of 1917, and Chapter 301 of the Public Laws of 1917, relating to the state department of health, tabled by the senator from Aroostook, Senator Thornton, the pending question, passage to be enacted.

Mr. THORNTON: Mr. President, I think each member of the Senate who had any part in the great civil army which helped in the preparation of the war, of those things that were called upon by the federal department to do, in either the questionnaires, the registration of the soldiers, or in the pure food or fuel administration, with any work in connection with the people of the state of Maine, as we entered the homes and talked with the boys, and as we met them when they came to the office with their cards for inquiries, we were always impressed with the loyalty of the people of Maine to the leaders, and to those things that were needed for the best interests of the country. We were covered with heatless days, with meatless days and wheatless days, and all those different kinds of days, which the people met with surprising loyalty without any law, just simply at the request from the department of government that these things were for the best interests of the Nation, and they were complied with.

I think that we were impressed by the statement last evening of the general in regard to the loyalty of the boys, and how they would do those things that were reasoned to them, or were applied to their reasoning, so that I think in this department of health that the people will come to do those things that they are asked to do by suggestion or by letter. The boards of health have always been willing to respond to any calls, and it does not seem to me that we need the compulsion that this bill calls for; that we do not need a "carpet-bag" doctor to go around to the different towns, and for us to support him. I have no question in regard to medical science; we know what advancement they have made during the war, yet there are among the young fellows just out of college, those who lack experience, and who cannot come up to the science of those men who did the great things in the war, and they should not be entrusted with that care.

I think, Mr. President, that this bill will work hard and is not needed by the people of this state, therefore I move that it be indefinitely postponed.

Mr. GORDON of York: Mr. President and Gentlemen of the Senate, this is An Act which takes care of the department of health, largely, and the bill meets with the approval of the governor, and it has come down to its passage to be enacted. I wish to say, as chairman of that committee, that we gave it very careful consideration. We believe that it is important; it takes care of the health department of the state of Maine. I trust that the motion of the senator will not prevail.

The pending question being on the motion of the senator from Aroostook, Senator Thornton, that the bill H. D. 453, be indefinitely postponed, viva voce vote was taken.

Mr. THOMBS of Penobscot: Mr. President, I ask for a division of the House.

A rising vote was taken and 13 senators voting in favor of the motion and 18 opposed the motion pre-

vailed and the bill was indefinitely postponed.

The PRESIDENT: The Chair lays before the Senate S. D. 227, Resolve appointing a committee to revise, collect, arrange and consolidate the collateral inheritance taxes and probate laws of the state of Maine, tabled by the senator from York, Senator Deering, the pending question being final passage.

Mr. DEERING: Mr. President, I have not yet been able to prepare the amendment to strike out the appropriation in this document and I ask that it be left on the table a short time.

The motion was agreed to.

The PRESIDENT: The Chair would ask Senator Gurney if Bill 482 has been taken up, or if he has his amendment ready?

On motion by Mr. Gurney of Cumberland, H. D. 482 was taken from the table, and was given its second reading.

The same senator then offered Senate Amendment A and moved its adoption.

The secretary read the amendment as follows:

Senate Amendment A to H. D. 482.

Insert the word "approximate" before the word "amount" in line 9 of Section 3, and in the third paragraph of Section 12 after the fifth line add the following: "Provided said seed has been constantly kept in a condition not injurious to its germinating qualities, and that a margin of tolerance of 5 per cent shall be allowed. Provided, also, that in the event of violation of this act in relation to seeds, the commissioner of agriculture shall proceed as in the case of Sections 36 and 37 of this chapter.

Mr. DEERING of York: Mr. President, may I ask the senator from Cumberland through the Chair if this bill provides that if a man has on hand a thousand dollars worth of seed now and does not sell it all this spring and carries it over to another spring, that this would not interfere with the saleability of that seed?

Mr. GURNEY: Mr. President, may I say to the senator from York that in my judgment it would. I should say it would.

Mr. DEERING: Mr. President, I notice in this bill in regard to the marking of packages of seed that "every lot or package of agricultural seed which is sold, distributed, transported, offered or exposed for sale, distribution or transportation of seed, in the State by any person shall have affixed in a conspicuous place on the outside thereof, a plainly written or printed statement clearly and truly giving the name thereof and its minimum percentage of purity and freedom from foreign matter, together with the names and amount of each kind of weed seed contained therein, and also a guarantee of the germinating power of the seed and the date of the test for germination."

Now it seems to me that by the addition of the words "together with the name and amount of each kind of noxious weed seed" and I notice that the word "noxious" is left out —

Mr. GURNEY: The House amendment has inserted that, if I may so state, Mr. President.

Mr. DEERING: Section 3, the way I read it —

Mr. GURNEY: Mr. President, through you I would like to say that the House amendment adds the word "noxious," in line 9 of Section 3—I have added "approximate."

Mr. DEERING: After a conference with Bro. Gurney I understand that that is a House amendment. That has nothing to do with my objections to the bill as a whole. If it is contemplated that upon every package of seed that is sold there shall be marked the different kind of weed seed in it, together with a guarantee of their germinating power, it seems to me that you are going to get a bill passed here which is not only dangerous to persons who are in the seed business and in the grain business, but you are going to get a law that is absolutely impossible to follow out. And furthermore if you have 5 per cent of ragweed, 5 per cent of pigweed, 2 per cent of but-

tercups, 2 per cent of daisies, 10 per cent of chickweed, 15 per cent of tanzey, and the rest of it blue vetch and devil's paint brush—and you get 50 per cent of weed seeds in there of different kinds and 50 per cent of oats, that makes it a good, legal bag of oats to sell for seed; but you have got also to put upon that bag a guarantee of the germination of that seed. And if you see a bag of oats that has the names of the weed seeds and the percentages on the outside, and the germination of it on the outside, and the amount is a little bit wrong, or the percentage is a little wrong, or in addition to all those weed seeds that I have read they found some other weed seed, then the test is going to be if it contains the seed of any poisonous plant or any kind of weed seed other than the kinds or amounts represented in the statement required by Section 3 of this chapter—that makes everybody that sells a bag of oats in a position that they will be deemed to be selling adulterated goods.

And such an itemized, careful examination of all seeds so as to find out and separate ragweed seed and pigweed seed and buttercup seed, and all those other seeds, from one another, and count them or weigh them or do something with them in order to mark the percentage of every weed seed in a bushel of oats, is going to make grass seed and clover seed, timothy and redtop and all those things more expensive than they have ever been, and the Lord knows in the last two or three years a person has had to spend about all the money they could get in order to buy seeds any way. And I believe this bill is going to be a detriment to the farming interests of the State and is going to raise the prices of all seeds that they sow, and is going to make it more difficult to get seeds hereafter than it is at the present time. It is a meddlesome law to my mind, disturbing grain dealers, seed dealers and it is a law that ought not to be passed. If one farmer wants to sell some of his oats to another farmer he must mark upon that bag how many kinds of noxious weed seeds there are and the per-

centages—and I therefore move that this bill with the amendments be indefinitely postponed.

Mr. DAVIES of Cumberland: The question is on the adoption of the amendment.

Mr. DEERING: Very well; I withdraw that.

The PRESIDENT: The pending question is on the adoption of the amendment.

Mr. DEARTH of Penobscot: Mr. President, the senator from York was very clear in his discussion, but I am not sure about that guarantee, whether he meant to say that the guarantee should be restricted to the seed or whether the guarantee acts on the whole contents of the bag. If the weed seed proves not to be germinating, is it an illegal sale? (Laughter)

Mr. DAVIES: The pending question between the senator from Penobscot, Senator Dearth, and the distinguished senator from York, Senator Deering, is, what is the germinating power of weed seed? I want somebody to enlighten the senator on that point before we vote on this bill and its amendment.

Mr. DEERING: That is a very easy question to answer. I have been for a good part of my life a farmer, and I have sowed oats and wheat grain, all kinds of grain and all kinds of grass seed, and I know that the germinating power of weed seed in any kind of grain, the percentage of that germinating power is always 100 per cent. But the percentage of the germinating power of the oats is not.

Mr. DAVIES: I accept the answer of the gentleman as the opinion of an expert, and it is instructive and illuminating.

The motion of Mr. Gurney was agreed to and Senate Amendment A was adopted.

House Amendment A was then adopted.

Mr. DEERING: I move that the bill and amendments be indefinitely postponed.

Mr. BABB of Cumberland: Mr. President, before I attempt to say anything I want to say to my colleague at my right that this bill does

not carry any appropriation and that there will be no objection on that line.

Really, Mr. President and gentlemen of the Senate, this is a serious question, this seed business. If you will bear with me a moment and let me go back to about thirteen years ago, when the farmers of the country, the farmers of the State of Maine were trying to have them place upon the packages of agricultural seeds, simply this, to state the purity of the seed. And I can remember of hearing some very vituperative remarks spoken by our seed men concerning the gentleman at Orono who has charge of the Maine experiment station, saying he was one of the most detrimental factors there was in the State of Maine toward the men who handled seed. Now we have the same fight on again, only we are carrying it a little further.

Now let us look back and see what the conditions are in the State of Maine. I think I can truthfully say that I stand before you today as the only man in the Senate representing the great agricultural interests in the State of Maine, the only one who lives by farming. And it is the farmer who is to use seed. Now what does the farmer have to do these years? He has to rise in the morning with the sun. He works an eight hour day—eight hours in the forenoon and eight hours in the afternoon. He has to prepare his land. He has to be subject to every element of the weather, frost, flood, drought, bugs, blight. Every other business that is conducted in the country is protected. Where has the farmer's protection come in? The farmer today raises potatoes and sells them at \$1.25 or \$1 a bushel, at a loss of half a dollar. You go to the retail man and buy a peck of potatoes and pay forty to fifty cents a peck for them. He charges you as much for handling those potatoes as we get for a bushel. Now where does the farmer come in? Now you may think I am rambling quite a lot to get to my point. The point is simply this, if we have all these things to fight for, are you going to ask us to put into our land seeds that we are not

sure are going to germinate? Are you going to make us put into our land seeds that have noxious weeds in them, so that when the seed that we bought and paid for dies out the weeds are going to come up and it is going to cost us dollars and dollars to eradicate from our soil?

Now I do not think you gentlemen of the Senate would have the agricultural interests of the State damaged in this way.

Now we are speaking here of this seed law. We have laws in half the states of the United States more stringent than this one. Let me read to you the Wisconsin law.

The Wisconsin law requires the per cent of purity, and germination, and the place where the seed was grown. In addition to this, if the crop seed contains more than one noxious weed seed to three thousand of the crop seed, the crop seed is unsaleable in the state. If it contains any noxious weed seed, even a trace, a statement to the effect must be made on the label so that the person buying it does so at his own risk and knows what he is doing. If there is over 20 per cent of any other kind of weed seeds in the sample, the name and approximate percentage of each kind must be given on the label. If there is over 5 per cent of any other crop seed in the sample, the kind and percentage must be given. We have made a number of prosecutions and secured convictions for mislabeling of seed as to variety or because of prohibitive weed seed content and had no difficulty whatever in establishing our cases. The very fact that the law requires that the seed be labeled with the percentage of germination necessitates germination tests on the seed. Dealers therefore take great care in seeing that the seeds are properly labeled. We believe the moral effect of the law has been such as to very greatly improve the quality of the seeds being sold in the state.

Now when it comes to going through this seed and finding out what there is in it, as our distinguished senator from York has told us—it is a simple thing to take a

package and send it to the University of Maine, and they will send back to us what there is in it—that is a very simple thing, an easy thing to do. I did have in my hand—I haven't it just now—a sample of seed sent in to Maine from the West. And Maine, by the way, is the dumping ground of poor seed coming from the West. A sample of this seed, only an ounce, contained over 100 seeds, not common seeds, but noxious weed seeds. This is some of the seed that came in from other states. We do not want Maine to become a dumping ground for poor seed. The farmer has everything else to contend with, as I have stated before. Now when we go to work and prepare our soil and put our time into it and work sixteen hours a day every day in the week and perhaps another Sunday, are you not willing for us to have seed that has some life in it, something that will return us something and will not fill our land full of weed seeds?

Mr. GURNEY: Mr. President, I think no one would take issue with the senator from Cumberland, Senator Babb, relative to the kindly feeling and the debt that every one acknowledges that we owe to the farmer. Without him obviously we should not live, and I think we want to throw about his work the protection that other lines of industry require. At the same time it seems to me that we may safely take issue when he says that all this bill seeks to do is to allow a man to know just what he is buying. He has that right because if the great agricultural interests of this State demand it, that they should have stated just what they are buying, they need not buy unless they can get that.

Seed competition is fairly sharp and active. But this bill goes further than that. It does not allow the seed salesman to be an honest man if he wanted to be. It says in the third section of this bill that if it, upon test of germination made within six months of the date of test in statement under the provisions of section 3 does not show the same germinating power, then the man who sold that has violated the law and become a criminal. Now what does that mean?

It means, as this bill is drawn, that if a man buys seed of a dealer and uses a portion of that, throws the rest of the seed in a damp cellar and allows them to deteriorate and at the end of five months and a half tests them and they do not show the same germinating quality, then he is responsible because he has violated the law of the State. Now I say that when the senator from Cumberland comes in and espouses the cause of this bill and pleads with us to deal honestly with the farmer, he should by the same measure extend the same opportunity to the seedsman who buys his seed outside of the state to himself remain an honest man in his dealing with the farmer. And I say that under that bill, before the amendment that we have adopted was passed, it would have been absolutely possible for a man to keep seed five and a half months under conditions that made for its deterioration and then to come in and say this seed will not germinate and therefore you violated the law, hence the amendment to be required "in the same conditions."

But that is not all. We have allowed a percentage of 5% for tolerance. You will notice another feature of the bill, that prior to the amendment did not indicate this desire to be honest and allow other men to be honest, for the bill as written said "it shall contain the minimum percentage of purity and freedom from foreign matter"—that is the old statute—here is the beginning—"together with the names and kinds of noxious weed seed contained therein." Now if a package of seed contained five, say, seeds that were noxious, or four, and it were divided into five parts, one would not have that, if it were divided fairly even, and yet that man who sells it, without the ability to separate that, has committed a crime.

Now it was in evidence, and has been presented to me by the seedsmen, this fact, and they have asked me to present their matter to you this afternoon—not because they do not desire to deal in perfect accord with the farmer, but because they do not want to be compelled to violate the law and to be ranked among those

who are violaters of it when they themselves are dealing perfectly honestly. Now these seeds are brought from outside the state. I do not know of any seedsman in this State who keeps a laboratory where he is enabled to prepare the labels that would go on these seeds. The seeds, as I understand, have to be counted. Here is what one of the large seed dealers asks me to present to the Senate.

"We wish to try and make clear to you the position of the Maine seedsmen in regard to the amendment of the present seed law. The seedsmen do not oppose this amendment because they wish to sell cheap seed for they all realize that their greatest asset is to have the confidence of their customers, and that this can only be maintained by having their goods as represented.

We do object, however, to the clause regarding the germination of the seed, since we feel that it is absolutely impossible to comply with this, as we have no control of the seed after it leaves our hands, as it may be kept by the purchaser in a place where conditions are such that the vitality of the seed will deteriorate very quickly.

We also object to the clause which requires the absolute number of weed seeds to be stated, as we feel that this is equally impossible. For example, if an ounce of alfalfa seed is sent to the experiment station for examination, and in this ounce there are five seeds of dodder, and the experiment station divides that sample into five parts for testing purposes, it must necessarily follow that in one of these samples there will be no weed seed at all, while in other samples there may be one, or two, or even more.

What we ask is that the word approximate be used, so as to give a chance for this variation, which cannot be prevented from occurring. We have talked with a number of farmers, and we find that very few of them have any complaint to make in regard to the quality of the seed which is furnished by any of the reliable seed stores in the State. We think that almost always when there

is any complaint it is because the purchaser has been tempted by low price to purchase seed which was of inferior quality.

All the seedsmen would be very glad if possible to sell seed testing 100% in every respect, but of course conditions are such that it is absolutely impossible to obtain seed of such purity. If the purchasers of seeds would all demand the very highest quality, and be willing to pay the price which such seeds cost, the dealers would be very glad to keep exclusively that seed, but where many purchasers consider price more than quality, and demand a lower price for seed, dealers necessarily are obliged to carry some seeds of that quality. Yours very truly, Kendall & Whitney."

Another letter from Allen, Sterling & Lothrop is substantially the same.

"These tests have been very carefully made and disclose that in a test of samples from the same identical lot of red clover seed made by twelve official testing stations in this country and by the famous Stebler of Zurich, Switzerland, there was a difference in the results of these official tests amounting to 3.5% on purity tests and on the analyses of germination a difference of 12% as to red clover seed; on timothy seed a difference in purity tests of 1%."

I shall not attempt to read the other tests. The fact is that different men giving tests from the same samples do not get always the same results. When we insist that they shall come within 5% we are taking a very low margin.

Here is what Dr. Woods of our experiment station at Orono said at a hearing before the Committee on Interstate and foreign commerce of the U. S. House of Representatives: "The objection to germination tests is that today it could not be carried into operation." That is, the analysts do not agree on the qualities of the seed always.

"If I were the executive officer of a law similar to this in Maine and I carried a case to the courts, the man would bring in identical samples with experts, who would show that our analyses were wrong. We could

not get a conviction and I do not believe it is worth while to establish a law ahead of what can be done under it."

Now in a letter of Dr. Woods to Hon. James R. Mann of Congress, dated May 9, 1910, on the stationery of the Maine Agricultural Station, Dr. Woods makes this interesting statement: "Because of the very conflicting results in germination that were obtained by different methods in different laboratories it seemed unwise, until a further study of methods has been made, to introduce anything relative to the viability of seeds into a law."

Now another expert seed analyst says: "There are and always will be variations between different germination tests of the same sample and such variations must be expected. These variations will usually be less if the different tests are made by the same person or greater if made by different laboratories under different conditions."

Now the question is whether we are going to allow a law to be enforced that will require a man to guarantee for six months that seeds will germinate as they do at the time of purchase.

Mr. FOLSOM of Somerset: May I ask the Senator from Cumberland a question through the Chair?

The PRESIDENT: The senator from Cumberland, Senator Gurney, hears the senator from Somerset, Senator Folsom, through the Chair.

Mr. FOLSOM: Do I understand that your amendments take care of the objection that you have made to the bill?

Mr. GURNEY: My amendments merely try to modify somewhat the evil that seems to exist in the bill, but I do not think that they meet entirely or at all the inherent wrong.

Mr. FOLSOM: I just wish to make this statement, that I favor some bill of this nature, but there is one thing about it which I object very strenuously to. This bill provides that any person who sells seeds shall be subjected to the provisions of this act. Now it seems to me that that precludes a farmer's selling seed oats or seed of other kind to his neighbor

unless it is tested and marked, etc., in compliance with the terms of this act, and unless it could be amended so that the farmers would be permitted to do that, which is a common custom among farmers, I should favor the indefinite postponement of this bill.

Mr. DAVIES: Mr. President, may I ask Senator Folsom, if an amendment were offered to the bill striking out the word "person" and inserting therefor the word "dealer," whether it would meet his objection?

Mr. FOLSOM: I understood it was to be so amended, and I should have no objection to the bill amended in that manner.

Mr. DAVIES: I yield to Senator Deering of York.

Mr. DEERING: I understood the question and the answer in regard to that, and so if that meets the objection which Senator Folsom has raised, you have made a law that puts the dealer and the farmer in Maine in a different category, and there is no difference when it comes to honesty which party it pertains to—honesty is the same thing in a dealer that it is in a farmer, and we should not make one law for one and another law for another, and I would strenuously object to any law that does that sort of thing. I do not believe the bill as drawn can be amended to suit the dealers and the farmers in the State of Maine. The point has been brought up that the farmers want this particular legislation. Now it may be true that the farmers ought to be protected in some way against noxious weed seeds in the grain that they sow, but if a man is raising oats or barley or wheat for seed in the State of Maine, he must go through the process that is outlined in this bill and count all the seeds, or he must have all his seeds tested at the University of Maine or some other place before he can sell any seed and come within the law; and even then the dealers that deal in seed, that have now on hand thousands and thousands of dollars' worth of seed at the present time, if they carry any of that seed over from this year to next year would have to have it

tested all over again and have it marked all over again, and the farmers who carry over seed from one year to another would have to guarantee the germinating power of it at that time, and sometimes they may have to have them analyzed even twice to find out how much percentage of noxious weed seeds there are in certain samples. I do not believe that this particular bill as drawn is for the welfare of the farmers of the State of Maine. I yield to Mr. Babb in knowing more about farming than I do at this particular time, because he is a practical farmer, but still I cannot agree with him that the farmers as a whole approve of a bill an experience. It is a personal experience which must bind them to an analysis of the seeds which they themselves raise.

Mr. BABB: Replying to what the Senator from York has said in regard to this bill if passed, that it would prevent the dealer who had seeds left over from making them salable for the next year, that is just what we want. Now let me relate an experience. It is a personal experience and I hope you will take it as I am the one who tried the experiment and I think I may be trusted for my honesty. I prepared a piece of land for wheat and barley. I went to the man who sells seed and bought half seed enough to seed the piece of land. I didn't buy the whole of it because I purchased him out. I went home and prepared that land for my grain and I sowed it, and the next day I went to another dealer and I bought more seed—it was clover, if you please, and I came home the next day and I sowed that. And to my surprise, and not only to my surprise, but to the expense of my pocketbook, not only in the seed but in the time I had spent in preparing that land, and the expense of carrying that piece of land over till next year and preparing it again—I found the seed I purchased the first day was good seed and the seed I purchased the second day was poor seed, and I didn't see a spear of it come up.

I took it the seed I planted the second day was old seed. That is



where we farmers need protection. That is only in my own case. I could cite you other instances of it. I take it, if this law is passed, and if a farmer wants to sell seed to another farmer, I don't take it that he would be a dealer in seeds, and I do not think anyone bringing this to court would make a case against the farmer for selling seed, if he wanted to, to some neighbor. It is the big seedhouses selling seeds broadcast over the country. We do not ask for anything more than can be complied with. Half of the states in the Union require this—thirteen states in the Union are requiring a like test for their seeds.

Mr. GURNEY: May I ask the Senator through the Chair whether or not most of the States do not allow a percentage of germination and as to purity?

Mr. BABB: Certainly, they state on their packages. All we want stated is the percentage of purity, the percentage of germination. When by test it is fixed at less than 60% we do not want them to say 100%. Let them state what it is, and then let us pay for the seed according to what it is worth. We are willing to pay for good seed, but we do not want seed that will not come up.

Mr. TUTTLE of Aroostook: Mr. President, this certainly interests me, this bill does, very much. The question of this proposed law is not new in other states. Senator Babb has already stated that there are thirteen other states where a vitality test is required; and also thirteen other states that have seed laws similar to the other parts of this law.

To the farmers of Aroostook, especially, it is very essential they have something done in regard to the germination of their grass seeds. As the honorable Senator has suggested, the seed man can keep it over and he does frequently keep it over. And what does he do when he gets in a lot of new seed? He mixes the old with it and sells it, and we all know that the germinating power of the old seed is impaired. Now if a farmer buys seed that fails to germinate, what is the result? He not only loses the price of the seed, which is but

a small affair compared with the use of the land and the land will certainly grow to weeds. And I say this is an important measure for the farmers of Maine, and I surely hope that the motion to indefinitely postpone will not be adopted. I do not know as I have any special objections to amendments.

Mr. LORD of York: Mr. President, I am a member of the Senate who is not only engaged in farming, but have been for a good many years. I have not had any of those experiences that have been described and I do not see the need of this bill. It seems to me that as it is written, we will simply be writing another law into the statute books that will not be enforced. We have for the last two or three years been urged to raise seed for home consumption and the farmers have received circulars from the national department and from the state department looking toward this. The bill as it is written would make each of those farmers a criminal for selling that seed, because it is absolutely impossible for him to comply with the requirements of the bill.

It is possible now to buy from the reliable seedhouses seed that is guaranteed as to germination if they wish to buy that, and I certainly hope the motion of the Senator from York will prevail.

Mr. FOLSOM: Before I vote upon the pending question, if I may, Mr. President, I would like to ask the senator from Cumberland, Senator Davies, a question. Is it your purpose to offer the amendment suggested by you in case this act is not indefinitely postponed—that is, striking out the word "person" and inserting therefor the words, "dealers in seeds?"

Mr. DAVIES: I desire to say to the Senator, Mr. President, that it is my intention to offer that amendment, or it will be offered by my colleague, Senator Babb.

Mr. President, this has been a very interesting session of the Legislature and we have done many things that will make the inhabitants of the state of Maine better inhabitants. Now

we have done something for the industrial worker. We have done much for the business man and corporation. We have done something for the osteopath and we have done something for the practitioner of medicine. Now let us do something for the farmer, and here is our opportunity. I want to take the expression of opinion of this matter from Senator Babb. As has been well said, he is the only man in the Senate that makes his living by farming. My friend, Senator Lord, is an agriculturist. There is a vast difference, Mr. President, between the two: One farms for a living, the other lives for a farm. And those things are altogether different.

This test which is prescribed by this bill and is commonly called the germinating test, is merely applying the pure food law to the farmers of the state, and why should they not be entitled to it? It has been applied to fertilizer. It has been applied to almost every commodity that is offered for sale over the counter in a retail shop. Now then the farmer comes and says to the Maine Legislature, We ask you to protect us in our seed before we put it into the ground. It is a just, fair, reasonable, equitable demand. And I hope that the legislation will be granted.

Something has been said about Dr. Woods who presides over the experiment station. Very well. Dr. Woods appeared before the committee in favor of the act. Am I not correct in that, Senator Babb?

Mr. Babb: You are.

Mr. DAVIES: There was not a single seed dealer who came to oppose it before the committee. Is that correct, Senator Babb?

Mr. BABB: It is correct.

Mr. DAVIES: On what do these distinguished gentlemen who know so much about farming base their opinions? Certainly we have a right to depend to a large extent upon the report of the committee. The authority which has been cited as the supreme authority appeared in favor of the act. What testimony has the Senate before it at the present time that would make a majority of us feel as if this act should be indefinitely post-

poned? I have not heard it, Mr. President.

The PRESIDENT: The pending question is the motion of the senator from York, Senator Deering, that this bill, H. D. 482, be indefinitely postponed.

A viva voce vote being taken, the Chair was in doubt and a rising vote was had.

Five senators voting in the affirmative and seventeen in the negative, the motion of the senator from York was lost.

Mr. BABB: I now move, Mr. President, that it take its second reading.

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

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From the House: An Act to extend the time within which the provisions of Chapter 180 of the Private and Special Laws of 1915, as amended by Chapter 167 of the Private and Special Laws of 1917, to provide for the re-organization and consolidation of the Boston & Maine Railway system may be exercised.

In the House this bill was given its several readings and passed to be engrossed without reference to a committee.

In the Senate the bill was read twice under suspension of the rules, and passed to be engrossed in concurrence.

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From the House: S. D. 256, An Act to provide for the jurisdiction of the public utilities commission over certain motor vehicles.

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

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

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From the House: An Act to require a fee for the registration of milk dealers (H. D. 515).

In the House this bill was indefinitely postponed.

Mr. TUTTLE of Aroostook: Mr. President, I would say in regard to

that bill that it had the unanimous report of the committee on agriculture. It asked for a license of one dollar from the milk dealers, and every dealer present, and quite a number favored the inspection, for the very reason they felt they were not getting proper inspection, and the department says that they cannot give proper inspection without some funds. They felt this would be a way to get more funds to help the matter along.

I move that the bill receive its two readings under suspension of the rules, at this time and be passed to be engrossed.

The motion was agreed to, the bill was read twice and passed to be engrossed and send down for concurrence.

From the House: Majority report of the committee on judiciary, ought not to pass, on An Act in relation to the duties of the state auditor; and minority report of the same committee on the same bill that the same ought to pass.

On motion by Mr. Davies of Cumberland, the majority report, ought not to pass, was accepted in concurrence.

From the House: Majority report of the committee on judiciary, ought not to pass, on An Act to amend Chapter 42 of the Revised Statutes as amended by Chapter 139 of the Public Laws of 1917, relating to intelligence officers; minority report of the same committee on the same bill, ought to pass in new draft.

On motion by Mr. Davies of Cumberland, the majority report, ought not to pass, was accepted in concurrence.

From the House: Majority report of the committee on judiciary, ought not to pass, on H. D. 420, An Act to amend Section 4 of Chapter 60 of the Revised Statutes of 1916, repealing the monopoly law in regard to the sale of electricity, and permitting its sale for mechanical and manufacturing purposes; minority report of the same committee on the same bill, that the same be referred to the next Legislature.

On motion by Mr. Davies of Cumberland, majority report, ought not to pass, was accepted in concurrence.

From the House: Majority report of the committee on State lands and forest preservation, ought not to pass, on H. D. 514, An Act for the preservation and increase of the forests of the State of Maine; minority report of the same committee on the same bill, ought to pass in new draft.

On motion by Mr. Ames of Washington, the majority report, ought not to pass, was accepted in concurrence.

From the House: H. D. 422, An Act relating to exemption from poll taxes.

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

In the Senate, under suspension of the rules, read twice and passed to be engrossed in concurrence.

#### Bills in First Reading

S. D. 302, Resolve in favor of clerks, stenographers and messengers of the several committees of the 79th Legislature.

Under suspension of the rules the bill was given its two readings.

Mr. THOMBS of Penobscot: Mr. President, I offer Senate Amendment A to S. D. 302, and move its adoption.

#### Senate Amendment A to S. D. 302

Amend S. D. 302 by striking out the words and figures "George H. Chick, messenger, seventy-five dollars—\$75.00," and substitute therefor the following words: "George H. Chick, messenger, one hundred dollars—\$100.00."

Mr. THOMBS: Mr. President, just a word. The two messengers of the Senate, one of them has been employed in the afternoons during the session as messenger to the legal affairs committee, and the other young man is messenger to the committee on appropriations and financial affairs.

So far as I am able to learn the duties these two boys have per-

formed are very similar in amount. The committee on legal affairs instructed its chairman to draw a resolve for the amount that was paid two years ago to its messenger. I did so and found that the amount was \$75.00. I have now learned that most of the other messengers, and especially the messenger employed by the appropriations committee, is to receive \$100. I think that the work these two boys have performed for us here is exactly similar, and each should be paid a like amount, and for that reason I ask you to accept this amendment.

Mr. GRANT of Cumberland: Mr. President, I have no objection to the amendment, but I want to state why we had a difference. The committee on appropriations and financial affairs is now the committee on the budget, and we began our work when the session of the legislature began. The committees on judiciary and legal affairs began their work about a month later. They have had two months' work where we have had three, and that is why we made a difference in the pay. Our messenger had \$100, and we took their recommendation at \$75, but I have no objection if that seems to be as little as anyone has outside of the judiciary committee, and they came in for a very large amount that we could not see why they should get.

Mr. DAVIES: Mr. President, I desire to endorse part of the statement which has been made by the senator from Cumberland, and particularly his statement that he makes no objection to the amendment. Neither do I.

I desire to say in justice to the young man who served the committee on judiciary as messenger, that he has devoted all of his time to the judiciary. There has been no day that he has not been in attendance upon the stenographer and the members of the committee from eight o'clock in the morning,—and my friends, Senators Deering and Dearth, will bear me out in this—until five o'clock at night, each day.

Senator Grant is not quite right, although he intends to be, when he

says that our hearings did not commence for a month after the legislature was invoked.

Mr. GRANT: Approximately.

Mr. DAVIES: Approximately, he says now. In fact, they began in about two weeks, and had hearings in about ten days. That is my best recollection.

The messengers both receive from the Senate \$100, I think. Is that correct?

The PRESIDENT: I think you are correct.

Mr. DAVIES: We are merely paying the messenger to the committee on judiciary the same as the others. Is there anything unfair about that?

Senator Grant says that we sent in an order for a very large sum for the messenger of our committee. As a matter of fact, we asked to have paid to the messenger of the committee—I have served on the committee and done personally work for five sessions, and he is the most competent messenger that we ever had—Why should our committee feel like asking him to take less than the other messengers receive? I know of no reason. And it was for the purpose of offering an amendment to the resolve when it was put upon the table,—that the words "one hundred and fifty" be stricken out and we insert therefor the words "two hundred."

I desire later in the session to offer that amendment, and I take this opportunity to make this explanation, and I hope there is no objection.

The PRESIDENT: The Chair desires to say that the pay of the messengers is \$150.

Mr. DAVIES: So that our messenger gets \$50 less than the other messengers. William Woodrow Wilson, who has served the committee on judiciary, is to receive \$50 less than the others, and there certainly can be no objection to that.

Senate Amendment A was adopted.

Mr. PEACOCK of Washington: Mr. President, I desire to offer Senate Amendment B, and move its adoption.

#### Senate Amendment B to S. D. 302

Amend S. D. 302 on Page 2, under head of ways and bridges, by strik-

ing out the words and figures "one hundred and fifty dollars,—\$150," and insert in lieu thereof the words and figures "two hundred and fifty dollars—\$250."

Mr. GRANT of Cumberland: Mr. President, I am very glad to see that the senators are getting so liberal. We placed the stenographers all on one basis. This is the busiest committee, and we placed the maximum amount there. Our stenographer to the committee on appropriations and financial affairs was obliged to work some nights until ten and ten thirty, and I do not believe there is a stenographer in the State House who works any harder and she gets \$250.

If we are not going to practice economy and give everybody what they ask for, I shall make no objection.

Mr. PEACOCK: Mr. President, I am glad to hear the senator's interpretation of liberal.

In regard to this amendment I will say that we had a young lady who worked as clerk and stenographer. I think it is generally conceded that the ways and bridges committee consider as many matters as any other committee. This young lady did all the work. Last year the clerk of the committee received \$300, and the stenographer \$125. We put in a resolve requesting that she receive \$300, and the appropriations committee have seen fit to reduce it to \$150. I think it is not fair compensation for the work she has done, and I hope the Senate will see fit to accept the amendment.

Mr. GRANT: There is one other word. The committee on appropriations and financial affairs have all these matters to consider, and we have but one object in view, and that is to have them equal and fair and not allow one stenographer, or one messenger, get twice as much as another, because it causes a great deal of dissatisfaction.

After careful investigation I hope this amendment will be accepted.

Mr. DAVIES: Mr. President, I was preparing an amendment at the time Senator Peacock offered his amendment, and may I inquire just what his amendment covers?

(The President read the amendment again.)

Mr. DAVIES: That sum is to be paid to the stenographer?

Mr. PEACOCK: For clerk and stenographer. She filled both positions.

Mr. DAVIES: \$250?

Mr. GRANT: May I state further that she served another committee and has got a substantial amount there.

Mr. PEACOCK: \$100 from the sea and shore fisheries committee.

The pending question being on the adoption of Senate Amendment B, a viva voce vote was taken. The Chair being in doubt, a rising vote was had, and 10 voting in favor of the adoption of the Amendment and 13 voting against its adoption, Senate Amendment B was not adopted.

Mr. DAVIES of Cumberland: Mr. President, I wish to take from the table Senate Document 202.

The motion was agreed to.

The same senator then offered the following amendment:

#### Senate Amendment C

Amend S. D. 302 by striking out the words and figures "one hundred and fifty—\$150" after the words "William Woodrow Wilson, messenger," and insert therefor the words and figures "Two hundred dollars—\$200," and move its adoption.

Mr. DAVIES: What I said a minute or two ago is applicable to this amendment. The messenger has served all the time he has been here, and he has had no other employment. He is not in the position of the page who receives \$150 in the Senate and \$50 from a committee, making him \$200, or the same as the other page in the Senate received. This is his entire amount, and he has done the work competently and to the entire satisfaction of the members of the committee. Can we ask him to take any less and be fair and be just to him?

Mr. GURNEY of Cumberland: May I ask the chairman of the committee on appropriations before I vote on this matter, whether the facts as the senator has laid them before the Senate were considered by the com-

mittee on appropriations and financial affairs?

Mr. GRANT: I can say that they were, but I fail to see where the great difference comes. The committee on legal affairs asked for \$75 and the judiciary committee asked for \$200. Now the fact that the boy had no other position is not a thing that we should consider here. These other boys have done their work faithfully and well and they are getting \$100. I believe the messenger for the appropriations and financial affairs committee has done as much work as the one serving the judiciary and he is getting \$100. The same question enters in there, of satisfaction. I did not think we ought to give \$150. We took that into account and gave him \$50.

Mr. DAVIES: Inasmuch as a part of the senator's remarks were in the nature of a question, I desire to say that the boy who has served us as messenger worked all the time for that committee. He came comparatively early in the morning and served the committee in the morning and in the afternoon. The messenger to the committee on legal affairs served the Senate in the morning. That is the difference. That is why the messenger of our committee is entitled to at least \$200. With all respect to the senator from Cumberland, the chairman of the committee on appropriations and financial affairs, we probably went over the matter very carefully in the committee before we decided what we would recommend. The ten men who sat on that committee were probably they saw the boy every day—they were probably in a position to tell as well as the committee on appropriations and financial affairs what he honestly earned.

We have no disposition to ask from the State of Maine \$50 that he is not entitled to. We want to be just to him; we want to pay him a fair, reasonable compensation for his services, and that is precisely what I am trying to do, Mr. President, by this amendment.

Mr. GRANT: Mr. President one word more. Our messenger was

here and got our committee together usually an hour before the session of the Senate opened in the morning, before the session started, and we had a session after the closing, besides our afternoon session.

The PRESIDENT: The pending question is the adoption of Senate Amendment C, to S. D. 302, by striking out the words "one hundred and fifty" after the words "William Woodrow Wilson" and inserting in their place the words "two hundred."

A viva voce vote was taken, whereupon Mr. Davies of Cumberland asked for a division.

Mr. PARENT of Androscoggin: Mr. President, I would like to ask the senator from Cumberland, through the Chair, if the \$250 includes the services in the Senate and on the committee?

Mr. DAVIES: I desire to say to the senator from Androscoggin, Senator Parent, that he has not been employed in the Senate. All his work has been given to the judiciary committee, and the appropriation is \$200, not \$250.

A rising vote was had and 16 senators voting for the adoption of the amendment and 7 against its adoption, the amendment was adopted, and the resolve as amended was passed to be engrossed.

S. D. 303, An Act to amend Section 7 of Chapter 45 of the Revised Statutes, relative to the use of seines and traps.

(Read the second time and passed to be engrossed and sent down for concurrence.)

Mr. LORD of York: Mr. President, I move to take from the table An Act to amend the charter of the city of Lewiston, tabled by me this morning.

The motion was agreed to and the senator then yielded to the senator from Androscoggin, Senator Parent.

On motion by Mr. Parent, the report of the committee, ought to pass, was accepted, and the bill was given its first and second reading, under suspension of the rules.

The same senator then offered Senate Amendment A to An Act to amend the charter of the city of Lewiston, providing for pensioning firemen.

Amend said act by striking out in the fourth line the words "the first monday of March in the year 1920," and insert in place thereof "the second of September, 1919."

Senate Amendment A was adopted, and the bill as amended was passed to be engrossed.

Mr. PEACOCK of Washington: Mr. President, I ask the unanimous consent of the Senate to present an act out of order.

Consent was granted and the senator presented An Act to amend Section 36 of Chapter 35 of the Revised Statutes as enacted and set forth in Chapter 258 of the Public Laws of 1909 and as amended by Chapter 88 of the Laws of 1917, relating to the creation and expenditure of the mill tax highway fund.

On further motion by the same senator, under suspension of the rules, the bill was given its two several readings at this time, without printing, and without reference to a committee, and was passed to be engrossed and sent down for concurrence.

#### Finally Passed

Resolve for laying the county taxes for the year 1919.

This resolve carried an emergency clause and required a two-thirds vote of the members of the Senate.

Twenty-four senators voting for the passage of the bill, it was finally passed.

Resolve, in favor of the Fidelity Mutual Insurance Company of Philadelphia, Pennsylvania, for a tax credit.

Resolve, continuing unexpended balance of appropriation provided by Chapter 310 of the Resolves of 1915, entitled Resolve appropriating money to aid in the construction of substructure of a highway bridge across the St. John river between the town of Madawaska, Maine, and the city of Edmundston, New Brunswick.

Resolve, to appropriate money for the purchase of history of York.

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 purposes.

Resolve, for the laying of the county taxes for the year 1920.

Resolve, to amend a Resolve in favor of the Augusta State hospital, for the construction of a new building for patients.

Resolve, in favor of the town of Porter for school purposes.

Resolve, authorizing construction of a building for the care of tubercular soldiers, sailors and marines.

Resolve, in favor of Harry A. Fowles, secretary of the committee on school for feeble minded.

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 State highways and providing for the building of intrastate and international bridges.

This resolve proposing an amendment to the constitution required a two-thirds vote of all the members of the Senate.

Twenty-four senators voting for the passage of the bill, it was finally passed.

#### Passed to Be Enacted

An Act to provide for the registration of resident hunters.

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.

An Act to amend the charter of the city of South Portland.

(On motion by Mr. Davies of Cumberland, tabled.)

An Act to incorporate the Belfast Water District.

An Act to amend Section 78 of Chapter 52 of the Revised Statutes, relating to the loans made by trust companies.

An Act to amend Section 14 of Chapter 92 of the Revised Statutes, as amended by Section 7 of Chapter 133 of the Public Laws of 1917, and Sections 17 and 19 of Chapter 92 of the Revised Statutes, all relating to the filing of claims against estates of deceased persons.

An Act to amend Sections 3 and 6 of Chapter 260 of the Public Laws of 1917, entitled An Act to establish a superior court in the county of Androscoggin.

An Act to amend Section 3 of Chapter 84 of the Revised Statutes, relating to clerks of the judicial courts.

An Act to establish a State reformatory for men.

An Act to assist in the commercial utilization of the dogfish.

(On motion by Mr. Lord of York, tabled.)

An Act additional to Chapter 8 of the Revised Statutes, Relating to the burning of brush.

An Act to amend Chapter 32 of the Revised Statutes, relating to cinematograph and moving pictures.

An Act to amend Chapter 39 of the Private and Special Laws of 1915, increasing the salary of the recorder of the Sanford municipal court.

An Act to amend Section 1 of Chapter 69 of the Revised Statutes, relating to the assessment and collection of inheritance tax.

An Act to enable towns or cities to procure state aid in the construction of armories.

An Act relating to the surety bond business of trust companies and domestic corporations and amending Section 90 of Chapter 52 of the Revised Statutes.

An Act relating to the inspection of creameries, cheese factories, condensaries, or receiving stations for milk or cream.

#### Orders of the Day

On motion by Mr. Davies of Cumberland, the majority report of the committee on judiciary, ought not to pass, on H. D. 465, An Act to grant

a new charter to the city of Waterville, was taken from the table.

On motion by Mr. Deering of York, the majority report of the committee, ought not to pass, was accepted.

On motion by Mr. Folsom of Somerset, the Senate voted to reconsider the vote whereby H. D. 482, An Act to amend Sections 3 and 12 of Chapter 36 of the Revised Statutes, relating to marking packages of agricultural seeds, was passed to be engrossed.

The senator then yielded to the senator from Cumberland, Senator Davies, "that he may offer his amendment."

Mr. DAVIES: Mr. President, I desire first to thank the senator from Somerset, for getting the bill before the Senate so that it was appropriate to present an amendment at this time. I now offer Senate Amendment B, and move its adoption.

Senate Amendment B to H. D. 482.

Amend H. D. 482 by striking out the word "person" in the third line of Section 3, and inserting in place thereof the words "dealer in seeds."

Mr. GURNEY of Cumberland: Mr. President, I understand the only purport of this change is to substitute the words "dealer in seeds" for "person"?

Mr. DAVIES: Yes, sir.

Senate Amendment B was adopted and the bill as amended was passed to be engrossed.

On motion by Mr. Parent of Androscoggin, unanimous consent was granted and that senator presented An Act to permit the registration of female voters at Presidential elections.

On further motion by the same senator, the rules were suspended and the bill was given its two readings and passed to be engrossed, without printing or reference to a committee, and sent down for concurrence.

On motion by Mr. Clement of Waldo, the Senate recessed until 7.30 o'clock this evening.

#### SENATE

(Evening Session)

Senate called to order by the President at 8 o'clock.



### Reports of Committees

Mr. Emerson for the committee on appropriations and financial affairs, reported ought not to pass on An Act to amend Section 24 of Chapter 117, as amended by Section 7 of Chapter 244 of the Public Laws of 1917, relating to the commissioner of inland fisheries and game, the land agent, and the forest commissioner.

The report was accepted and sent down for concurrence.

The following committees submit their

### Final Reports

Judiciary and Labor.

Manufactures.

Mines and Mining.

From the House: S. D. 288, An Act to increase the salaries of certain county officers and the amount of money allowed for clerk hire.

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

It came from the House amended by the adoption of House Amendment A.

On motion by Mr. Grant of Cumberland, House Amendment A was adopted in concurrence and the bill was passed to be engrossed as amended.

From the House: An Act amendatory and additional to Section 23 of Chapter 130 of the Revised Statutes, relating to offenses against the public health, safety and policy requiring dealers in cigarettes to post in their stores, shops or places of business a placard upon which shall be printed a copy of Section 23 of Chapter 130 of the Revised Statutes prohibiting the sale of cigarettes to minors.

This bill came from the House, passed to be engrossed as amended by House Amendment A.

The Senate adopted House Amendment A in concurrence.

On motion by Mr. Parent of Androscoggin, the bill and amendments were tabled.

From the House: Resolve on the payroll of the House of Representatives of the 79th Legislature.

(Read twice under suspension of the rules, and passed to be engrossed in concurrence.

From the House: H. D. 437, An Act to amend Chapter 293 of the Public Laws of 1917, entitled An Act to create a commission of sea and shore fisheries.

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

On motion by Mr. Peacock of Washington, the Senate voted to insist and ask for a committee of conference.

The Chair thereupon appointed on such committee on the part of the Senate, Messrs. Peacock, Lord and Gurney.

From the House: Majority report of the committee on education, on An Act to provide for the distribution of State school funds available for the support of common schools, that the same be referred to the next Legislature, with accompanying order.

Minority report of the same committee on the same bill, that the same ought to pass.

On motion by Mr. Walker of Somerset, the bill with accompanying reports was tabled, pending acceptance of either report.

From the House: The report of the committee on judiciary, ought to pass in new draft, on H. D. 452, An Act to amend Section 5 of Chapter 118 of the Revised Statutes, relating to the fees of sheriffs and their deputies.

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

House Amendments to H. D. 452, adopted in the House, were read by the secretary.

Mr. DAVIES of Cumberland: Mr. President, it is evidently the intention of the various amendments to include in the additions to the bill, all the counties in the State. It seems to me that the phraseology of the bill could be shortened, and wisely, by one amendment which would include all counties. I therefore move that the bill and the various amendments lie on the table for the pur-

pose of an amendment which would make the bill include all the counties of the State.

(Senator Davies withdrew his motion for the moment.)

Senator Butler of Franklin then offered Senate Amendment A to H. D. 452:

Amend House Document 452 by inserting after the word "Washington" in said bill, as amended by House Amendment D, the words "Franklin and Lincoln."

The bill and amendment was then tabled.

H. D. 507, An Act relative to the compensation of judges of probate.

In the House this bill was indefinitely postponed.

On motion by Mr. Grant of Cumberland the Senate concurred with the House in indefinite postponement.

From the House: Report of the committee on judiciary on H. D. 508, An Act relative to compensation of registers of probate, that the same ought to pass.

In the House this bill was read and passed to be engrossed under suspension of the rules. Subsequently the bill was indefinitely postponed.

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

From the House: H. D. 520, An Act relative to unclaimed shares of estates in any savings bank or like institution, deposited by direction of the probate court.

In the House, House Amendment A was adopted.

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

From the House: Report of committee on public utilities, An Act to amend Chapter 56 of the Private and Special Laws of 1895 as amended by the Laws of 1903, relative to supplying Boothbay Harbor with water, that the same ought not to pass.

In the Senate the report was accepted; in the House they substituted the bill for the report.

On motion by Mr. Folsom of Somerset the Senate voted to adhere.

From the House: H. D. 513, An Act to amend Section 3 of Chapter 346 of the Private and Special Laws of 1905, as amended by Chapter 27 of the Private and Special Laws of 1915, providing for and fixing the salaries of the probation officer and the assistant probation officer for the county of Cumberland.

(Read twice under suspension of the rules and passed to be engrossed in concurrence with the House.)

From the House: Majority report of the committee on sea and shore fisheries, ought not to pass, on An Act to amend Sections 35 and 38 of Chapter 45 of the Revised Statutes, determining the measurements of lobsters, and establishing a maximum and minimum length; minority report of same committee on same bill, ought to pass.

In the House the minority report was accepted.

On motion by Mr. Peacock of Washington the reports and bill were tabled pending acceptance of either report.

From the House: Report of the committee on sea and shore fisheries, ought to pass, on H. D. 517, An Act additional to Chapter 45 of the Revised Statutes, relating to sea and shore fisheries.

In the House this bill was indefinitely postponed.

Mr. DAVIES of Cumberland: Mr. President, from the title of the act it seems to me it is somewhat blind, and would the Chair be kind enough to inform the Senate what the provisions of the act are?

(The secretary read the bill.)

On motion by Mr. Davies the bill was indefinitely postponed in concurrence.

From the House: H. D. 496, Resolve in relation to the celebration of the 100th anniversary of the admission of Maine into the Union.

In the House, House Amendment A was adopted.

On motion by Mr. Gurney of Cumberland, the vote was reconsidered

whereby this bill was passed to be enacted, and on further motion by the same senator, the vote was reconsidered whereby the bill was passed to be engrossed.

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

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On motion by Mr. Lord of York, An Act for the commercial utilization of dogfish was taken from the table.

On further motion by the same senator, the bill was passed to be enacted in concurrence.

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Mr. DAVIES of Cumberland: Mr. President, I desire to call the attention of the Senate to a mistake in

the Legislative Record, and more particularly that part thereof in the Senate for March 28th, in which, on page 963, this language and these figures appear: "This sum was made up of an item of \$1,170.25, due under a written contract, and with accrued interest thereon." Those figures as they stand in the record are incorrect. They are transposed, it should be \$1710.25, instead of \$1170.25. I move that the correction be made.

The PRESIDENT: The same being a clerical error the Chair will authorize the correction to be made.

Mr. DAVIES: If you please. Thank you.

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On motion by Mr. Tuttle of Aroostook adjourned until tomorrow morning at 10 o'clock.