

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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SENATE

Thursday, April 3, 1919.

Senate called to order by the President.

Prayer by Rev. F. E. Boothby of Augusta.

Journal of precious session read and approved.

Papers from the House disposed of in concurrence.

From the House: Report of the Cumberland county delegation, on An Act to establish the Portland Public Service District, that the same be referred to the next Legislature.

On motion by Mr. Davies of Cumberland, the Senate voted to indefinitely postpone the act, in non-concurrence. Sent down for concurrence.

House Bills in First Reading

Resolve making an appropriation for the Maine Seed Improvement Association. (H. D. 231.)

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

Resolve appropriating money to pay Ethel W. Lee, stenographer to the clerk of the House, and Ida E. Gladstone, stenographer to the Speaker of the House of Representatives.

(Under the suspension of the rules, read twice and passed to be engrossed, in concurrence.)

H. D. 511: An Act to amend Section 40 of Chapter 117 of the Revised Statutes, increasing the salary of the clerk of courts of the county of Lincoln.

In the Senate, this bill was indefinitely postponed.

In the House, that body insisted and asked for a committee of conference.

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

S. D. 303: An Act to amend Sec-

tion 71 of Chapter 45 of the Revised Statutes, relative to the use of seines in traps.

In the Senate, this bill was passed to be engrossed.

In the House, the minority report of the committee, ought not to pass, was accepted in non-concurrence.

Mr. DAVIES of Cumberland. Mr. President, I move that the Senate recede and concur with the House in accepting the minority report, ought not to pass.

The motion was agreed to.

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

In the Senate, Senate Amendments A and C were adopted.

In the House, House amendments A and B were adopted, and the bill came back from the House with Senate Amendments A, B and C adopted.

Mr. GRANT of Cumberland: Mr. President, I move that we recede and concur with the House in the adoption of Senate Amendments A and B, and that we adopt House Amendments A and B.

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

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

In the House that body adhered to their action on the indefinite postponement of the bill.

S. D. 301: An Act relating to the term of service of the city treasurer and collector of the city of Portland.

In the Senate, this bill was passed to be engrossed.

In the House, the bill was indefinitely postponed, in non-concurrence.

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

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 House they adhered.)

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.

In the Senate, this bill was indefinitely postponed.

In the House, that body insisted and asked for a committee of conference.

Mr. LORD of York: Mr. President, I move that the Senate recede and concur with the House and join a committee of conference.

The motion was agreed to, and the Chair appointed on such committee on the part of the Senate, Messrs. Lord, Baxter and Clement.

Orders

On motion by Mr. Peacock of Washington, it was

Ordered, that 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, now in the hands of the Governor, be recalled for the purpose of making amendments thereto.

On motion by Mr. Thombs of Penobscot, it was

Ordered, that the Governor be requested to return to the Senate for further consideration, the bill, An Act entitled An Act to provide for the payment of half salaries to judges of probate who retire at the age of seventy years after having served as such judge twenty consecutive years.

On motion by Mr. Baxter of Sagadahoc, it was

Ordered, that 500 copies of the remarks of Senator Googin delivered on April 2nd on the presentation of a watch to President Higgins, together with his acceptance of the same, be printed for the use of the senators of the 79th Legislature.

Bills in First Reading

S. D. 304: The workmen's compensation act.

(The bill was given its second reading under suspension of the rules.)

Mr. DEERING of York: Mr. President: I move that the bill be passed to be engrossed.

Mr. GRANT of Cumberland: Mr. President, I think there are amendments to be offered and I move that the bill lie on the table.

Mr. DEERING: I withdraw my motion, Mr. President.

I would like to ask any senator who proposes an amendment to this law, to have it prepared by the afternoon session so that the bill may go to the House.

The PRESIDENT: I will say for the information of the senators that we shall have a recess meeting this afternoon.

The bill was tabled.

Orders of the Day

The PRESIDENT: The Chair lays before the Senate, An Act to provide for the payment of half salaries to judges of probate who retire at the age of 70 years after having served as such judge 20 consecutive years.

Mr. THOMBS of Penobscot: Mr. President and senators, the other day when this act was passed there was then pending another act proposing a change in the method of payment of judges of probate, from the county treasuries to the State treasury. That act yesterday failed of passage and will not become law.

In order that we may be consistent in this matter it seems to me that it is advisable to move to indefinitely postpone this particular measure. I move that the Senate reconsider the vote whereby this bill was passed to be enacted.

The motion was agreed to and on further motion by the same senator, the bill was then indefinitely postponed.

Today Assigned

The PRESIDENT: The Chair lays before the Senate, 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 being the adoption of Senate Amendment A to report of committee on education on S. D. 212.

On motion by Mr. Ricker Senate Amendment A was adopted.

The secretary read the accompanying order.

The report of the committee as amended was accepted.

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, pending printing under joint rules.

Mr. DAVIES: Mr. President, I desire to yield to the senator from Penobscot, Senator Thombs.

Mr. THOMBS: Mr. President, I feel in view of the explanations that have already been made about this matter, that it is unnecessary to delay action further on this matter, and I therefore move that it be indefinitely postponed. (S. D. 103)

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate, H. D. 421, Minority report, ought to pass, and majority report, ought not to pass, from committee on sea and shore fisheries on bill, An Act to amend Sections 35 and 38 of Chapter 45 of the revised Statutes determining the measurement of lobsters and establishing a maximum and minimum length, tabled by the senator from Washington, Senator Peacock, pending acceptance of either report.

In the House the minority report was accepted.

Mr. PEACOCK of Washington: Mr. President, I move the acceptance of the majority report which is ought not to pass, that is, that there should be no change in the present lobster law. The present law is what is known as the ten and one-half inch law, that is that it is illegal to catch or sell any lobsters that are less than ten and one-half inches in length. Now in considering any legislation in this matter we want to bear in mind

that we are considering one of the great assets of the State. and I would like to call your attention to the fact that the principle has long been settled in court that each state owns the beds of all tide-waters within its jurisdiction. Therefore the state owns the tide-waters themselves and the fish in them, so far as they are capable of ownership before they are caught. Therefore no matter what section of the state you belong in, whether in Aroostook or York county, you are a part owner of these fishes and have an equal right to say how they shall be handled, which should be for the best interests of the State of Maine.

During the legislature of 1915 and 1917 there was introduced an act to change the measurement of lobsters, known as "the double gauge law" which would make it legal to catch and sell lobsters that were only nine inches long and up to thirteen and three-eighths inches, but that it would be illegal to catch or sell any lobsters less than nine inches and any over thirteen and three-eighths inches in length. This session of the legislature a similar act has been introduced which would make it legal to catch and sell lobsters from nine to thirteen inches, but this year the proponents of this act have been honest enough in the House to offer an amendment to the so-called "double gauge" law and are now asking for a straight nine-inch law, to conform with the law of Massachusetts.

Now let us see how the law of Massachusetts has worked out for that state. It has practically ruined the lobster fisheries, and as far back as 1910 they were catching less than five per cent of the requirements of their state in their own waters, and I don't believe that they are getting three per cent at the present time from their own waters. They have to depend on getting their supply from Maine and the Canadian waters. Now do you believe that it would be good judgment for us to pass a similar law when we have seen the effect it has had on their fisheries, always bearing in mind that over twenty-five hundred people, which are scattered from Kittery to West

Quoddy depend on these fisheries for a livelihood and for the support of their families.

At the committee hearing held last week the main reason for asking for a change in the law was because our law was not enforced, and that illegal lobsters were bought and taken to Massachusetts, and that they became legal as soon as they crossed the Massachusetts line, that Massachusetts dealers sent their lobster smacks into our waters and bought these illegal and small lobsters, and only paid half price for them. Now what are we doing to stop this illegal traffic? In 1915 we passed a license law and we required these smacks to have a license and also to file a bond of \$500 to be forfeited in case they were caught having any illegal lobsters in their possession. We have found that this is not restriction enough on these out-of-state lobster smacks, and have just changed this law, making these smacks, or the owners of them, file a bond of \$5000 and entering into a contract with the State of Maine that this bond is forfeited if they are found violating the law, also we are considering a law making these smacks report at Kittery at a station established there, which is in charge of the sea and shore fisheries commission, just before going out of our state waters. This, we believe, is going to stop these smacks from buying these small lobsters; also it will stop the automobiles from transferring them out of the State. This automobile business is a new way of taking them out of the State and has only been in vogue a short time. There were last year eighteen of the out-of-state smacks engaged in this business and one of the troubles was that we have no jurisdiction over them outside of the three-mile limit, but if they have to report at the station established at Kittery and there have the lobsters examined we will then be in a position to find out if any have any illegal lobsters, and in case they don't report at this station when they return for another trip they will be subject to seizure for violation of our law. With this law we believe we will be able to stop out-of-state

smacks from buying these small lobsters and when we remove the market for these small lobsters, which is principally brought about by out-of-state smacks, we remove in a large part the temptation for the fishermen to catch and save these illegal lobsters.

From what information we have been able to get the lobster supply has increased during the last two years, and this is especially true in the section of the state where the fishermen have observed the law. They state they have caught more lobsters in number and received more money for them than they did in the last two years previous, and in York county there was no evidence of any decline in the catch. Now if this is a fact, why make any change in our present law? And with the new restrictions we have put on the out-of-state smack, cannot we look for an improvement in the future? Certainly we are not warranted in adopting the Massachusetts law, which has ruined their fisheries.

Now in regard to the double-gauge law, this may sound good, but no state has ever adopted it yet, and if we have violations under the present law, which only requires one measurement, would we not have more under the double measurement? And another thing is that when you ask a fisherman to return to the waters a lobster over thirteen inches long you are asking him to throw away or part with at least two dollars. If he returns a lobster less than ten inches, he will only lose, at present, about twenty cents, and that same lobster, if he can catch him the next season will bring him from sixty to seventy-five cents. Statistics show us that a lobster when he is five years old would measure, on the average, nine and seven-eighths inches, and when he is six years old, the following year he will measure eleven inches long and be a legal lobster.

Now, to sum up the situation, we have at present a law that is working out better than any other state, and preserving our fisheries. If we adopt the nine-inch law we will make it legal to increase our catch thirty-five

per cent over that of the present time, and with Massachusetts' experience, will deplete our fisheries in a very few years.

If we accept the double-gauge law, we are accepting a law which has never been tried out. In theory it looks well, but in practice we cannot tell how it will work. In addition, if we cannot enforce the single-gauge law, how can we expect to enforce the double-gauge when there are two chances for violation to one, and eight times the temptation to the fisherman? Because if the fisherman violates the double-gauge he gets two dollars for his large lobster and under the present law about twenty cents for the same lobster.

I believe that the present law is the best law that we can have and that our sea and shore fisheries should devote more time to try and educate our fishermen that it is for their interest to live up to this law, and this can be done by showing them the result that is obtained by fishermen who violate the laws. We have increased our appropriation in this department and should get better results, and I believe that the next two years will show that our fisheries have increased and that our law is right, and I hope that the majority report will be sustained.

Mr. DEERING of York: Mr. President, may I ask Senator Peacock if the report that was accepted in the House has been so amended as to make it a straight nine inch law?

Mr. PEACOCK: I have been informed so in the corridors.

Mr. DEERING: Do you not so understand from the papers that are read?

Mr. PEACOCK: I do not know.

The PRESIDENT: I will state for the information of the senator from York, Senator Deering, that there are three House amendments. Would the senator like to have the amendments read?

Mr. DEERING: Yes, please.

The secretary read the amendments.

Mr. DEERING: I would like now to ask the senator from Washington, Senator Peacock, if he understands

by the adoption of the amendments that the House has adopted a nine inch lobster law?

Mr. PEACOCK: It is what I understand from the reading of the amendments. Do you understand it so?

Mr. DEERING: I think so; if three and one-eighth inches makes a nine inch lobster, that is what they have adopted. Does it?

Mr. PEACOCK: That is what I understand.

Mr. DEERING: Mr. President, gentlemen of the Senate, this is a renewal of the same matter that we had here two years ago, to establish a length for lobsters which would be satisfactory. It seems that the committee on sea and shore fisheries is just about the same this session as it was two years ago, and the House of Representatives feels just about the same about the lobster law this session as it did two years ago.

As I remember the vote two years ago it was that the House of Representatives defeated the bill which the senators on the committee proposed by about 130 to 14. This year I do not know what the vote was but I understand there was quite a substantial vote in favor of a straight nine inch lobster law in the House of Representatives yesterday.

Now in the Senate last year we asked for a nine inch lobster law or a double-gauge law, or anything that would change the law that we had so that the same iniquities could not be practiced that had been practiced years before, and all three of the senators on the sea and shore fisheries last year were opposed to any change, and they came from the same counties, the same part of the State, that they come from this year, and without any desire to cast any reflections upon these men, I want to say that there are other parts of the State who know what they want in regard to the lobster law just exactly as well as Washington and Hancock counties do, and that those other parts of the State are York, Cumberland, Sagadahoc and Knox, and perhaps there are more places where the law is desired to be changed.

Now representing York county, there has been no doubt for years but that this law ought to be changed. Two years ago the senator from Washington, Senator Peacock and myself indulged in what you might call a scientific discussion of this very proposition. I do not know how far back we went but I think it was to the year 1400 or 1500 that we began talking about the propagation of lobsters in the country of Sweden, and after discussing the international situation of the lobster business, and feeling that the representatives from York county had Senator Peacock's proposition defeated, my esteemed friend and colleague, Senator Patrick H. Gillin of Bangor, began to receive telegrams from the fish dealers in his city asking that he do everything that he could to defeat our proposition, and I think we lost 16 to 14 on account of those telegrams from the fish dealers in Bangor.

By that international discussion and with the help of the fish dealers in Bangor acting upon the sensitive nature of Bro. Gillin, they established a principle that their idea was correct. Gentlemen of the Senate, if principles can be established in regard to the lobster fisheries by discussion of the beginning of lobster fisheries in Sweden and by telegrams from fish dealers, it is time that we adopted some other method of establishing principles of legislation.

Now this year in order to pursue perhaps a somewhat different argument and not to rely upon so much ancient history, and with the hope that the fish dealers have not telegraphed quite so often as they did two years ago, I want to say that in York county this is how the 10 1-2 inch lobster law works. Massachusetts and New Hampshire have a nine inch law. At Kittery there are forty people catching lobsters and they are obliged to catch lobsters and sell them in this State to comply with the 10 1-2 inch law that we now have. And the law requires that when they get a lobster in their traps shorter than nine inches they shall promptly throw it over. Supposing they do that. Parallel with the traps of the

men in Kittery who catch lobsters are traps of men from Portsmouth, N. H. If the Maine man catches a nine inch lobster and throws him overboard, he crawls right along and crawls into the New Hampshire trap, and it is perfectly legal then to take him up to Portsmouth and eat him. Now at Wells Beach and Newburyport there are men catching lobsters. Does Bro. Peacock think they throw overboard everything that is under 10 1-2 inches? At Fortunes' rocks and Goose rocks, a man from Portsmouth, a man from Newburyport, a man from Boston, get all the lobsters that go into those traps there, and they take the nine inch lobsters that they get and carry them to Boston in a smack, and if there is anybody in this Senate who believes that the law that has been passed by this legislature to compel a smack to land at Kittery and have its lobsters looked over before it goes out of the State is going to work, they have got another guess coming, because those smacks can come into the State of Maine and go to any place they please and the sea and shore fisheries commission cannot do anything about it because they cannot catch them.

The people in the central part of the State of Maine are interested in this matter, as Bro. Peacock says, but they would be much more interested if they could get a lobster once in a while. Why, if we could keep away from Massachusetts and New Hampshire the number of lobsters that they take away, somebody in Franklin county and Aroostook county and Oxford county would get a lobster once in a while. But at the present time you cannot get one up there because Massachusetts and New Hampshire get them. Two years ago, do you recollect, I had letters from people in Portsmouth and Exeter and Newburyport, asking us to fight against the change in the law because the change in the law would hurt the business in those states, if we changed the law making a nine-inch lobster legal in the State of Maine.

I am informed that it is a fact that the dealers in lobsters in the city of Boston and in other cities have in the very halls of this Legislature a man

whom they are paying to stay here so that this law making legal a nine inch lobster shall not pass. I have information that convinces me that that is a fact, that that man is here on purpose for that very thing. He is not interested in the State of Maine. He is interested in the fish dealers and lobster dealers of Boston, Newburyport and Portsmouth.

Now this carting lobsters out of the state by auto has been done no doubt, but it is not an extensive business. The lobster lives in the sea and the traps are in the sea, and when they come down here from Massachusetts after lobsters they come in a boat, and nobody has any jurisdiction to catch one of those boats after it is beyond the three mile limit. The penalty is going to be, that when that vessel comes back there, if it has not registered and had its lobsters looked over, it can be confiscated, if it has not appeared the first time it went out. Consider it. When it comes back how are you going to tell what it had in it, whether it had lobsters, sardines or what else.

Now in regard to the decline or the increase in the supply of lobsters: If the senator from Washington will remember the discussions that we have had over it, there is a variation in the supply of lobsters along the coast of Maine. Some years, without any reason at all, under the very law we have today, they have increased, and some years without any way of ascribing the change to any particular reason they have decreased. And so unless he can give some figures that are large enough to prove that that increase is something that is due to the laws that were passed two years ago, I say that it cannot amount to anything in any argument that he makes.

Gentlemen, I hope that when you vote on this question, that you will vote to protect this fishery business so that the people of Maine may be able to have the same lobsters that they are now taking away from us into the states of Massachusetts and New Hampshire, and I move that when the vote is taken it be taken by the yeas and nays.

Mr. HOLT of Hancock: Mr. President, I would like to make a few remarks as I think I understand something about this matter. The senator from York, says that the same conditions that prevailed in the sea and shore fisheries committee, prevailed at this season. The senators from Hancock, Washington and Waldo counties are not in favor of a change in the law, I believe that Hancock and Washington counties catch at least three-quarters of the lobsters caught in the State of Maine. I do not see any good reason why their representatives should not look out for their own interests.

The senators hope that you will vote to preserve the industry for the dealers. I believe, gentlemen, that we ought to preserve the industry for the industry. We are spending thousands of dollars to protect our inland fisheries and game. He says that the lobster industry is not protected, that the Boston smacks come down here and take illegal lobsters. That is not the fault of the law, as far as the ten and a half inch law is concerned. That is the fault of non-enforcement. This proposed law would compel the smacks to go into Kittery. The senator says that you cannot make them live up to that. I believe that if the State of Maine makes an agreement with a Massachusetts dealer to comply with our laws, if he comes down here he should abide by the law, and there ought to be something to make him do it. I am not lawyer enough to know how it can be done.

Now because the law in York and Cumberland counties does not work out well, and the dealers are dissatisfied, that is no reason why the people who live in Hancock and the other counties of the State should be in the same condition.

There are at least five pounds in Hancock county, and I think seven or eight in Washington county, that will hold twenty-five to 50,000 lobsters each. Those pounds are all filled up during the year and sold during the winter. It is impossible for them to fill them with anything but legal lobsters.

I hope when the Senate votes upon

this question that they will vote to leave the law as it is.

Mr. DAVIES of Cumberland: Mr. President, might I inquire of Senator Holt, through the Chair, if you please, which one of these reports furnishes the most protection to the lobster industry?

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

Mr. HOLT: I say that the present law will protect the lobsters, the ten and a half inch law, and that is about the only protection they have.

Mr. DAVIES: Is the senator in the lobster business?

Mr. HOLT: No, I have no interest in the business.

Mr. DEERING: Might I ask the senator from Hancock a question through the Chair?

The PRESIDENT: You may.

Mr. DEERING: If we have had the ten and a half inch law ever since we can remember, and have operated under it and pretty nearly lost the lobsters in the State of Maine, how can you tell whether a nine inch law would be better until we have tried it?

Mr. HOLT: I don't claim that we have lost the industry. In Hancock county you do not hear any complaint about the law from the fishermen or dealers, either of them. And I say that they are living very near to the law in our counties. There is part of Washington county that violates the law, and in the western part of Hancock county they do, but it would not be common sense to say that you won't protect lobsters unless you catch them a year before they are old enough to breed, and then one year longer, and take that lobster out of the water. I do not see any argument at all that you are protecting the lobster.

Mr. DEERING: I did not get an answer to my question. The point is that if we have never had any law except the ten and a half inch law, how does he know that that is the best one to have.

Mr. HOLT: I know that it protects the lobsters from nine to ten

and a half inches in length. I will leave it to you whether it is a better law or not.

The PRESIDENT: The pending question is on the acceptance of either report.

Mr. DAVIES: Mr. President, my understanding is that the only question involved in this bill before us is whether we shall reduce the size of the legal lobster from ten and one-half inches to nine.

The PRESIDENT: That is practically it.

Mr. DAVIES: The reduction in the length of lobsters from ten and one-half to nine inches.

The PRESIDENT: That is the way the Chair understands it.

The yeas and nays having been ordered, the secretary called the roll.

Those voting yes were Messrs. Ames, Clement, Davies, Emerson, Folsom, Holt, Metcalf, Peacock, Rick-er, Thombs, Thornton, Tuttle, Walker—13. Those voting no were Messrs. Babb, Baxter, Butler, Chick, Creighton, Dearth, Deering, Googin, Gordon, Grant, Gurney, Lewis, Lord, Parent, Stanley—15.

Thirteen senators having voted in the affirmative and 15 in the negative the motion was lost.

On motion by Mr. Deering of York, the minority report of the committee was accepted, and on further motion by the same senator the House amendments to H. D. 421 were adopted in concurrence.

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

The PRESIDENT: The Chair lays before the Senate 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, tabled by the senator from Cumberland, Senator Davies, the pending question being adoption of House Amendments A, B, C and 4 in concurrence, and Senate Amendment A.

On motion by Mr. Davies, the several amendments were adopted and the bill was passed to be engrossed as amended in concurrence.

The PRESIDENT: The Chair lays before the Senate H. D. 439, An Act amendatory to and additional to Chapter 130 of the Revised Statutes, relating to offenses against the public health, safety and policy, and 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, tabled by senator from Androscoggin, Senator Parent, the pending question being passage to be engrossed as amended by House Amendment A.

On motion by Mr. Parent, the bill was indefinitely postponed.

The PRESIDENT: The Chair lays before the Senate majority report, referred to the next Legislature with accompanying order, and minority report, ought to pass, of the committee on education on An Act to provide for the distribution of State school funds available for the support of common schools (H. D. 523), tabled by the senator from Somerset, Senator Walker, the pending question acceptance of either report.

Mr. WALKER: Mr. President, in order that I may be generous to my friends, and to emphasize the good feeling which has prevailed between us for so many years upon the committee of education, I yield to the senator from Washington, Senator Ames.

Mr. AMES of Washington: Mr. President, we have before us a Majority and Minority Report on House Document No. 58, An Act to provide for the distribution of State school funds available for the support of common schools.

The Committee on Education anticipating the State-wide interest in this act had prepared by the State Department of Education, Senate Document No. 167, tabulations to show relative amounts apportionable from State school funds for the support of common schools by various methods involving aggregate attendance in common schools.

The financial change figured on the present conditions under the bill

before us will be found in that document.

There was a large attendance at the hearing held in the Senate Chamber and as at the several hearings at previous Legislative sessions on the same subject, the arguments were "spicy." What happened at the executive sessions it would be improper to relate.

We are now confronted with a proposition to have a committee of seven; two appointed by His Excellency the Governor; two by the President of the Senate; and three by the Speaker of the House, to investigate this question and report at the next Legislature.

In the Legislature of 1911 a committee of five were appointed for a similar purpose and their report will be found in Senate Document No. 121 for the 76th Legislature, and on page 817, March 13th, 1913, of the Legislative Record, we read the following report of committees. Mr. Walker from the Committee on Education, on report of the Special Joint Committee of the 75th Legislature to investigate the present methods of distribution of school funds, reported that the same has been placed on file.

(The senator at this point was interrupted for a few minutes by a serenading party from the House.)

And Mr. President, from the long and active experience you have had in legislative work, you know what happened to that report.

One definite conclusion may be reached from the committee report to this Legislature, that is, that the committee must be unanimous in a decision that the present method of distribution is wholly unsatisfactory.

This is borne out by the fact that one report of the committee is "ought to pass" on aggregate attendance method, one is for reference to next Legislature with a committee to investigate, but there is no report which favors retaining the present method.

In accepting the judgment of the committee that the present method is unjust and unsatisfactory the question then arises whether

(a) You will allow this unjust condition to continue for another two years (in reality at least three years before any actual change can be brought about), or

(b) You will promptly remedy it by supporting the minority report "ought to pass."

This question has been before the people for a long time; it's a question of State-wide interest and has been discussed by certain organizations all over the State and before the past three Legislatures. It has been as much talked of as Prohibition, Woman Suffrage, or any questions before the Legislatures.

The senator from Somerset, Mr. Walker, has had a long legislative experience, longer than any member of this Senate.

He was in the House in 1899, 1901, in the Senate in 1913, 1915, 1917, 1919, all the time a member of the educational committee, House chairman in 1901 and Senate chairman during the past four terms, and is well informed on this question.

The senator from Hancock Mr. Ricker has been a member of this educational committee for the past four terms, secretary of the committee in the House and is well informed on this question.

There are many senators here with long legislative experience. Our president of the Senate, two sessions in the House and two in the Senate. Sen. Davies, three sessions in the House and now serving his second term in the Senate. Sen. Grant, two sessions in the House and now serving his second term in the Senate. Sen. Thombs, two terms in the House. Sen. Peacock, two terms in the House and now serving his third term in the Senate, and as I look about the Senate chamber I cannot recall a Senate with so many senators with long legislative experience.

I now contend that this present Senate will be as well fitted if not better than any succeeding body to vote on this question.

This session will terminate the senatorial career of a large number of the members and as I am included in that number I ask you as fellow

senators to give us an opportunity to register our vote on this question and not camouflage me and other senators by voting to have this question left to another legislature to act upon.

I respect the honest convictions of any man and although I may be in the minority on any question I had rather be so registered on a question generally understood, than to dodge the issue by passing the question for my successors to settle.

Two years ago in the Senate I made extended remarks on this question, therefore at this time I shall be brief. Tuesday morning I called the senator's attention to Senate Document No. 167, a tabulation made at the request of the committee on education describing the financial working of this bill. So I shall not make any remarks in detail on this report.

I appeal to the Senate on a broader and more comprehensive line of thought, the great good to the State as a whole and not to any locality.

Quoting the words of Senator Walker on page 861 of the Legislative Record 1917 he says: There is no public question before the people of Maine in which they are more interested than this question of the distribution of school funds. The subject is an important one. It deals with the largest fund raised by the State for a single purpose and it affects vitally every city, town and plantation in the State. More than that it affects every school child in Maine. It is a question that should be settled on no narrow ground of the interest of one town or community as opposed to those of another, but rather on the basis of equality and justice to the people of Maine as a whole with special reference to the school children.

One of the problems that confront the people of Maine is the upbuilding of the rural sections. The average age of the farmer today is reported to be above fifty years. One of the most efficient ways of keeping a man with a family on the farm is to provide the children with proper education, and for lack of this privilege many families are moving to Portland, Augusta, Bangor and larger

towns in the several counties because these towns furnish such excellent educational privileges.

The Washburn bill recommends the fairest way to distribute the funds paid through the State. The money will be paid to the towns according to aggregate attendance. The town that furnishes 32 weeks or 34 weeks schooling gets more money than the town that only furnishes 30 weeks. The town that frowns on truancy, and sees that children of the school age attend school gets more money than the town that does not. Why should the town of Machias receive school money for the education of my boy if he is working on my farm or in my mill, or even attending Washington Academy at East Machias or Bowdoin or Bowdoin College, Brunswick?

Let us drop localisms and look on this question as a state-wide matter and help the rural communities and thereby the State.

The House and Senate have been very harmonious this winter. They have sustained the Senate on most important matters. Let us reciprocate and sustain them by accepting the minority report and give the poor country boy and girl that attend school the same educational assistance as the boy and girl of richer communities.

Let us in the parting day of the Legislature concur with the House on this State wide question.

Mr. THORNTON of Aroostook: Mr. President, as I understand the question which is before the House, it is the distribution of the money assessed for schools by State taxes, and it is a question that it be paid according to the children that are attending school, the children that are in school, and it seems to me to be a just and equitable proposition. I am asked to pay money by law for a certain purpose, and it seems to me, on general principles, that if I am asked to contribute from my property, a tax on my property, for schooling children, that the child that would receive that money should be in school, and that the money should be distributed according to the children attending school.

If I wish, in addition to the taxes I am required to pay, and try to pay willingly, to contribute to the support of a boy in school, as I am sometimes pleased to do, I have that special privilege, but if money is to be assessed for school purposes and returned to the town according to valuation, there is no need for it to be assessed by the State assessors, but it should be assessed by the town if it is going back to the same town.

As a general principle, if I am asked to contribute money for certain purposes, that is, the education of a child in school, or the schooling of a child, or for the support of buildings or for apparatus, for the purpose of teaching a child, it seems to me that I have the right that the money be expended for the children in school, and that should be carried out and the towns must see to it and encourage the parents to have the children at school.

Mr. RICKER of Hancock: Mr. President, the words "just and equitable" I suppose are the foundation of what we do or are supposed to do in the Senate to every bill that comes to us, and we consider them on their merits, and when we get reasons to vote for a bill, we vote for it, and if the reasons are not sufficient we vote against it.

In fact, we should vote in a broad instead of a narrow way. It should make no difference to us whether our county is benefited or whether it loses, we are here for the State in general.

For terms I have listened to arguments changing the school methods, and I have made the statement that if any man will come before our committee and show us how we can change this to make it more equitable to the cities and towns over the state, I would vote for such a bill.

In 1913 a committee was appointed which consisted of Carl E. Milliken, J. W. Mullen, A. C. Wheeler, Edward H. Murphy and J. H. Patten, to consider and make out this report of 1913. Up to date none of those men have appeared before our committee and showed us any way that we could change this method and make it more

equitable. Further than that, other men in the state have studied this matter. One in particular, Mr. Ralph O. Brewster of Portland. Leaving out the fact that he is at present located in Portland, I think he had put more study into this matter than anyone in the last six years, at least, and he failed to find, as I understand, any different method.

If the present method is wrong, and the opponents say that the committee seems to feel that it is—I do not understand that our report gives that impression, but the committee was somewhat divided in the report it wished to make, and eventually six members of the committee felt it more just to sign their report for a recess committee to take evidence on this matter, and give the equal opportunity to everyone in the state, and if there was any method, some man or several men, could come forward and show this committee what the method was.

I do not know how many of you have attempted to figure on your own counties, but those who have know that it is quite a job, and if a man has any other business he will have to give it up entirely.

Now this last year's bill, the aggregate attendance bill, House 321, is a similar bill to the present one, House 58. I hold a list made up, I think, by those interested in last year's bill. In fact, I am sure it was, and on that bill the towns gaining by distribution, by aggregate attendance, had a tax rate of 3.15 for school purposes. That same bill, if enacted this year would make a tax rate of 4.91, a difference of 1.76. When you make a difference of 1.76 in a tax rate for school purposes, which you see is far greater than what the average would be for your regular tax rate for the cities or towns in two years, what is going to happen in two or more years? Is it to be twice 1.76, or is it to be even, or is it going to be less?

Comparison between the two bills of 1917 and 1919 shows that there is still as large a discrepancy as in anything that has been offered, and it does not show that there is any reason for the adoption of this present bill.

Even the town that loses in 1917, the rate would be 2.07 and in 1919 under the present bill, 3.04. A difference of 97 cents.

I am not going into figures. There are too many of them, but I want to call attention to the tax rate which is the basis of the money you raise in every city or town. And if there is that difference in the towns gaining and the towns losing, where is there any justice or more even distribution of funds under this present bill? I fail to see it.

Mr. TUTTLE of Aroostook: Mr. President, gentlemen of the Senate: I want to say first of all that if this bill known as the Washburn or Grange bill, and is really and truly a Grange measure, should prove to be wrong, it will be the first measure that I have ever known of, that the grange has advocated and worked for, that has proven very far from right.

As this bill has been before several of the legislative sessions in the past, and many of the present senators have heard many of the discussions that have been made, not only before the House and Senate, but before the committees as well, therefore it seems to me that it is a different matter for me at this time to think of any new ideas or argument to advance. But I would like to express myself as being in favor of this bill. It is an acknowledged and deplorable fact, a fact that is spoken of and discussed in nearly every public gathering, whenever and wherever there is State and national economic questions to be considered that the rural or farming portions of our State are falling off in population and depreciation in value, this is invariably true in this State, with the exception of Aroostook county, and I sometimes fear that if our county cannot have the support of the State and nation, to help us correct some of the things that is working to our detriment, that our farm values will depreciate, and our population decrease. There are several reasons for these unsatisfactory conditions of our agricultural districts. Two of the most important ones are that farming is becoming less attractive and less profitable.

The matter of profit you may say does not enter into this discussion but the matter of attractiveness certainly does, for there is no doubt but what the poor school privileges in our rural sections, does more than any other one thing to discourage the young people from settling on our farms and the consequences are readily seen. The young people are all leaving the farms, for the large towns and villages where they can have better school privileges, leaving the old people to live out their days on the farm and when they are gone to their final resting place, the farm is abandoned.

You have all got to acknowledge that this is the trend of the times. But no state can prosper if this continues long, and it is time that the citizens of the large centers of population awake to the fact, that for their own protection they must consider the welfare of the surrounding agricultural district as their welfare, and that their prosperity depends to quite a degree upon the prosperity of the farmers, and I want to say that I truly believe that the disadvantages of poor rural schools is one of the main reasons why we cannot induce any more of the higher type of manhood and womanhood to settle on our farms. No young man of this day feels that he has a right to ask a wife to bear and rear children in a locality where there is not sufficient school facilities to enable them to give those children a reasonable good education.

All of you have had the figures before you, showing you the results of the present methods of distribution of the common school funds, also figures that show what would be the result if this proposed bill should become a law.

It seems to me to be unnecessary to call your attention to the many inequalities, and in my opinion the injustice of the present method, but I do want to call to your attention this fact, that there is one town in our State that is paying a tax of 2 5-10 mills on a dollar, and receiving five dollars and thirty six cents per scholar, and one other town that is

paying a tax of 1-10 of one mill on a dollar and is receiving twenty-six dollars and forty cents per scholar. These are the two extremes, but there are many incidents where there is nearly as great difference.

I also note that in the three counties that would lose by the proposed change, there are a total of fifty-three towns, and that twenty-six of these towns would gain and twenty-seven would lose.

I do not see how any one after a thorough study of these tabulated figures can help from seeing that the present method of distribution of our school funds is far from being right. Those who are proposing to refer this matter to a committee, and the next legislature are acknowledging that it is wrong.

These funds are raised to educate the children of our State, and I believe that every child should have an equal chance to get that education as far forth as it is possible.

This bill may be, and no doubt is far from being perfect but I believe that it will come a great deal nearer to giving a just and equal distribution of our school money.

I therefore hope that the minority report, ought to pass, will prevail.

Mr. FOLSOM of Somerset: Mr. President, I have no wish to take any great amount of time upon this subject. I heartily agree with the sentiments expressed by the senator from Washington, Senator Ames, when he says he thinks this question ought to be decided at the present time. It has been discussed, pro and con, for twelve years, at least, to my knowledge, and it seems to me that any attempt to pass this on to a committee is simply dodging the issue.

I have in my hand a tabulation to show the relative effect of distribution of State school funds according to the aggregate attendance method, proposed in the Washburn bill. It discloses two things, at least, that I would like to present to the attention of this Senate. We frequently meet with the statement in answer to arguments in favor of this bill, that the rural towns are trying to get some-

thing for nothing. That is to say, that we wish to have the wealthy communities pay for the schooling of our children. I submit that this is not true, as is disclosed by this tabulation. And I wish to say, to you gentlemen of this Senate, that the town which under the proposed method of distribution would receive more, today pays a tax rate of almost five mills on a dollar for the support of the education of their children, and the towns that would not benefit by this proposed method of distribution are only paying taxes for school purposes a very small fraction over three mills. That is to say, that the towns to whom some benefit from this act would accrue are at the present moment going into their pockets and paying out 60 per cent more for the education of their children than are the people in the wealthy communities.

Another thing, in reply to the suggestion offered by the senator from Lincoln, Senator Ricker, when he said that he could see no reason why this proposed method of distribution is a fairer method than the present one. The amount received per pupil registered in all towns in the State has been tabulated, and this discloses that there is a great variation under the present method of distribution. It varies from \$8.10 per pupil registered in Aroostook county, to \$16.19 per pupil registered in Androscoggin county. That is to say, the children of Androscoggin county are receiving from the State fund \$2.00 where the children from Aroostook county are receiving \$1.00. Under the proposed method of distribution it would vary from \$10.00 in Aroostook to \$11.95 in York county. So that it seems to me that the proposed method of distribution, according to aggregate attendance, offers the fairest and most equitable method that has yet been proposed.

I hope, senators, that you will vote to concur with the House.

Mr. WALKER of Somerset: The report of the majority of the committee on education submitted an order. I wish to read that order. Ordered,

that whereas the 79th Legislature has under consideration a bill to provide for the distribution of State school funds, for which there is little time given for investigation and consideration, therefore,

"Ordered, the House concurring that a special committee of seven be appointed, two by the President of the Senate, three by the Speaker of the House and two by the Governor, to investigate the present and proposed methods of distribution of school funds, and private schools and academies, with their relations to the public school system.

It is further recommended that the committee be identical with the committee investigating a report on the State University."

The last two clauses which were considered in executive session, were the distribution of the school fund, and whether or not the University of Maine shall become a State institution. We left that to the last. We had agreed on everything else, and were afraid we would not agree on both, and left them to the last. On the University of Maine we were agreed to refer that to the next legislature with the order that a committee of seven be appointed, two by the President of the Senate, three by the Speaker of the House and two by the Governor, to investigate the present and proposed methods and report to the next legislature.

I submit to you, Mr. President, that the legislatures of Maine have not considered the University of Maine for far more sessions than they have been considering the distribution of school funds. For as I remember my history, the present census method has been in operation since the foundation of our State. When we came to the distribution of the school fund, of course we disagreed. I propose that we choose a committee to investigate the whole school proposition, because I submit to you, Mr. President, that you cannot consider a certain part of the educational proposition unless you consider the whole, because they are interlocking. We have the acad-

emy proposition and the private school proposition, and when we approach a question of the magnitude of our schools we must take into consideration if we want to be fair and equitable to the general interests of the State, we must take into consideration the whole school proposition, not only the distribution of funds which you have been arguing here this morning, but you must take into consideration the amounts which we give to the academies and the amounts provided for the training of rural teachers; you must take into consideration the amount paid for vocational education, and the amount for high schools, and you must take into consideration the whole school proposition. I submit to you, Mr. President and fellow senators, that it is interlocking, and if you want to be fair and right and arrive at a just conclusion, you can arrive at that conclusion in no other way. Therefore, is it not perfectly logical to appoint a committee, appointed as this order suggested, men who by the nature of their appointment would be men of high educational attainments, and who would approach this question from a statewide viewpoint.

I submit to you, Mr. President, that that committee, sitting in recess on the whole proposition must of necessity work out something that would be for the benefit of the schools of our State. And it is because of this broad view—and that is the only way we have any business of considering a proposition of this kind.—I signed the majority report that this proposition be referred to the next legislature; that the committee be appointed as suggested in the order, and that the committee report to the next legislature which will be convened two years from now.

Mr. DEARTH of Penobscot: Mr. President, gentlemen of the Senate, it was not my intention to make any remarks on this proposition. I represent a county that would be benefited financially by the passage of this bill. The town where I live would be benefited by the passage of the

measure. But I take the view that has been expressed by the senator from Aroostook in this matter—it is a broad matter, a ramifying matter, and we should approach it with the sense of responsibility, and approach it with an open, fair, impartial, judicial mind. We should not be influenced or governed entirely by how it may affect the particular locality where we live.

The present law is full of inequalities. It is a question as to whether the new bill, if passed, would remedy these inequalities. It is a question of serious doubt to my mind as to whether it would or would not. It seems to me that it would be taking from some localities and be giving to others. There has been no question come up before this Senate that has troubled me so much as this has. I want to do what is fair to everybody in the State, not only to my own constituents, but I want to be fair toward the constituents of the other members of this body, and it seems to me that the proposition to submit this whole matter to a committee, which is incorporated in the report, the majority report,—intelligent, impartial men, who will take the time to investigate this matter impartially and report at the next session, will be to act more wisely and more safely in this great matter.

Mr. WALKER: Mr. President, I move when the vote be taken it be taken by the yeas and nays.

In addition to what I have already said, I wish to state that I am informed by no less a person than the superintendent of our public schools, that if the legislation which is now pending in congress, and which without much doubt will become a law, is passed by congress, that it will in large measure relieve many of the inequalities which now exist in our present distribution of school funds.

Mr. DAVIES: Mr. President, this discussion reminds me of the man who built a small fire on the prairie to heat a pot of coffee and frizzle some bacon. The small fire caught in the prairie grass and he was obliged to run along behind holding

the skillet in his hand over the blazing grass for the purpose of frying his bacon. But when he got his bacon fried he was two miles away from his coffee. And it seems to me that we have wandered far afield from the question before the Senate. I for one, do not understand precisely what question is involved, after hearing the remarks of Senator Walker. Am I to understand that beside the regular tax bill, if it may be so called, that has been presented to every legislature for various years, there is an order attached which provides appointment of what is commonly called a recess committee to investigate the entire school situation and report to the next Legislature upon these two combined?

The PRESIDENT: You are correct in your understanding, Senator Davies.

Mr. DAVIES: Is there any way to vote under the conditions of this report except for this too?

The PRESIDENT: The pending question is on the motion of the senator from Washington, Senator Ames, that the minority report be accepted.

Mr. DAVIES: And that covers the entire investigation of the school question?

The PRESIDENT: If that report is accepted. The majority report carries with it the order, which will be acted upon separately.

Mr. DAVIES: Which will be acted upon separately?

The PRESIDENT: Yes, sir. The pending question before the Senate is on the motion of the senator from Washington, Senator Ames, that the minority report, ought to pass, be accepted, and on this question, the senator from Somerset, Senator Walker, called for the yeas and nays.

A sufficient number having arisen, the secretary called the roll. Those voting yes voted to accept the minority report; those voting no rejected the minority report.

Those voting yes, were Messrs. Ames, Clement, Emerson, Folsom, Holt, Metcalf, Peacock, Stanley, Thornton, Tuttle—10. Those voting no were Messrs. Babb, Baxter, Butler, Chick, Creighton, Davies, Dearth,

Deering, Gannett, Googin, Gordon, Grant, Gurney, Lewis, Lord, Parent, Ricker, Thombs, Walker—19.

Ten senators having voted in the affirmative, and 19 senators in the negative, the motion of the senator from Washington was lost.

On motion by Mr. Walker the Senate voted to accept the majority report.

Mr. WALKER: Mr. President, I move that the accompanying order be adopted.

Mr. FOLSOM: Mr. President, may we have that order read?

The order was read by the secretary and then was adopted.

The President lays before the Senate H. D. 478, An Act to amend Section 49 of Chapter 117 of the Revised Statutes, relating to the board of registration of medicine, tabled by the senator from Arrostook, Senator Thornton, pending question passage to be engrossed.

Mr. THORNTON: Mr. President, I think there may be a small amendment necessary there, and I move that this lie on the table.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 111, An Act to amend Section 1 of Chapter 55 of the Revised Statutes, relating to causes determined by the public utilities commission, tabled by the senator from Cumberland, Senator Gurney.

Senator Gurney yielded to Senator Lord.

Mr. LORD of York: Mr. President, the object to be obtained by that bill has been obtained in another way, and I move that we reconsider the vote whereby this bill was passed to be engrossed.

The motion was agreed to, and on further motion by the same senator the bill was indefinitely postponed.

The PRESIDENT: The Chair lays before the Senate H. D. 194, An Act to amend the charter of the city of South Portland, tabled by the senator from Cumberland, Mr. Davies, the pending question being passage to be engrossed.

Mr. DAVIES: Mr. President, I have an amendment in my desk that I desire to offer to this bill, and I have mislaid my keys, and I move that it be tabled.

The motion was agreed to.

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

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

The motion was agreed to and the same senator then offered Senate Amendment A to S. D. 227.

Amend S. D. 227 by striking out the words "two members" in the fourth line of Section 1, and substituting the words "one member." And by striking out the word "three" in the fourth line, in section one, and substituting therefor the word "two." And by striking out the word "collateral" in the ninth line of Section 1, and by striking out all of Section 4.

The amendment was adopted and the bill as amended was passed to be engrossed.

On motion by Mr. Parent of Androscoggin, it was

Ordered, that bill, 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, be recalled from the committee on engrossed bills for the purpose of making an amendment thereto.

Mr. PARENT: Mr. President, I now move that the Senate reconsider the vote whereby this bill was passed to be engrossed.

The motion was agreed to and the same senator then offered Senate Amendment D to S. D. 166, as follows:

S. D. 166, as amended by Senate Documents A, B and C is hereby further amended by striking out in Senate Amendment C the word "chapter" after the word "this," and before the word "may," and inserting in place thereof the word "section," also by adding at the end of said Amendment C the following words: "During the pendency of said appeal to the public utilities commission any decision or decree sustaining or revoking the registration or license of any person shall be in full force and effect until the final decision of the public utilities commission is rendered reversing the decision of the Secretary of State.

The amendment was adopted and the bill as amended passed to be engrossed.

Mr. PEACOCK of Washington: Mr. President, I move to reconsider the vote whereby 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, was passed to be enacted.

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

Mr. PEACOCK: Mr. President, I now offer Senate Amendment A, and would say in explanation that the present act specified the prevailing rate of interest that we should apply to this bond. We have had word from Boston and New York that there would likely be some trouble as to the rate of interest, and that it might affect the sale of the bonds. The amendment I offer is setting the interest at a rate not exceeding five per cent a year.

The amendment was adopted and the bill as amended was passed to be engrossed.

From the House: An Act providing for cooperation of the United States in the settlement of returned soldiers, sailors and marines on state

lands and lands acquired under this act; creating a soldiers' settlement board, defining its powers and duties and making an appropriation therefor.

This act carrying an emergency clause required a two-thirds vote of the members of the Senate. Twenty-two senators voted for the passage of the bill and it was passed to be enacted.

Finally Passed

"Resolve, Authorizing the Governor and Council to Pay all Outstanding Bills for Material Furnished and Labor in the Construction of Stevens' Cottage at Skowhegan for the Reformatory for Women."

"Resolve, for the Improvement of the State Prison at Thomaston."

"Resolve, in Favor of the Maine State Prison for Maintenance and Current Expenses."

Passed to be Enacted

An Act to amend sections 49, 50, 51, 53, 54, 55, 59 and 60, and to repeal section 52 of chapter 64 of the Revised Statutes, as amended by chapter 297 of the Public Laws of 1917, relating to the protection of children.

An Act to amend section 6 of chapter 5 of the Revised Statutes, relating to ineligibility of members of boards of registration as candidates for elective offices.

An Act to amend certain sections of chapter 45 of the Revised Statutes, relating to the licensing of persons engaged in the lobster fisheries.

An Act to amend chapter 350 of the Public Laws of 1915, relating to the employment of women and minors.

An Act to incorporate the Wallagrass Dam Company.

An Act to amend section 5 of chapter 96 of the Revised Statutes, relating to notice of foreclosure of mortgages of personal property.

An Act appropriating money to defray the necessary expenses of an assessors convention.

An Act to amend section 16 of chapter 3 of the Revised Statutes, relating to appropriations for the Maine state library.

An Act to acquire the property of the People's Ferry Company and to

provide for the operation by the State of a ferry between Bath and Woolwich on the Kennebec river.

An Act to amend section 4 of chapter 37 of the Revised Statutes, relating to the duties of the commissioner of agriculture.

An Act to amend section 67 of chapter 81 of the Revised Statutes, relating to the appointments and deputies to the attorney general.

Finally Passed

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

On motion by Mr. Thombs of Penobscot, the Senate recessed until 2.30 o'clock this afternoon.

SENATE

(Afternoon Session)

Senate called to order by the President.

Mr. THORNTON of Aroostook: Mr. President, I move to take from the table H. D. 478, An Act to amend section 49 of chapter 117 of the Revised Statutes relating to the board of registration in medicine.

The motion was agreed to.

The same senator then offered Senate amendment A and moved its passage.

The secretary read Senate Amendment A, as follows:

Amend H. D. 478 by inserting after the word 'eighteen' in the ninth line the words 'of the Revised Statutes.'

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

The PRESIDENT: The Chair lays before the Senate S. D. 284, An Act to authorize the director of sea and shore fisheries to employ necessary clerks.

In the Senate it was passed to be engrossed with the adoption of Senate amendment A.

In the House it was indefinitely postponed.

On motion by Mr. Walker of Somerset, the Senate voted to recede and concur with the House in indefinitely postponing the bill.

The PRESIDENT: The Chair lays before the Senate S. D. 285, resolve in favor of the bank commissioner for the administration and enforcement of sections 11 to 23 inclusive of chapter 40 of the Revised Statutes.

In the Senate it was passed to be engrossed. In the House, House amendment A was adopted.

The Senate voted to reconsider its action whereby this bill was passed to be engrossed.

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

The PRESIDENT: The Chair lays before the Senate Report A of the committee on labor on H. D. 528, An Act amending the Public Laws of 1915, chapter 350, entitled An Act relative to the hours of employment of women and children, ought to pass, and Report B of the same committee on the same bill, ought not to pass.

In the House report A was accepted.

Mr. CHICK of Kennebec: Mr. President, I have just received word from Senator Cobb, who is chairman of the committee on labor, saying that he is detained at home on account of sickness, and wishing me to request that this matter lie on the table until tomorrow morning. And so at this time I will make the motion that it lay on the table until tomorrow morning.

Mr. DAVIES of Cumberland: Mr. President, would it be satisfactory to the senator from Kennebec, Senator Chick, if we understood at this time that there shall be no further delay or continuance for the consideration of this matter, that it will be disposed of this morning?

Mr. CHICK: I am not able to answer that question definitely. I simply have stated the facts so far as I know them, and his only request was that it be tabled until tomorrow morning.

Mr. DAVIES: You hardly feel that you are in a position to say that we will dispose of it tomorrow morning, Senator Chick, do you?

Mr. CHICK: I think perhaps under the circumstances that I would

be willing to take the responsibility and say that there would be no further objection from me, at least.

Mr. DAVIES: Thank you, very much. It only occurred to me, Mr. President, that perhaps some of the members of the Senate might go home late tonight or early tomorrow, if it were determined that we adjourn tomorrow night, and I wanted to be sure that the matter was considered when there was a full number present.

A viva voce vote being taken, the motion to table was lost.

On motion by Mr. Davies, Report B was accepted.

The PRESIDENT: The Chair lays before the Senate H. D. 527, An Act to amend section 35 of chapter 126 of the Revised Statutes relating to the observance of Sunday.

In the House this bill was indefinitely postponed.

On motion by Mr. Parent of Androscoggin, the Senate voted to concur with the House in the indefinite postponement of the bill.

The PRESIDENT: The Chair lays before the Senate, majority report of the committee on sea and shore fisheries, on An Act to establish the legal length of lobsters in York county, H. D. 73, ought not to pass; minority report of the same committee on the same bill, ought to pass.

In the House the majority report was accepted.

On motion by Mr. Peacock of Washington, the majority report was accepted by the Senate.

The PRESIDENT: The Chair lays before the Senate, report of the committee on ways and bridges, ought to pass, on An Act to provide aid for assistance of towns in maintaining town highways, H. D. 470.

In the House this bill was referred to the next Legislature or any special session.

On motion by Mr. Lewis of Lincoln, the Senate voted to concur with the House in referring this bill to the next Legislature or to any special session.

Mr. LORD of York: Mr. President, was that the bill relating to third class highways?

The PRESIDENT: I think the third class highway bill has gone through and is about to be signed by the Governor. I will ask the senator from Washington, Senator Peacock.

Mr. PEACOCK: Mr. President, that is what is commonly known as the Granville bill.

Mr. LORD: I simply wanted to be sure the matter was left in definite shape. I had the impression that House amendment A was adopted and then that the matter was referred to the next Legislature.

The PRESIDENT: In the House, House Amendments A, B and C were adopted, and then the bill and the amendments were referred to the next Legislature or any special session thereof.

The PRESIDENT: The Chair lays before the Senate report of the House committee on ways and means, an order relating to fixing and determining the tax rate for the years 1919 and 1920, in the matter of the State tax, submitting bill, An Act for the assessment of a State tax for the year 1919.

Under suspension of the rules the bill was given its two readings and passed to be engrossed in concurrence.

The PRESIDENT: The Chair lays before the Senate, report of the same committee, on the same order, submitting bill, An Act for the assessment of a State tax for the year 1920.

Under suspension of the rules the bill was given its two readings and passed to be engrossed in concurrence.

The PRESIDENT: The Chair lays before the Senate Report of the committee on conference on the disagreeing action of the two branches of the Legislature, on An Act to amend section 8 of chapter 6 of the Revised Statutes relating to ballots in primary elections and providing

that the order of the names of candidates on said ballots be determined by lot, H. D. 228, that the Senate recede and concur with the House in the passage of the bill to be engrossed.

In the House the report was accepted.

Mr. BUTLER of Franklin: Mr. President, I move that we do not accept the report of the committee on conference.

Mr. DAVIES of Cumberland: Mr. President, I was a member of the committee on conference appointed by the Senate to meet with and deliberate with the committee from the House, and to report here.

I did not consider, Mr. President, that I was justified in signing the report with the majority of my colleagues on the committee. I desire in a very few words to give my reasons therefor.

This act, if I construe its purport correctly, aims to compel every candidate whose name is to appear on the primary election ballot to come to the city of Augusta and to cast or draw lots in the office of the secretary of state for position on the ballot. It also provides, if I mistake not, that in the event of his not coming, the secretary of state may draw his lot for him. I think I have stated correctly the purport of the bill, have I not, Senator Thornton? I have not had an opportunity to read it.

Mr. THORNTON: I didn't understand that the question was directed to me.

Mr. DAVIES: Yes, it was directed to you, Senator Thornton.

Mr. THORNTON: I understand that to be the purport of the bill.

Mr. DAVIES: My personal objection to the bill is that what it aims to enact is unnecessary. It has been said frequently that the man whose position happens to be at the head of the ballot is in a more favorable position than the men who are farther down. That is by no means so in my own case. I remember very distinctly my own case, and perhaps

the best test of these things is to apply the test to one's own position and one's own experience. The first time that I ran for the Senate the first name on the ballot was Mr. Walter B. Clark, whom many of you know, and of whom perhaps all of you have heard. Mr. Clark was not nominated.

I happened to be successful at that time, and the person whose position on the ballot was next below mine, if I remember correctly, was not successful. There has been no time during my primary election campaigns for the office of senator where my name has been first on the ballot, as I remember it. And it is by no means only true in my case; but any of you who will recall carefully the circumstances in regard to the primary election ballots and the position of the candidates, will recall I think that a good deal has been said about the advantage of position on the ballots that by no means is carried out by the facts. Take, for example, our colleague, Senator Walker, who turns up here with the regularity of a tax collector every two years, and an examination of the records of Somerset county will disclose the fact that he generally is high man, although his name always appears at the bottom of the list. Let me take another instance, Mr. President. It occurs to me that Representative Wilson of Portland, who sits in the other chamber at the present time, at the last primary election found his name at the bottom of the list. He had the highest vote in the primary election, both two years ago and the last primary election held for the nomination of candidates for representative, of anybody from Portland except Representative Allen. These cases I merely mention as tending to prove at least that the position on the primary election ballot may be overestimated.

Another objection on my part is this: If you are going to compel under this act the casting of lots for position, it does not help the situation or the law at all to provide

in it that the secretary of state may choose for him where the candidate does not see fit to go to Augusta. On its face that might appear to show that it would only be necessary to go in exceptional cases. Let us see. If I, and Senator Babb, and Senator Grant, happened to be candidates for representatives from the town of Van Buren, and we were looking for position on the primary election ballot, and it was announced in Van Buren that I was going to Augusta to cast my lot, Grant and Babb would both go. Of that I am perfectly well satisfied. (Laughter.) And that is not an isolated case, Mr. President, by any means, but it will come true in nearly every case. And why not? The average man after making a vigorous campaign, spending days and nights and holidays to get the nomination, hears that his opponent is going to Augusta to draw his lot. He will go right along of course. You are increasing the expense of the primary election. You are making it absolutely necessary for a number of men, who can ill afford to do so, to spend the time and the money to go there and find out at the office of the secretary of state where their place is going to be on the ballot.

It has been said to me frequently in regard to this ballot, in the corridors, in the hotel, that Massachusetts has such an act. Very well. We are not obliged to adopt all the laws of Massachusetts. That may be a new theory in the halls of this Legislature, but I feel it is absolutely true. There has been a time when it was only necessary to say that a certain act was the law in Massachusetts, to send it rejoicingly and victoriously on its way to the executive department. The conditions in Massachusetts are vastly different from what we have here in relation to the primary election law, and for this reason, Massachusetts nominates under the open primary. It is the only state between the Atlantic and the Pacific that nominates in that way. By the open primary I mean without party discrimination at all. The primary elec-

tion ballot in our sister state of Massachusetts discloses no party affiliation of the candidates presented to the elector. That is not right. I may say in this connection, primary elections are party caucuses. They are held for the purpose of determining the wishes of the party electors. But that is the situation as we have it in Massachusetts, and the overwhelming reason why the position on the ballot in the state of Massachusetts is cast by lot.

It will occur to you, Mr. President, and the members of the Senate. I think, that I have said very little for me during this session of the Legislature, and while I am on my feet and no objection is offered I desire for just a minute to say something about the primary election law. I am its father. Look at me, gentlemen! Do you desire to take back most that you have said in relation to it for the last six years? Nevertheless I take the consequences in remarking in the presence of all my friends—the primary election system of nominations has justified every good word that was said in favor of it before going into operation six years ago, and it has put its enemies to rout.

Every man who has not been nominated has been compelled to find some reason for not winning his nomination. I never have suffered defeat myself under the primary law, but if I had, I tell you in confidence—I do not want the other House to hear it—I should have laid it on to the law. Why not?

So we have heard it over and over and over again that the primary election law is a failure and we must go back to the convention system. You gentlemen have forgotten all about it, but when we nominated our candidates under the convention system we had to go and find out how the candidate for sheriff stood and everything that related to his office before we could be a candidate. Is that not true, Dr. Gordon?

Mr. GORDON of York. That is right.

Mr. DAVIES: We have evolved,

Mr. President, beyond that system in the nomination of candidates, and we have made this change, we have sent the candidate to the elector rather than having the elector come to the candidate. That is the true spirit of democratic government. But we have done more. We have put the State of Maine in the front rank of progressive Republican states in this country. And we have nominated for the Legislature and the various other offices which have come within the purview of the primary election law as good men if not better than we ever had under the convention system. That makes my friend Thombs smile. He need not translate that smile into words. I have known George all these three months and I know what he means, Mr. President. He is endorsing every word that I said. He is endorsing it in his heart and in his soul, and I congratulate him.

But there is one more feature of the law, if you will permit me to refer to it very briefly. It is frequently bantered about from mouth to mouth that under the primary election system nobody but a rich man can get into office. The men who say that, my friends, are the men who have not read the law. A man cannot very well say that honestly if he has read the law, because the act prescribes the maximum of what every candidate shall spend in his primary elections. If he will take a false oath in relation to the primary election system he will do it in relation to the convention system, and it makes no particular difference. You will remember that the law provides just what the expenditures shall be in the maximum of every candidate for each office which comes within the scope or the range of the primary election law, and it seems to me that legislation is necessary and is important under our present political conditions.

You will excuse my divergence from the question before the Senate. You must remember the question as submitted under the provisions of this bill is whether every candidate over

the entire state shall come to the office of the secretary of state and draw lots for a position on the ballot.

This branch of the Legislature,—a deliberative body, does things soberly and calmly, with full knowledge of what they mean, and irrespective of their political effect and their political influence. * * * we saw fit the last time this bill was before the Senate to indefinitely postpone it. The question that is presented under the conditions of this report is substantially the same question, that is, whether the report of the committee of conference shall be accepted? Those to vote no will vote to follow the action of to indefinitely postpone the act when we vote no on the question now before the Senate. And as my friend Senator Dearth said the other day, when we were considering a matter, he said he hoped everybody in the Senate except the man who made the motion on the other side would vote with him. I desire to adopt that sentiment—that statement. But I shall be satisfied, nevertheless, if a majority of the Senate vote no and the minority vote yes.

The PRESIDENT: The pending question is the motion of the senator from Franklin, Senator Butler, that we do not accept the report of the committee.

A viva voce vote was taken, and the Chair was in doubt.

Mr. THORNTON of Aroostook: Mr. President, is the debate closed on this question?

The PRESIDENT: No, sir.

Mr. THORNTON: Mr. President, I just want to call the attention of the Senate to one or two parts of this act. I have been much interested in listening to the senator from Cumberland, but I observe that he only refers to coming to the secretary of State's office as an objection. Therefore he may admit by that that the fact that the names are determined by lot would be fair and equitable way to have the names placed upon the ballot.

Now I have no personal interest in the matter as to whether the ballot stands as it is today or whether they shall be placed by lot. It has worked no injury to me so far as I know and I have noth-

ing to complain of; but the general estimate of advantage is, I think, reported to be about 10%. If there is an advantage to the one that has the first letter of the alphabet, it would be only fair for each and every one to have the place determined by lot, no matter where that lot might fall. The fact, of course, that there is always a majority of those of the first letters of the alphabet, or has been a majority of the first letters of the alphabet in the Senate for the last few years, and also in the House, perhaps is not any argument one way or the other.

But we should not decide the question entirely by our own personal advantage or disadvantage. We want to decide it for the public good, and if there is any advantage, those who are to follow us in years to come should be placed upon an equal or equitable basis, that is, by lot.

Now there are prospects if the world goes on in the future as it has for the last 10 or 15 years, that we shall have additional voters come to the polls, and possibly additional candidates with various names. Judging the future from what has been in the past, of course some of those candidates will be very energetic and ambitious to hold office, which is not true of the present Senate. And when we think of those young people who are to make up the candidates who will follow us, who are in the colleges, and they are about equally divided perhaps between those who will be voters under the present law and those who will be voters under the future law—and I do not think the Senator has taken that into consideration, the senator from Cumberland, when he made this primary ballot, that the future candidates must compete and should equally, otherwise those ambitious college girls are all going to try and marry a boy whose name commences with A. (Laughter.)

Mr. DAVIES: May I inquire through what authority the Senator speaks? I am not quite sure of his credentials to answer for all the college girls. If he can present them to the Senate, I am sure I shall be perfectly satisfied.

The PRESIDENT: The Senator will continue without interruption, please.

Mr. THORNTON: I think the authority is only as I state, judging the future from what has been in the past few years, because if we look at the future, we take points in the past to judge the direction we are going. And it does not seem to be equitable that the boys whose names commence with A, B, C and D should have all the best chance, and for that reason I think it would be well perhaps to change this law before it is too late, and would move the adoption of the report of the committee.

Mr. DAVIES: Mr. President, one of my colleagues has suggested to me that I failed to understand the motion made by senator Butler. I think he is right. Senator Butler's motion, if I remember it correctly, was—will you not state it again?

Mr. BUTLER: The Clerk has the record. I would rather depend on the record.

The PRESIDENT: Will the reporter read the motion made by Senator Butler.

The reporter read the motion as follows: "I move that we do not accept the report of the committee on conference."

Mr. PARENT of Androscoggin: Mr. President, if we vote not to accept the report of the committee on conference, does that defeat the bill?

Mr. PRESIDENT: I presume he has in mind another motion to make if that is carried.

Mr. PARENT: I would like to know whether he is to make another motion.

The PRESIDENT: I will ask the senator if he proposes to move to adhere?

Mr. BUTLER: I propose to move that we adhere to our former action, at the proper time.

Mr. PARENT: As I understand, that is in defeat of the bill?

The PRESIDENT: Yes.

Mr. PARENT: I move when the vote is taken it be taken by yeas and nays.

Mr. DEERING: Mr. President, I think we are getting ourselves tangled up here a little. Do I understand now that the motion is to adhere?

The PRESIDENT: The question before the Senate is on the motion of

the Senator from Franklin, Senator Butler, that we do not accept the report of the committee on conference.

Mr. DEERING: Then we should vote yes on Senator Butler's motion in order to adhere?

Mr. DAVIES: To kill the bill, vote yes on Senator Butler's motion.

A sufficient number not having arisen, the motion of Mr. Parent to take the vote by yeas and nays was lost.

Mr. Ames having asked for a division of the house, a rising vote was had. Nineteen senators voting in the affirmative and six in the negative, the motion of the senator from Franklin, Senator Butler, prevailed.

Mr. BUTLER: I now move we adhere to our former action.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate the report of the committee of conference on the disagreeing action of the two branches of the Legislature on An Act amendatory and additional to Chapter 197 of the Public Laws of 1917, relating to the State department of health, H. D. 453, that the Senate recede and concur with the House, signed by all the members of the committee.

On motion by Mr. Deering of York, the report of the committee was accepted; and on further motion by the same Senator the Senate voted to recede and concur with the House.

Mr. PARENT: Mr. President, as there were several of these bills, I would like to inquire which bill this is?

The PRESIDENT: Will the senator from York, Senator Deering, answer the inquiry of the senator from Androscoggin, Senator Parent?

Mr. DEERING: If I am not mistaken, it is the bill which provides for the appropriation for the health department of the State of Maine.

The PRESIDENT: This is the combination of one resolve and two acts, Senator.

Mr. DEARTH of Penobscot: Mr. President, this is the bill that the Senate yesterday voted to indefinitely postpone, is it not?

The PRESIDENT: Yes, sir.

Mr. DEARTH: Has there been a motion to reconsider the action?

The PRESIDENT: You accepted the report of the conference committee. That will take care of it.

Mr. GRANT of Cumberland: Mr. President, I move to take from the table the bill entitled, The Workmen's Compensation Act, S. D. 304.

The motion was agreed to.

Mr. GRANT: Mr. President, I wish to offer an amendment, and in explanation I will say that this is simply to make a change in the salaries of two officers who are heads of two departments connected with this bill.

My reason for this is that in the beginning of this session it was expected on account of the statement made in the Governor's message that all heads of departments would receive an increase, including those named in this bill, but at a caucus held early in the session the committee on salaries and fees were instructed not to increase the salary of the head of any department. We had under consideration a number of bills asking for increases, but we were bound by that caucus, which was unanimous, and we rejected every one and reported back, ought not to pass. And we cannot understand how this Senate can approve of an increase of one department and leave the others out. Very many of the heads of those departments have asked me if we would make an increase and I assured them that we would not because we were bound by that caucus vote.

Now the reason of their asking for an increase, they tell me, is that they have a new bill for us that is so difficult to interpret that they need to increase the salary of one man a thousand dollars and another one five hundred. Now if that is the case, we have only a few hours to have this printed bill before us—a few hours—and they are asking us to vote for it, and yet we know almost nothing about it. It seems to me that if it is as difficult as that, it should be either postponed or referred to the next Legislature and give us time to look into the matter.

I offer this amendment to the bill at this time.

The Clerk read the amendment as follows:

Senate Amendment A to S. D. 304

Amend S. D. 304, page 31 by striking out the word "three" in the first line of the second paragraph of Section 29, and by inserting in place thereof the word "two;" by striking out the words "three thousand" and inserting in place thereof the words "twenty-five hundred;" and by striking out the words "one thousand" in the second paragraph of said Section 29 and by inserting in place thereof the words "five hundred."

Mr. DEERING of York: Mr. President, I feel a great deal of responsibility in the passage of this bill, because I believe that the Senate is depending upon my word that the bill that the joint committee on labor and judiciary produced before this body was explained correctly in regard to its principal changes, in the argument which I made yesterday in favor of it.

I think I explained fully why we had adopted the 60 per cent, the lesser weighting period, the change in the minimum and maximum, and the change in the doctors' fees for attending the injured employees. I also stated what we had done in regard to the change in the construction of the commission which would have the administration of this very important measure.

We have worked almost in entire harmony with the committee on salaries and fees the entire session, and I want to say to this Senate that I feel on no better terms with any one than the distinguished senator who has been chairman of that body. His desire I think, however, to appear consistent in everything he has done does not particularly apply to this occasion. In the beginning of the session there was a vote taken in the caucus in the hall of the House of Representatives that no heads of departments should be changed. And Senator Grant concluded that the salaries and fees committee must be perfectly consistent in all that it did.

Now the twenty men composing the joint committee on labor and judiciary considered this matter from all its angles and after careful deliberation and a great deal of argument devoted almost entirely to the raise of salaries we thought necessary for the proper administration of this act. After having received the evidence that the act that we proposed for the purpose of ameliorating the conditions of the injured employees, would increase the work from thirty to fifty per cent, we considered it would be unfair to ask the men who were to administer this act to accept the same salaries that they had had heretofore.

Had it been the State treasurer, or the State auditor's office, or the secretary of State's office, in which positions there had been no increase in the salary, because there had been no increase in the work, we would have felt differently about it. But, evolving from eleven bills and from all the information we could get, we presented the law with the increases asked in the bill.

When it became necessary to appoint a chairman for the commission the governor had in mind Mr. Dutton, and in the conversation had with Mr. Dutton, he stated that he would accept the position if the salary was increased and the governor said that he would recommend such an increase in his message, and he had no doubt the legislature would grant it, and under those circumstances only did Mr. Dutton accept the position.

Now that is part of it, and the other part is this: If this particular salary had come before the committee on salaries and fees to be fixed by them under the same circumstances that other heads of departments came the committee would not have been justified in increasing it. But the committee on salaries and fees had absolutely nothing to do with this raise of salary. It does not concern them, it does not interfere with them, or interfere with their consistency or inconsistency. It was a matter laid before twenty men and they decided that the importance of

added work that this commissioner and the commissioner of labor and industry must perform, that it was due to them to give them that money, and also due to the administration of this very important law, which concerns 74 per cent of our laborers, and almost every employer in the State of Maine. Considering the importance of this matter and the number of people whom this law is going to touch, and believing, as we did, that the man who headed this position must be almost if not quite upon a par in ability with the judges of the supreme court of Maine, and must be in a position to decide many more cases in a year than any judge of the supreme court in Maine besides. We believed it was not unfair to increase the salaries, so that the position, one of the most important in the State, would attract men of ability to fill it. There would be no use for this Legislature to pass this law, or any other important measure, carrying with it the responsibility that this law carries, unless it provided a sum of money which was ample to guarantee an efficient administration of it.

Now in order to make clear one or two matters that have been brought to my attention by some of the senators who did not comprehend all the argument I made yesterday, I want to say, if they will look in sections 3 and 4 on page 9, they will find that we have left the law just the same as it was two years ago. That is, domestic servants, and people engaged in logging have the same law that they have always had. And we do not want any misunderstanding about that, that remains the same law that we had two years ago, and this law does not affect them any differently than it ever did.

Now I want to say in regard to the whole law that last year the employers paid the insurance companies \$1,036,000 for premiums, and the insurance companies paid out in indemnities the sum of about \$312,000. That is, insurance companies paid out only 28 per cent of what they received. Now we believed if we could bring this matter properly before the insurance companies that

they could insure the employers under the law we have written now under the very same premiums that they insured them last year, and still make money for their companies out of it.

Of course these matters were figured out last year for all probabilities, the same as they will be next year, and we have no doubt in our minds but what the premiums can be pretty nearly the same with the liberalization we have made, as it was last year.

I am not in condition to speak at length upon this matter today, but I want to say that it is a great compliment to me to bring this matter before the Senate and have the Senate accept my word for it, that these are all the changes that have been made, for in time this will be studied over and those who find something in it that is not substantially as I say, are going to blame me for not explaining the matter to them more fully. It is an important matter, but a great mass of the statutes that exist were left as they were before. But these four great material changes that we have made add so much to the work of the department that it would be almost impossible to administer that law with efficiency unless we were generous enough to add to the salaries of the men in those positions sufficient money to keep them there in the positions, or to attract others equally able to perform the administrative functions in regard to this law which they must perform.

I think, gentlemen, you will see this matter in the right light and not be niggardly, stingy, in this matter. This Legislature has not done a great many progressive things, but this law that we have before us is the most progressive piece of legislation that has come before us at any time during this session. We cannot now afford for a sum of \$1500 or \$2000, to spoil the efforts of four or five weeks' work by twenty men night and day, and some Sundays, by cutting down the pay of the men for the administration of this law that we have passed.

The work has been put into it and it is to become the law of our State, and now is the time for us to stand behind this law, because our party and the Democratic party, and every man in the State who wants to give a fair deal to every other decent man in the State is back of the liberalization of this law. I want to say if we spoil it by not giving these men the money they ought to have we are going to be niggardly in our duty, and we are going to be derelict in our duty to these men we asked to take charge of this important matter.

Mr. DEARTH of Penobscot: Mr. President, gentlemen of the Senate, I hope that the amendment offered by the senator from Cumberland, Senator Grant, will not be adopted. I am informed that for some time the condition of this department has been congested on account of not being able to take care of these cases as they have arisen. And as a result many cases of injury have not been attended to until after a lapse of several months and the injured man has had to wait. Now it seems to me a very poor policy for the State to establish a department and keep it in this crippled condition of inefficiency. Let us take it out of its gait of hobbling along in this condition of inefficiency and put it upon a basis of efficiency, so that these claims can be taken care of, so that the laborer who is injured can have his day in court without waiting months to be heard. As the senator from York has said, we cannot afford to be small in this matter. I agree with the senator from Cumberland in the matter of being consistent, but you can carry that thing too far and defeat real object and purpose of your legislation.

The PRESIDENT: The pending question is the adoption of Senate Amendment A presented by the senator from Cumberland, Senator Grant.

Mr. DAVIES: Mr. President, Senator Deering is a very modest man, I have found in my association with him, in my intimate association with

him for the last three months, so modest in fact that I feel it my duty as the chairman of the committee on judiciary to state a little more in detail something about the work, the arduous, unremitting work that the sub-committee, made up of members of the committee on judiciary and the committee on labor, were obliged to perform to bring this bill to you in the shape and in the form that it is being presented at the present time.

You will remember that Governor Milliken in his wisdom recommended some change in the workmen's compensation act. There were many bills presented to the committee on labor and the committee on judiciary. After some discussion by representatives in both committees, it was decided that the bills, all of them, be referred to a joint committee made up of all the members of the labor committee and the committee on judiciary. There were appointed from the judiciary and labor committees a sub-committee of seven members, of which Senator Deering was the chairman. I have not the least hesitation in saying that the work which was done by that sub-committee was many times more than the work that has been done by any sub-committee of the Legislature—indeed the work done by that committee was infinitely more than some of the entire or integral committees of the Legislature have done during this session of the Legislature.

It became necessary to examine the statutes of other states, many of them; it became necessary to examine precedents from the courts of other states, many of them; it became necessary to compare them carefully, with minute carefulness, that they might not conflict with our decisions here. A great part of that work was done by Senator Deering. Therefore it seems to me that when he makes the recommendation to the Senate as to what the salaries of the various officials that come within the scope of this act should have, we may very safely and very logically take his recommendation.

It occurred to me, however, that it had not been stated since we began to consider this act just what the salaries of the various officials, and just what the new bill gives them in the way of increase.

The present salary of the chairman of the commission is \$2500, Hon. Frank L. Dutton. It is reported by Senator Deering that the governor stated to Mr. Dutton that he would recommend to the Legislature that provided Mr. Dutton took the appointment the salary should be raised. There is no question but what that is true. There isn't any question in my mind but what we are going to make it good? Is there? Are we going to stand by that promise? Are we going to take Mr. Dutton out of his office, make him the chairman of this commission under an exact promise from the executive of this State that he will recommend an increase in his salary and he has no doubt but what the Legislature will grant it, and are we going to say now that we will not do that? I do not think so. If his statement was not in accordance with the facts it would not be made here as it has been made here. We must fill out our obligation and make good.

Commissioner Smith receives at the present time \$2500 as commissioner of insurance and \$500 for the commission. Undoubtedly that is a fair compensation for his work and no increase of his salary is suggested by this bill. Mr. Eddy, the commissioner of labor, whom we all know, at the present time receives \$2000 as salary as commissioner of labor and \$500 from the industrial accident commission, making a total salary at the present time of \$2500. This bill provides for an increase in Mr. Eddy's salary of \$500 so that he may have a salary of \$3000. It is only just that he should have it. The laborer is worthy of his hire. Mr. Eddy has grown up with a knowledge of labor conditions in the State of Maine, knows them intimately, knows them fully, and probably is the best authority on labor matters that we have within the confines of the State. He got to his position by dint of perseverance, by dint of hard work, by dint of self-denial and by dint of sacrifice.

and the knowledge that he has of his department is an asset to the State of Maine that is worth at least \$3000 a year, what he asks for. If any of you have had occasion to inquire in regard to any matter in relation to his office, you have always found that he has the facts to answer your questions. He has his department under control in a way seldom seen in the office of the department of commissioner of labor in any other state. And certainly when you consider the increased amount of work that is to be placed in his department under the conditions of this bill, we can safely and justly give him the increase, which has been recommended by the judiciary and labor committees.

If the bill is adopted in its entirety as proposed by Senator Deering, then these salaries of the various people operating for the State of Maine under it will be as follows: Chairman \$3500; the justices of our supreme judicial court get \$5000—now Mr. Dutton gets \$3500; his work is just as exacting. A man who is able to hold the position of chairman of this commission is properly qualified to sit on the supreme bench, but there is this distinction, he does a great deal more work.

The associate member which is provided for in this bill would receive the sum of \$3000. The commissioner of labor would receive the sum of \$3000. The commissioner of insurance would receive the sum of \$3000. Does it not appeal to you that that sounds like a reasonable, like a just, and like a perfectly equitable salary to pay each one of the men who do service on that commission under the provisions of this bill?

The PRESIDENT: The pending question before the Senate is the adoption of Senate Amendment A to S. D. 304.

A viva voce vote being had, the motion for the adoption of the amendment was lost, and the bill having had its two several readings was passed to be engrossed.

Finally Passed

"Resolve, Making an Appropriation in Aid of Navigation on Sebago

Lake, Songo River, Bay of Naples, Chute's River and Long Lake in Cumberland County."

"Resolve, Repealing Chapter One Hundred and Nine of the Resolves of Nineteen Hundred and Seventeen, Relating to Lists of Automobile Registrations."

"Resolve, for Indexing the Document Files by the Legislatures of Maine Since Eighteen Hundred and Twenty, now in the Office of the Secretary of the Senate."

"An Act to Appropriate Moneys for the Expenditures of the Government and for other Purposes for the Year Nineteen Hundred and Nineteen."

This bill carrying an emergency clause required a two-thirds vote of the members of the Senate on its passage.

Twenty-four senators voting for its passage, the bill was passed to be enacted.

"An Act to Amend and Correct Certain Clerical Errors in Chapter Thirty-three of the Revised Statutes, as Amended by Chapters Two Hundred and Nineteen and Two Hundred and Forty-four of the Public Laws of Nineteen Hundred and Seventeen, Relating to Inland Fisheries and Game."

"An Act to Amend Section One of Chapter Two Hundred and Forty-four of the Public Laws of Nineteen Hundred and Seventeen, Relating to the Duties of the Commissioner of Inland Fisheries and Game."

"An Act to Provide Part-time and Evening School Classes for Persons between the Ages of Fourteen and Eighteen Years Employed in Industrial Establishments who have not Completed the Elementary School."

"An Act to amend Section 29 of Chapter 50 of the Revised Statutes, relating to the appropriation for the Industrial Accident Commission."

"An Act amendatory of and additional to Chapter 97 of the Public Laws of 1917 and of Chapter 301 of the Public Laws of 1917, relating to the State department of health.

Mr. DAVIES of Cumberland: Mr. President, the city solicitor of the city of South Portland asked me to present an amendment to the act amending the charter to the city of South Portland. I move that the bill be taken from the table.

The motion was agreed to, and upon further motion by the same senator the vote was reconsidered whereby this bill was passed to be engrossed.

The same senator then offered Senate Amendment A, which was adopted without reading, and the bill as amended was passed to be engrossed.

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

SENATE

(Evening Session.)

Senate called to order by the President at 7.30 o'clock.

Papers from the House disposed of in concurrence.

S. D. 304, Workmen's Compensation Act.

This bill came from the House, House Amendment A adopted.

Mr. DEERING of York: Mr. President, I understand what the amendment is and it can be explained very briefly. In the last draft of the compensation bill the stenographer inadvertently left the enacting clause off of the bill. So I move that the amendment be accepted.

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

Mr. WALKER: I will ask through the Chair if the chairman of the committee speaks for all the lawyers on the committee?

Mr. DEERING: Mr. President, I cannot speak for all the lawyers on the committee, and I am sorry to say that I cannot tonight speak for myself, because I have such a cold that I cannot do what I want to and I feel that the Lord has done this

to me in order to preserve the Senate from my inflicting any more speeches on them.

The bill was then passed to be engrossed as amended.

The PRESIDENT: The Chair lays before the Senate Report of the committee on education.

In the Senate the majority report, referring same to the next Legislature, was adopted.

In the House, the minority report, ought to pass, was adopted, and they adhere. What is the pleasure of the Senate?

Mr. WALKER of Somerset: Mr. President, I move we insist and ask for a committee of conference.

Mr. DEARTH of Penobscot: Mr. President, I understand that is separate from the order asking for the appointment of a committee—it does not dispose of the whole matter—you can separate the two?

Mr. WALKER: That is the order and bill both, isn't it?

The PRESIDENT: As I understand it includes the order,—the action of the House.

Mr. WALKER: I would like for the Senate to insist on their action and ask for a committee of conference, if it can be done under the present status of the bill.

The PRESIDENT: In the opinion of the Chair there is no reason why it cannot be done, so far as the Senate is concerned. Being an independent body it can act on its own will and pleasure in matters pertaining to the Senate.

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

The Chair appointed as such committee on the part of the Senate, Messrs. Walker, Deering and Baxter.

Mr. DEERING: Mr. President, I am already on several committees of conference now, and if the president will be so kind I would respectfully ask to be relieved from this educational duty.

The PRESIDENT: You are excused, and I will substitute the senator from Hancock, Senator Ricker.

The PRESIDENT: The Chair lays before the Senate H. D. 528, An Act amending the Public Laws of 1915, chapter 380, entitled An Act relative to the hours of labor of women and children.

In the Senate report B, ought not to pass, was accepted; in the House report A, ought to pass, was accepted.

The House insisted and asked for a committee of conference.

Mr. DEERING: Mr. President, I move that the Senate adhere.

The motion was agreed to.

Mr. DEERING: Mr. President, I move we reconsider the vote whereby the Senate voted to adhere.

A viva voce vote was taken and the motion was lost.

Report of the Cumberland delegation on An Act establishing the Portland Public Service District (H. D. 14).

In the House this bill was referred to the next Legislature; in the Senate it was indefinitely postponed; the House voted to adhere.

On motion by Mr. Davies, the Senate voted to adhere.

The PRESIDENT: The Chair lays before the Senate An Act to amend the charter of the city of South Portland.

In the Senate this bill was passed to be engrossed; in the House that body insisted and asked for a committee of conference.

On motion by Mr. Gurney of Cumberland, the Senate voted to concur with the House and join a committee of conference.

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

The PRESIDENT: The Chair lays before the Senate, An Act to provide for the repair and maintenance of the Portland bridge, H. D. 518.

This bill came from the House with House Amendment B adopted.

Mr. DAVIES of Cumberland: Mr. President, I move we reconsider the vote whereby this act was passed to be engrossed.

The motion was agreed to and on further motion by the same senator House Amendment B was adopted in concurrence, and the bill as amended was passed to be engrossed.

The Chair declared a recess until 8.15 o'clock.

(After Recess.)

Senate called to order by the President at 8.15 o'clock.

(Former Senator Knowlton at this time was invited by the Chair to a seat by his side.) (Applause.)

On motion by Mr. Deering of York, it was

Ordered, that 1000 extra copies of S. D. 304 be printed for distribution.

The PRESIDENT: The Chair lays before the Senate the Report of the Committee of conference on the disagreeing action of the two branches of the Legislature on An Act to amend the charter of the city of South Portland, that the Senate recede and concur with the House in the passage of the bill to be enacted, signed by all members of the committee.

On motion by Mr. Gurney of Cumberland, the report was accepted.

Finally Passed

Resolve amending Article 9 of the Constitution, as amended Article 35 of the Constitution, increasing the State debt limit.

This resolve proposing an amendment to the Constitution required a two-thirds vote of the members of the Senate upon its passage. Twenty-five senators voting for its passage the resolve was finally passed.

Passed to Be Enacted

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

An Act to amend Sections 20, 21 and 23 of Chapter 49 of the Revised Statutes, as amended by Chapter 146 of the Public Laws of 1917, relating to the employment of children.

An Act to amend Chapter 280 of the Public Laws of 1917, relating to price of Maine reports.

An Act to amend Section 3 of Chapter 325 of the Private and Special Laws of 1897, as amended by Chapter 17 of the Private and Special Laws of 1909, increasing the salary of the judge of the municipal court of Waterville; and to amend Section 13 of Chapter 368 of the Private and Special Laws of 1909, relating to the judge of the police court of Rockland, and to amend Section 14 of Chapter 368 of the Private and Special Laws of 1909, relating to the recorder of the police court of Rockland.

An Act to amend Section 4 of Chapter 446 of the Private and Special Laws of 1897, fixing compensation of trustees of the Maine School for the Deaf.

An Act to amend Section 15 of Chapter 9 of the Revised Statutes, to provide for additional assistance for the board of State assessors.

An Act to amend Chapter 166 of the Private and Special Laws of 1911, as amended by Chapter 189 of the Private and Special Laws of 1915, relating to the Piscataquis municipal court; making the clerk of courts of Piscataquis county recorder of said municipal court and fixing the salary of said recorder.

An Act to amend Section 31 of Chapter 117 of the Revised Statutes, relating to the regulation as to the use of streets by street railroads.

An Act to amend Section 11 of Chapter 117 of the Revised Statutes, relating to the salaries of stenographers of Cumberland and Kennebec superior courts, as amended by Chapter 249 of the Public Laws of 1917.

An Act to amend Section 16 of Chapter 9 of the Revised Statutes, as amended by Chapter 255 of the Public Laws of 1917, relating to inventory of exempt live stock and fowl.

An Act authorizing the appointment of a State pension agent.

An Act to amend Chapter 215 of the Public Laws of 1917 to provide for payment of a bounty on bears killed in the State.

An Act to amend Section 1 of Chapter 44 of the Private and Special Laws of 1907, as amended by Chapter 29 of the Private and Special Laws of 1915, relating to an increase in the amount allowed as clerk hire for the Lewiston municipal court.

An Act to prevent cruelty to animals.

An Act to amend Section 87 of Chapter 2 of the Revised Statutes, relating to the State auditor.

Mr. WALKER of Somerset: Mr. President, I move that we reconsider our vote whereby we voted to insist and ask for a committee of conference on the school distribution bill, H. D. 523.

The motion was agreed to, and on further motion by the same senator the Senate voted to adhere to its former action on this bill.

On motion by Mr. Thombs of Penobscot, it was voted that when the Senate adjourn it adjourn to meet at 9.30 o'clock tomorrow morning.

On motion by Mr. Thombs of Penobscot, adjourned until tomorrow morning until 9.30 o'clock.