

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

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SPECIAL SESSION

OF THE

## Seventy-Ninth Legislature

OF THE

## STATE OF MAINE

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1919

AUGUSTA  
KENNEBEC JOURNAL PRINT  
1919

## SENATE

Tuesday, November 4, 1919.

In obedience to a call from the Governor of the State, convening a special session of the Legislature, senators met in the Senate Chamber at the hour designated in the Proclamation, being 10 o'clock in the forenoon, and were called to order by the president.

Prayer by Rev. A. A. Walch of Augusta.

Mr. GURNEY of Cumberland: Mr. President, since the last convention of this body a very courteous gentleman who was our doorkeeper has passed out of this life. His memory to us will be characterized by that unflinching consideration and faithfulness to duty, which endeared him to us.

While the Senate meets and is under the necessity of filling this office, it gives me pleasure to present as candidate for the position Mr. Mellen Tryon of Pownal, a former member of the other branch of the Legislature. Under suspension of the rules I make that nomination, and further move that the secretary be instructed to cast the ballot of the Senate for Mr. Tryon.

The motion was agreed to, and the secretary having performed the duty assigned to him, Mr. Tryon was declared elected doorkeeper.

By direction of the president the Proclamation of the Governor was read by the secretary, as follows:

### STATE OF MAINE

#### A PROCLAMATION BY THE GOVERNOR

The People of the State by an amendment to Article IX of the Constitution have authorized the Legislature to issue bonds of the State to an amount not exceeding Ten Million Dollars for the purpose of continuing the construction of our State Highway System and building intrastate, interstate and international bridges. The United States Government stands ready to contribute Two Million Dol-

lars immediately to aid in carrying out this highway program, if the State's money can be made available. Construction of the Portsmouth-Kittery Bridge awaits the required funds to be advanced by this State jointly with the State of New Hampshire and the United States Government. These immediate demands for moneys, obtainable only from the sale of these State Highway and Bridge bonds, together with the necessity for legislation to make operative other Constitutional amendments recently adopted and to meet other urgent demands of the people seem to require the immediate consideration of the Legislature.

IN CONSIDERATION WHEREOF, I, Carl E. Milliken, Governor of the State of Maine, by virtue of the power vested in me by the Constitution, convene the Legislature of this State, hereby requiring the Senators and Representatives to assemble in their respective chambers at the capitol in Augusta on Tuesday, the 4th day of November, 1919, at ten o'clock in the forenoon in order to receive such communications as may then be made to them, and to consult and determine all such measures as in their judgment will best promote the welfare of the State.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the State to be affixed.

Done at Augusta, this 18th day of October in the year of our Lord, 1919, and of the Independence of the United States of America the 144th. (Seal)

CARL E. MILLIKEN,

By the Governor,

Attest:

FRANK W. BALL,  
Secretary of State.

### Roll Call

The roll being called by the secretary, the following named senators responded to their names: Messrs. Ames, Babb, Baxter, Butler, Chick, Cobb, Creighton, Davies, Dearth, Deering, Emerson, Folsom, Gannett, Googin, Gordon, Grant, Gurney, Higgins, Lewis, Lord, Metcalf, Parent,

Peacock, Ricker, Stanley, Thombs, Thornton, Tuttle, Walker—29. Absentees: Messrs. Clement and Holt—2.

The President declared a quorum present.

On motion by Mr. Ames of Washington, it was

Ordered, that a message be conveyed to the House of Representatives informing that body that a quorum of senators is present for the consideration of such business as may come before it.

The secretary conveyed the message and subsequently reported that he had conveyed the message with which he was charged.

On motion by Mr. Deering of York, it was

Ordered, that a message be sent to His Excellency, the Governor, informing him that in obedience to his proclamation a quorum of senators is assembled in the Senate chamber for the consideration of such business that may come before it.

The Chair appointed Senator Deering to convey the message. The senator retired and subsequently reported that he had delivered the message with which he was charged.

On motion by Mr. Thombs of Penobscot, it was

Ordered, that a message be sent to the House of Representatives proposing a convention of both branches of the legislature, forthwith in the hall of the House, for the purpose of receiving a communication from His Excellency, the Governor, and for the election of an executive councilor.

The secretary conveyed the message and subsequently reported that he had delivered the message.

Mr. BAXTER of Sagadahoc, presented the following order and moved its passage:

Ordered, the House concurring, that free telephone service be provided for each member of the Senate and House to the number of 25 calls from Augusta to points within the limits of the State of Maine, and that each member of the Senate and

House be provided with a non-transferable card or coupon book to be certified to by the Secretary of State or his deputy.

On motion by Mr. Deering of York, this order was indefinitely postponed.

### Message from the House

A message was received from the House conveyed by the clerk, informing the Senate that a quorum of that body was present and ready to transact business.

And a further message informing the Senate that the House concurred with the Senate in the proposition for a joint convention.

The Senate then proceeded to the Hall of the House for the purpose of holding a joint convention.

### IN CONVENTION.

(The President of the Senate in the Chair.)

Mr. GURNEY of Cumberland: Mr. Chairman, I move that a committee be appointed to wait upon the Governor and inform him that the two branches of the Legislature are in convention assembled to receive such message as it may please him to present to us.

The motion was agreed to and the Chair appointed as such committee, the senator from Cumberland, Senator Gurney, the senator from Aroostook, Senator Emerson, the senator from Hancock, Senator Ricker, the representative from Brewer, Representative Small, the representative from Ellsworth, Representative Mason, the representative from Eastport, Judge Pike, the representative from Searsport, Captain Colcord, the representative from Bangor, Mr. O'Leary.

Subsequently, Senator Gurney of the committee reported that the committee had performed the duty with which it was charged and that the Governor would immediately present himself before the convention.

The report was accepted.

The CHAIRMAN: The chair desires to say that there seems to be quite a complaint on the part of the members of the House especially and

some on the part of the Senate that the usual weather conditions did not obtain at our visit to this special session. The Chair desires to call attention to the fact that we are now having the snowstorm that we usually have when we assemble on the first Wednesday in January.

The Governor and suite then entered the hall of the House of Representatives and the Governor communicated with the joint convention by address as follows:

Gentlemen of the Seventy-ninth Legislature:

You have been summoned to consider various important public questions which seem to require legislative action. These subjects are submitted without prejudice to any other matters which may appear to you to merit your attention at this special session.

#### **Vacancy in the 6th Councilor District**

It is my sad duty to announce to you the death of Hon. Norman H. Fay, member of the Executive Council from the 6th Councilor district. His genuine worth and many lovable qualities won the respect and affection of all whose privilege it was to be associated with him. His ripe business judgment and conscientious devotion to the interests of the people made him an exceptionally valuable public servant. It is your duty to elect a successor for the balance of the term.

#### **Federal Equal Suffrage Amendment**

The secretary of State will transmit to you the official notification that Congress of the United States has proposed for ratification by the Legislatures of the several states an amendment to the Federal Constitution granting equal suffrage to women.

The Supreme Judicial court of Maine in a recent advisory opinion relative to a referendum on the so-called prohibitory amendment stated with admirable clearness and force that a Federal Constitutional amendment proposed by Congress for ratification by the State Legislature can-

not be submitted to referendum vote of the people of the State.

Nor is there any serious reason for such a vote in the case of the suffrage amendment. The Referendum is a very important and valuable safeguard against possible invasion of the rights of the people by unwise acts of a Legislature. But it is difficult to imagine how the granting of suffrage to women can be in any sense an invasion of anybody's rights. It is true that some conservative women shrink from the responsibility of suffrage, but in the event of the adoption of the amendment, no compulsion will be exercised upon them. They will not be required to vote unless they wish to do so.

On the other hand, many women do desire the privilege of suffrage; many others are willing to accept the responsibility, if it is placed upon them. With equal suffrage a fact in the progressive nations of the Old World, and in many states of the Union, with special sessions of State Legislatures being called for the ratification of this amendment, with ratification accomplished in eighteen of the more progressive and populous states of the Union and denied in only three of the states that have thus far voted, every remaining State Legislature ought promptly to act upon the proposed Federal amendment so that, if the verdict of the requisite thirty-six states be favorable, those women who are willing to exercise the right of suffrage may do so in 1920.

It is not a question how many women are now asking the right of suffrage. Many who are now reluctant or opposed will, when the time comes, accept the responsibility cheerfully. Public opinion is fast coming to the point of according equal suffrage to women as a matter of right. If only one woman in Maine wants to vote, she ought to have the chance.

The suggestion that your action should await the referendum on the presidential suffrage act passed at your regular session seems to me to be unsound. Such a vote could only

be advisory, and even if it had been possible to conduct a special election before this time and get a full expression of the popular will regarding the presidential suffrage, this advice would still be of doubtful value as to the Federal amendment. It is well known that the cleavage of opinion is not the same upon the two questions. Some who favor presidential suffrage oppose full suffrage, and some who advocate full suffrage reject presidential suffrage as a make-shift. Neither is the division line identical between the advocates and opponents of Federal and of State suffrage.

No general spontaneous popular protest against the presidential suffrage act has been apparent. The fact that a group of active canvassers secured ten thousand signatures to a referendum petition on presidential suffrage should not be allowed to delay your ratification of the Federal amendment.

#### **Bond Issue for Roads and Bridges**

The overwhelming vote by which the people endorsed the constitutional amendment authorizing further bonded indebtedness for the construction of roads and bridges shows plainly their desire that the further necessary steps to make the money available be taken without undue delay. Three standing committees of the legislature at a recent informal conference drafted bills which will make available the necessary funds for the construction between now and the legislative session in 1921. I commend these bills to your favorable consideration.

#### **The Granville Bill**

The so-called Granville bill which provides for special aid to town roads not now included in the state road or state aid program was referred to this special session for consideration. This bill embodies a valuable suggestion which may well be worked out in the near future in order that state aid program was referred to roads may increase along with the rapid increase in the state and federal aid construction program. I

urge you to bear in mind however that during 1920 a great strain will be put upon the organization of our Highway Department. The amount of new construction proposed for that one year is several times greater than has been undertaken in one year before. At the best we shall find serious difficulty in securing the necessary men and material to complete the federal aid roads for which funds will be available. In these circumstances it seems to me unwise to attempt in the year 1920 the amount of additional detail and supervision which a proper organization of the plan suggested in the Granville bill would certainly involve.

#### **Peaks Island Water Supply**

There can be no doubt that insufficient or uncertain water supply for a community as large as the summer colony at Peaks Island constitutes a grave public emergency. After a careful investigation by the Public Utilities Commission I am convinced that further legislative authority is probably necessary to assure the people of Peaks Island an adequate supply of pure water for domestic purposes. I therefore urge you to take such action as may seem appropriate after a study of the facts which will be presented to the proper joint standing committee.

#### **Bonus for Service Men**

Maine yields to no other state in the desire to show appreciation of the courage and devotion of the soldiers, sailors and marines who served in the war with Germany. Almost alone among the states, we have made a generous provision for the dependents of service men. This aid has been granted to nearly seven thousand families in about 350 different cities and towns and in some cases has amounted to more than a thousand dollars for a single family. Under the new law which you wisely passed at the regular session aid will be continued as long as the necessity exists in the case of the dependent relatives of soldiers, sailors and marines killed in the service.

Considerable sentiment is apparent among our people for further recog-

nition of service men by payment of a cash bonus. Five states have so far taken such action. In each instance the money has been raised by some form of borrowing and is to be refunded later by some form of special or increased regular taxation. Such action is not possible under the constitution of Maine. Without an amendment to the constitution we could only raise the necessary funds by direct taxation and the money could not be paid until it is actually received, not sooner than Jan. 1, 1921. For a bonus of \$100 to each service man nearly \$3,000,000 would be required. This would mean a poll tax of \$15 or a property tax of more than five mills or a combination of the two, all to be collected during the year 1920.

Conference among those interested has developed the opinion that it is unwise to propose so large a tax burden in one year. A committee of the American Legion has therefore framed a resolve for a constitutional amendment and a bill providing the machinery for making the money available if the resolve is adopted by the people. The constitutional amendment provides for an extension of our debt limit to allow the issuance of \$3,000,000 of bonds for the purpose of providing bonuses for service men. It is proposed that the vote be taken at the regular election in 1920. If the amendment is adopted the money can be made available probably sooner than by any other possible method and this plan has the further merit of allowing the people to express themselves upon the question at the polls. I recommend the passage of the resolve and the accompanying act.

#### Armistice Day Holiday

There is a widespread sentiment among our people for some appropriate observance of the anniversary of the armistice which ended hostilities between the Allies and the Imperial German Government. Because of the fact that you were to meet in session this week I have thought it wise to defer making an proclamation upon the subject until you should have had the opportunity to express yourselves. I rec-

ommend that you take such action as may seem to you advisable for fitting observance of Tuesday, Nov. 11th, as Armistice day.

#### Income Tax Constitutional Amendment

The great inequality in our present taxation system is the condition under which a large amount of intangible property, probably more than the two hundred millions, escapes state and municipal taxation altogether. Party platforms have habitually though more or less vaguely declared for the correction of this injustice which lays an unequal share of the taxation burden upon real estate and other tangible property. A recent amendment to the state constitution made possible one method of correcting this state of things, the method of a special flat rate on such property. The trend of thought at present is however distinctly towards the other of the two methods available, namely, a state income tax. At the regular session you directed a special joint committee to investigate this subject and propose legislation at the next regular session. The members of this committee after conference and study of the subject have advised me informally that they expect to recommend to the next legislature some form of income tax law. I assume that such a law would contain a provision for the return of a considerable share of the revenue collected to the cities and towns from which the taxes are paid. It would thus be a readjustment of the burden of taxation resulting in the partial relief of tangible property and in the long run would tend to decrease the property tax rate in the cities and towns.

I am advised that such legislation will require a further amendment to the constitution. The details can be worked out of course by the next legislature after the committee's recommendations have been fully considered but I suggest that in view of the evident necessity of a constitutional amendment in order to make any form of income tax possible, you refer the subject to the people to be voted on in September, 1920, in order that the action of the people is favorable the committee's recommendations may be considered at the regular session in 1921.

### High Cost of Living

Even a cursory study of the conditions contributing to the present high cost of living makes it clear that no complete remedy is possible by rhetoric or by acts of legislatures. In the main the situation is the result of the operation of economic laws that are as inexorable as the law of gravitation. World-wide inflation and consequent cheapening of currency, world shortage of some of the necessities of life, industrial unrest and idleness restricting production, and an unprecedented saturation of extravagance in expenditure; these are the chief basic causes, all of them evidently beyond the reach of legislation. Nothing but a return of the old-fashioned virtues of industry and frugality will solve the problem. We must produce more than we consume, save part of what we earn, be willing to rely for the reward of service upon the worth of the service itself, and not upon artificial combinations or restraints before we can greatly reduce the high cost of living.

But state and national governments have a proper function to perform in this connection. That function is to restrain unfair or unreasonable practices in the distribution of the necessities of life which tend to widen the gap between the price which the producer receives and the price that the consumer pays. At my request the attorney general has made a careful study of the subject and has reported to me that we have no effective laws in Maine for dealing with such practices if they should be found to exist. After conference with the attorney general of the United States and with the attorney generals of many states and examination of existing and proposed laws upon the subject, including the federal law just passed, he has prepared two acts which I think furnish a suitable working basis for legislation such as the people rightly expect of you. It is not the intention of such laws to interfere with the proper and reasonable management of any business, nor to undertake any price-fixing or other attempted interference with the economic laws which govern trade and markets. I heartily concur however with the suggestion of the attorney general of the

United States that each state ought to have a reasonable and proper law restraining unfair and unjust practices in the distributing of the necessities of life.

The Governor and suite then retired amid applause.

MR. THOMBS of Penobscot: Mr. President, members of the joint convention: The Governor but a moment ago alluded very eloquently to the only sad thing connected with this otherwise very joyous reunion of the official family of the State of Maine. I knew in his lifetime Councilman Fay well enough to know that any eulogy from any member of the Legislature or friend of his would be obnoxious to him. The State has lost an honored and valued citizen, the county of Penobscot has lost a staunch and loving friend, and I can say in one brief sentence what to my mind expresses his true worth: Those who knew Councilor Fay best loved him most. And while we pause a moment out of reverence and respect for his memory, it is necessary for us to turn in the next to another duty that devolves upon us in the election of his successor. As is customary in such matters, the Penobscot delegation last evening met in conference and were unanimous in the choice for your consideration this morning of one of Penobscot's valued and honored citizens, and I am very happy to say to you that the Penobscot delegation is unanimous in recommending for your consideration this morning and for your confirmation and election to the sixth councilor district a man whom we in Penobscot honor exceedingly for his worth as an upright citizen. Many of you already know him, since he has served in both branches of this Legislature, and it was my good fortune during the period of the war to become very intimately acquainted with him in his work upon the local exemption board in that part of Penobscot in which he lives, and I there found him more faithful, if that could possibly be, than ever in the discharge of those onerous duties



that devolved upon him, and I feel that I am considerate in saying to you and asking you to accept and confirm the nomination of the Hon. George W. Stearns of Millinocket as the councilor from the sixth councilor district of Maine. I am asking you to do this as the spokesman of the unanimous sentiment of the Penobscot delegation, and recommend his name for your consideration and request your confirmation of our choice.

Mr. President, may I move that the secretary of this convention cast a ballot for Hon. George W. Stearns as councilor from the sixth councilor district.

The motion was agreed to, the secretary cast the vote of the convention, and the Chairman declared Hon. George W. Stearns duly elected councilor from the sixth councilor district.

On motion by Mr. Deering of York the secretary notified Councilor-elect George W. Stearns of his election.

Mr. BARNES of Houlton: Mr. Chairman, I move that the Hon. George W. Stearns receive a message as Councilor-elect, informing him that this convention is assembled and ready to administer to him the oaths qualifying him to serve in the office to which he has been elected as required by law.

The motion was agreed to and the Chair appointed Mr. Barnes of Houlton as such committee.

Thereafter the Governor and suite came in accompanied by Councilor-elect George W. Stearns who took the oaths necessary to qualify him to enter upon the discharge of his official duties.

The Governor and suite then retired.

Mr. DEARTH of Penobscot: Mr. Chairman, I present and move the passage of the following order:

Ordered, that a message be sent to the Governor, informing him of the election of George W. Stearns of Millinocket as councilor for the remainder of the political years 1919 and 1920.

The motion was agreed to and the

Chair appointed Senator Dearth to convey the message.

Subsequently Senator Dearth reported as follows: Your committee has performed the duty with which it was charged and beg leave to report that his Excellency after recovering from his great surprise, expressed himself as being perfectly delighted. (Applause.)

The CHAIRMAN: Members of the joint convention of the 79th Legislature, we are about to dissolve this convention to retire to our respective chambers. Before doing so I am going to crave your indulgence to say to you for and in behalf of the Senate and myself, as its presiding officer, that we have been delighted with the courtesies you have extended us during this session and the regular session. I personally want to say that it has given me a great deal of pleasure to serve in the 79th Legislature with you members of the House, and do you know that I have become attached to every one of you personally and individually. I feel too mighty highly honored to be associated with that prince of American gentlemen, the Speaker of the House.

(The Convention arose amid long and continued applause, and on motion by Mr. Walter of Somerset three cheers were given for Speaker Farrington.)

During all our association, in the trying days of the regular session, and somewhat of this session, we have worked in perfect accord, and if the results of this Legislature are to be well spoken of, it is the feeling that we both have had, that we had the entire co-operation of the members of the Legislature.

These closing days and closing hours, and particularly this last—probably—joint convention of the 79th Legislature, is tinged with a bit of sadness from the fact that we must soon separate and go to our several homes to pursue our vocations in life. But, gentlemen, as we go forth from here, let us each one resolve in his own heart to live, act, and do such things as are befitting a 100 per cent. American gentleman. (Applause.)

The purposes for which this convention was called having been accom-

plished, the Senate will retire to its chamber.

The upon the Senate retired.

#### IN SENATE

Communications from the Executive and heads of departments:

#### DEPARTMENT OF STATE STATE OF MAINE

Augusta, Nov. 4, 1919

To the President of the Senate:

I herewith transmit the attached communication which will be self explanatory.

Respectfully yours,

(Signed) FRANK W. BALL,  
Secretary of State.

#### COMMANDERY-IN-CHIEF SONS OF VETERANS, U. S. A.

September 24, 1919.

To the Senate,

State of Maine.

Gentlemen:

I have the honor by direction of the Thirty-eighth Annual Encampment of the Commandery-in-Chief Sons of Veterans, U. S. A., held at Columbus, O., September 8-11, 1919, to certify to you and the Legislature of your State the unanimous adoption of the following "Declaration of the Sons of Veterans, U. S. A."

Very respectfully,

H. H. HAMMER,  
National Secretary.

The Sons of Veterans, U. S. A., being the descendants of the Union soldiers and sailors of the Civil War, organized at civic body for many years to perpetuate the memory of their fathers' service and sacrifices for the preservation of the Union and to inculcate the principles of patriotism and love of country, do declare:

That the order will, to the limit of its power and influence, vigorously oppose all Bolshevik movements and tendencies, and all efforts that make for the destruction or impairment of our constitutional Union.

That we demand of all citizens one hundred per cent. Americanism.

That we call upon Congress to provide necessary laws for the deportation of all unregenerate aliens, and

those who do not on good faith seek to become citizens.

That we insist upon the energetic enforcement of these laws by the executive branch of the government.

That we believe that Congress should forthwith cause to be made an extensive and exhaustive investigation of the causes of social unrest in all parts of the country, and having ascertained the causes, then to provide the remedies that will restore the peace and happiness of the whole people under unaltered American institutions.

To the accomplishment of the foregoing the Sons of Veterans, U. S. A., hereby pledge the unswerving and loyal efforts of their entire membership; and express their willingness to co-operate with all other patriotic organizations actuated by similar motives.

This order furthermore offers the Government the service of its nation-wide organization with its influence in affiliated orders and social circles to distribute any propaganda of Americanism which may be authorized to combat all movements which could raise the red flag of anarchy, or which are treasonable or subversive of free democracy as handed down by the founders of this Republic.

(Seal)

Placed on file.

#### DEPARTMENT OF STATE STATE OF MAINE

Augusta, November 4, 1919.

To the President of the Senate and the Speaker of the House of Representatives:

By direction of His Excellency, the Governor, I have the honor to transmit herewith a communication received at the Executive Department from the Acting Secretary of State of the United States, under date of June 12, 1919, enclosing a certified copy of a Resolution to Congress entitled, "Joint Resolution proposing an amendment to the Constitution extending the right of suffrage to women," the text of which resolution is as follows, to wit:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House

concurring therein), that the following article is proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the constitution when ratified by the Legislatures of three-fourths of the several states.

‘ARTICLE ———

‘The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

‘Congress shall have power to enforce this article by appropriate legislation.’ ”

Respectfully yours,

FRANK W. BALL,  
Secretary of State.

The communication with accompanying papers was placed on file.

Mr. FOLSOM of Somerset: Mr. President, I move that the rules be suspended that I may introduce a resolve out of order.

The motion was agreed to and the same senator introduced the following resolve and moved its immediate passage:

Resolve ratifying a proposed amendment to the Constitution to the United States extending the right of suffrage to women.

Mr. FOLSOM: Mr. President, on this resolve I move that when the vote be taken it be taken by the yeas and nays.

Mr. AMES of Washington: Mr. President: I move that this measure be referred to the next Legislature. Last winter a suffrage bill was presented in the Senate. I offered an amendment that the measure be referred to the voters of Maine. The referendum was denied by the Legislature, but within the time specified by the Constitution the people took the matter in their own hands and demanded a referendum, and enough signers and two or three thousand to spare were obtained and properly filed with the Secretary of State.

That the suffrage question could properly be invoked was submitted to the Supreme Court by the Governor. That body by unanimous decision

said it was a lawful and proper question for the voters to act on. If this Legislature had accepted my amendment last winter the question of equal suffrage would have been acted on last September and the question settled one way or the other.

The bill now before us if passed by this Legislature will nullify the referendum on the suffrage question now awaiting the action of the voters of Maine.

It matters not, the action of Wisconsin or any of the states that have ratified the Anthony amendment. Some of them were already in the equal suffrage ranks, but I don't know of a single state that has a referendum awaiting the action of the voters.

It has been argued that this is not the same measure as acted on last winter. It matters not whether it is gowned in a hobble skirt or an evening dress; it is the same old girl.

It was nullification of the law that nearly caused the hanging of Mayor Smith of Omaha.

It was nullification of their oath of office that the policemen left Puritanical Boston without guardians of the peace.

It behooves us as legislators to act coolly and judiciously on all matters, and I for one am opposed to doing any act to nullify any law in our Constitution.

You may want equal suffrage, but nullification never.

Mr. FOLSOM: Mr. President, and fellow senators, I do not care to take any time this morning in discussing the question of equal suffrage. That question has been long discussed and there is not a member of this Senate but had his mind made up on suffrage long, long ago. I think the position of those who are friends of suffrage was finely voiced by the Governor this morning in his address.

I trust this motion to indefinitely postpone will not be carried.

The PRESIDENT: The Chair will state for the information of the senator that the motion of the senator

from Washington was not to indefinitely postpone.

The pending question before the Senate is on the motion of the senator from Somerset that this resolve be adopted and that the vote be taken by the yeas and nays. All those in favor of calling the yeas and nays will rise and stand until counted.

A sufficient number having arisen the secretary called the roll. Those voting yes were Messrs. Babb, Baxter, Butler, Cobb, Davies, Dearth, Deering, Emerson, Folsom, Gannett, Googin, Gordon, Grant, Gurney, Higgins Lewis, Lord, Metcalf, Parent, Peacock Stanley, Thornton, Tuttle, Walker—24. Those voting no were Messrs. Ames, Chick, Creighton, Ricker Thombs—5. Absentees: Messrs. Clement and Holt.

Mr. THOMBS of Penobscot: Mr. President, may I make a statement of one sentence? I desired to have my vote recorded no for the sole reason that I believe this matter should be referred to the people of the State of Maine.

Twenty-four senators having voted yes the motion was adopted.

On motion by Mr. Peacock of Washington, it was

Ordered, the House concurring, that the business of the last session of the Legislature which was referred to this special session of the Legislature be taken from the files and placed before the Legislature.

On motion by Mr. Gannett of Kennebec, it was

Ordered, that beginning November 5 and daily during the present session every member of the Senate be furnished with a copy of the Kennebec Journal, and that a copy be furnished to the several employees of this session.

On motion by Mr. Walker of Somerset, it was

Ordered, that Fred W. Lee of Augusta be appointed official reporter of the Senate for the special session.

On motion by Mr. Ricker of Hancock, it was

Ordered, that the secretary of the Senate be directed to invite the clergymen of Augusta, Hallowell and Gardiner to officiate as chaplains of the Senate during the present session of the Legislature.

On motion by Mr. Folsom of Somerset, it was

Ordered, that the Senate hold one session daily commencing at 10 o'clock in the forenoon until otherwise ordered.

On motion by Mr. Grant of Cumberland, it was

Ordered, that 150 copies of the Journal of the Senate of the present special session be printed and bound under the direction and supervision of the Secretary of the Senate and that each member and officer be furnished one copy, and the balance to be deposited with the State Librarian for exchange purposes.

On motion by Mr. Babb of Cumberland, it was

Ordered, the House concurring, that the Public Utilities Commission is hereby directed to investigate the many farm crossings and cattle passes in this state and report its recommendation to the regular session of the Legislature of 1921.

Mr. THOMBS of Penobscot: Mr. President, I move that the rules be suspended, that the following acts and resolves may be introduced.

The motion was agreed to and the following acts and resolves were introduced and referred to the following committees:

#### Committee on Inland Fisheries and Game

An act to amend section 51 of chapter 33 of the Revised Statutes, as amended by chapter 219 of the Public Laws of 1917 and by chapter 196 of the Public Laws of 1919, relating to the trapping of foxes in Lincoln county.

An Act to repeal chapter 134 of the Public Laws of 1919, regulating fishing in Kennebec stream.

**Committee on Judiciary**

An Act to regulate cold storage of certain articles of food.

An Act to prevent profiteering in the necessities of life and rents and charges for the occupancy of buildings for dwelling purposes and to provide penalties therefor and investigations thereof.

**Committee on Legal Affairs**

An Act to amend chapter 37, section 17, of the Acts and Resolves of 1917, as amended by chapter 17, section 17, of the Acts and Resolves of 1919, relating to salary of patrolmen, city of Lewiston.

An Act to amend chapter 37, section 16, of the Acts and Resolves of 1917, as amended by chapter 17, section 16, of the Acts and Resolves of 1919, relating to salary of police captains, city of Lewiston.

An Act to amend section 12 of chapter 83 of the Revised Statutes, relating to county commissioners.

An Act to amend section 2 of chapter 257 of the Private and Special Laws of 1911, relating to the powers of the Peaks Island Corporation.

An Act to amend section 1 of chapter 177 of the Private and Special Laws of 1917, relating to the powers of the Portland Water District.

An Act to amend chapter 37, section 15, of the Acts and Resolves of 1917, as amended by chapter 17, section 15, of the Acts and Resolves of 1919, relating to salary of chief of police, city of Lewiston.

An Act to amend chapter 84 of the Private and Special Laws of 1919 entitled "An Act to provide for the building of public wharves and for the establishment of port facilities and for the advancement of commerce.

An Act to amend chapter 345 of the Private and Special Laws of 1877 entitled "An Act additional, relating to the city of Portland, limiting its power to create debt."

**Committee on Salaries and Fees**

An Act to amend paragraph 18 of section 45 of chapter 214, Public Laws of Maine, 1919, relating to expense of county commissioners.

**Committee on Taxation**

Resolve amending section 8 of Article IX of the Constitution as amended by Article XXXVI of the Constitution, providing for an income tax.

An Act to amend section 32 of chapter 9 of the Revised Statutes, relating to the taxation of street railroad corporations.

Committees on Appropriations and Financial Affairs, Judiciary, and Ways and Bridges, jointly.

An Act to provide for an issue of State highway and bridge bonds.

**Committee on Ways and Bridges**

An Act to amend chapter 272 of the Public Laws of 1917 as amended by chapter 123 of the Public Laws of 1919, entitled "An Act to require vehicles to carry lights at night and to control the glare of headlights."

Mr. Davies of Cumberland presented a resolution asking that it be read and specially assigned for tomorrow morning,, which resolution read as follows: Resolved, that the work of this special session of the 79th Legislature be confined and restricted to the consideration of matters made necessary by the adoption of the amendments to the constitution and those which have been mentioned in the Governor's message.

The motion was agreed to and the matter was specially assigned for tomorrow morning.

Mr. THOMBS of Penobscot: Mr. President and fellow Senators, it becomes my duty as a senator from Penobscot county to ask the suspension of the rules and unanimous consent for the introduction of an act. In order that there may be no misapprehension or misunderstanding about the matter I will explain it to you as I understand it. There has been offered to me for introduction at this session an act to amend the charter of the Passadumkeag Boom Company, a lumber corporation operating on the Passadumkeag river in Penobscot county.

Now that you may act intelligently upon this matter and decide whether you want to set any precedent or not,

or what disposition you will make of it, let me explain that in our section of the state, unfortunately for the last year or two, there have been serious ravages of the so-called spruce bud worm. This is an insect that attacks live spruce trees and the result of the attack is that the trees are killed. Now the ravages of this insect in this particular part of Penobscot county drained by the Passadumkeag river have been very serious. So serious in fact that many of the wild land townships in that section are covered with dead growth.

As I understand it it is good forestry practice to immediately remove this growth. That is, if it can be removed the following winter after its death it is of some value for merchantable lumber. That is the situation in which this Company finds itself at the present time, with a number of townships of such land on its hands, and it desires to operate as largely as possible the coming winter in order to make their losses as small as possible and that the market generally may have the benefit of this lumber.

In order to aid them in carrying out this work they ask for the right to build a dam on a certain part of this stream, thereby enabling them to better drive out their logs, and to hold what they may not be able to get over the dam.

To me, gentlemen, it seems as though a matter of this kind merits the attention of this legislature. I think I should be going too far if I said that I could say to you there may not be any opposition. The truth is, I do not know whether there will be any opposition or not. I feel that perhaps I have performed my full duty to the gentlemen who are interested in this matter, with these remarks.

I move, Mr. President, the suspension of the rules and the receipt of this bill.

Mr. DAVIES of Cumberland: Mr. President, may I inquire what committee the bill is referred to?

The PRESIDENT: It will go to the committee on interior waters.

Mr. DAVIES: I assume that the bill when presented will have noted on it the committee to which it has been referred.

Mr. THOMBS: The bill is being offered for the first time. Somebody has jotted down on it "Committee of Interior Waters," but I do not know by what authority.

The bill was received and referred to the committee on interior waters.

Mr. GANNETT of Kennebec: Mr. President, I move the rules be suspended that I may introduce an act to make Tuesday, the 11th day of November, a public holiday and to authorize the Governor to proclaim the same.

The motion was agreed to and the act was introduced.

Mr. GANNETT: This having an emergency preamble, I move it have its two several readings at the present time.

Mr. DAVIES of Cumberland: Mr. President, will the Chair be kind enough to have the secretary read the bill?

(The bill was read by the secretary.)

Mr. THOMBS of Penobscot: Mr. President, my understanding of this bill from its reading is that Tuesday, November 11, 1919, is the only holiday contemplated by this bill?

Mr. GANNETT: Yes, just Tuesday of this year.

Mr. THOMBS: Mr. President, I do not want to offer any objection to a matter of that kind. I realize the spirit. I think that prompts the introduction of such a measure and I shall simply content myself with asking the senators whether or not they do not feel that it might be a dangerous thing to declare by law a legal holiday coming so soon following the enactment of this act? That is, I mean may not there arise serious complications possibly in business or banking matters. It seems to me that if the Governor made a proclamation to the people of the State of Maine, calling attention to this day it would answer the same purpose that it would to make it a legal holiday.

Mr. DAVIES of Cumberland: Mr. President, does the senator from Penobscot make any motion?

Mr. THOMBS: No, Mr. President, I do not care to make any motion.

Mr. DAVIES: What is the pending question?

The PRESIDENT: The pending question is the first reading of the bill without reference to committee.

Mr. DAVIES: I understand that that question has been passed on.

The PRESIDENT: No, that is the pending question—giving this bill its first reading without reference to committee.

The motion was agreed to.

The PRESIDENT: What is the desire of the senator from Kennebec? Do you want to refer it to a committee pending its second reading?

Mr. DAVIES: Mr. President, I move the rules be suspended and the bill receive its second reading at the present time.

The motion was agreed to, the bill was given its second reading and passed to be engrossed.

Mr. Walker of Somerset, presented the following order and moved its passage:

Ordered, That the Senate chamber be granted to the University of Maine committee, appointed by order of this legislature, for a public hearing on Wednesday afternoon at 2 o'clock.

Mr. DAVIES of Cumberland: Mr. President, I know it is the custom to grant such requests without objection, but it occurs to me that there has been advertised very generally in the papers of the State a hearing to be held here tomorrow afternoon by the joint committees of appropriations and financial affairs, wars and bridges and the committee on judiciary. If this order is passed and the Senate chamber is given up to the committee on the University of Maine it might be well to decide before the order is passed, where the meeting of the joint committees will be. It occurs to me that we cannot be shunted off to one side.

Mr. WALKER: Mr. President, if another committee already has secured the Senate chamber for tomorrow afternoon I withdraw the order.

Mr. DAVIES: I think it will occur to Brother Walker that the judiciary committee room is occupied for another purpose and we cannot have that room.

The order was withdrawn.

## RECESS

Senate called to order by the President.

Papers from the House disposed of in concurrence.

On motion by Mr. Cobb of Kennebec, adjourned until 10 o'clock tomorrow morning.