

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

SPECIAL SESSION

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

AUGUSTA
KENNEBEC JOURNAL PRINT
1919

SENATE

Thursday, November 6, 1919.

Senate called to order by the President.

Prayer by Rev. William R. Wood of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act to amend Chapter 15 of the Public Laws of 1917 relating to celebrating Centennial week

In the House referred to the committee on judiciary.

Mr. DAVIES of Cumberland: Mr. President, may I inquire of the Chair if the act is very long?

The PRESIDENT: It is not, and the secretary will read it.

(The bill was read by the secretary.)

On motion by Mr. DAVIES the bill was given its first reading under suspension of the rules, and was then tabled for printing.

Reception of Bills

An act to correct a clerical error in Chapter 60 of the Private and Special Laws of 1919, being an act to amend an act entitled An Act to incorporate the City of Old Town and to validate the doings of the city of Old Town and the acts of its street board.

Mr. DEARTH of Penobscot: Mr. President, this is a bill to correct an error that occurred in an act passed at the last session to organize and incorporate the city of Old Town. It was the intention to have the act become effective March, 1919, but through an oversight the year 1920 appeared in place of 1919, so that the act becomes effective March, 1920. The city, assuming that the act was in effect,—and this error was not discovered until two or three days ago,—elected a street board of three members. They organized and proceeded to discharge the duties of their position. Among other acts

they entered into a contract to construct a bridge across the Stillwater, a branch of the Penobscot River. That bridge is nearly completed. This is one of several acts and contracts into which this board entered.

The only purpose of this bill is to correct that act and make it become effective in March, 1919, instead of March, 1920. In addition to making that correction, to validate, confirm and ratify the acts already performed by that street board.

It is an emergency measure for the reason that it is very essential that the acts of this board be validated without any delay.

I am not sure that there is a sufficient number of senators present to be able to take up this matter at this time. Will the Chair inform me formerly whether there is a sufficient number present?

The PRESIDENT: It may be given its several readings, tabled for printing, and then it will come back to us.

Mr. DEARTH: I did not want to have it printed.

The PRESIDENT: There is not a sufficient number present.

Mr. DAVIES of Cumberland! May I ask the senator a question through the Chair?

The PRESIDENT: Yes.

Mr. DAVIES: I understand from your statement that there is nothing in this bill except what is there for the purpose of correcting an error and ratifying certain acts of the town?

Mr. DEARTH: Nothing else.

On motion by Mr. Dearth the bill was given its two several readings, under suspension of the rules, and was passed to be engrossed.

An Act to confirm and ratify the organization of the Durham Cemetery Association.

This bill was referred to the committee on legal affairs.

Mr. DAVIES of Cumberland: Mr. President, I move that this act be referred to the next legislature.

The motion was agreed to.

An Act to repeal Chapter 135 of the Public Laws of 1919, entitled An Act

to provide for the licensing of sardine packers and to improve the quality of fish used for sardines.

Referred to the committee on sea and shore fisheries.

Mr. DAVIES of Cumberland: Mr. President, I move that this bill be referred to the next legislature.

Mr. PEACOCK of Washington: Mr. President and gentlemen, this law was enacted at the last legislature and we have found that it is not a workable law, and it is the sense of the sardine packers interested in the business, and of the commission on sea and shore fisheries, that it should be repealed. It was suggested that we try to amend the law at this time and put it in workable shape, but the session being so short it was thought better to repeal the law, and then present a properly prepared bill at another legislature.

I hope the motion of the senator from Cumberland will not prevail.

Mr. DAVIES: Mr. President, I think it will occur to the senators present that an act of that importance should have several days notice before it is in a position to be heard before the committee on sea and shore fisheries.

If this session of the Legislature is closed within two or three days it would seem to me that there was not sufficient time to consider this bill. From the statement of the senator from Washington, Senator Peacock, it is a matter of considerable importance, and we do not want to find ourselves in the position when we have adjourned that we have passed many laws which upon more mature consideration and thought should not have been written into our statutes.

I take the position that we should act upon little or nothing in this special session of the legislature except those measures which are made necessary by the adoption of the constitutional amendments at the election in September, and those matters mentioned and outlined in the Governor's message.

If we are going to take up generally such bills as may be presented from all parts of the State, we cannot give them proper consideration. We might just as well begin to close the door on this bill as any other. I hope that the seriousness will appeal to us all of passing hasty legislation.

I hope, Mr. President, that the bill will be referred to the next Legislature.

Mr. THOMBS of Penobscot: Mr. President and fellow senators, I am not going to take sides either way on this present matter, but I do feel that we have reached a point where we ought to determine once for all what our attitude is to be about these matters.

I do not think it is just, fair or reasonable to first pass one bill as quickly as possible through this body and hurry it on its way, and then reject another, without having time to consider it. It strikes me that it is fair to everybody that is interested in matters before this present session to have it determined once for all as to what our attitude is going to be, and then apply the same rule to every matter that comes up. Those that fall on one side may be rejected, and those on the other side sent along on their way.

I am unable to distinguish, myself, at this moment just the distinction that the senator from Cumberland has made between one act that we have sent along this morning, and this other act he now wishes referred to the next Legislature.

I would like, in order to vote intelligently upon this matter, I would like to know at this time what the Senate proposes to do in these matters.

Mr. DAVIES: Mr. President, I sincerely hope that the members of this body will not think that I have been inconsistent. The measure for which I made the motion to take its several readings was a measure which related to the centennial exhibition of the State of Maine. It certainly seems as if there was nothing there

but what we could act upon at a special session of the Legislature. The next measure to which I did not object was the one relating to the city of Old Town, which was offered for the specific purpose of correcting an error in a bill passed in the Legislature of 1919. No one could object to that. Inasmuch as that bill had to be presented, there were incorporated in it certain words which made valid certain acts which had been performed by the municipal officers of the city of Old Town. As the bill had to be presented for the purpose of correcting a clerical error, it seems to me, Mr. President, that no one could object to the last part of the bill. The one under consideration by the Senate at the present time stands on an entirely different basis. Is it possible that the senators wish to say that a bill such as the one referred to by the senator from Washington should be passed without advertised notice and hearing? Do you mean to say that a bill relating to one of the most important industries in the State is to be passed here without anybody knowing what is in it? Is that the attitude of the Senate? If not, how long are you going to make the notice on this bill which relates to the sardine industry? Would you reasonably make it less than five days? It seems to me that there is no similarity between the two bills, and the only safe way to do is to refer it to the next Legislature.

Mr. President, after the consideration of this bill, if it is the sense of the Senate, at the suggestion of Senator Thombs, I should like to take up the resolution which I offered last Tuesday, providing that the work of this special session of the Legislature should be confined to those things made necessary by the adoption of the constitutional amendments, and to the matters embraced in the Governor's message. After we have disposed of that resolution either one way or the other, it seems to me that perhaps we can proceed in a little more intelligent way.

Mr. THOMBS: Mr. President, I would like to have the distinguished Senator from Cumberland distinguish for the benefit of the Senate the difference between confirming and ratifying the Old Town bill and refusing to confirm the acts of the Cemetery Corporation which he has indefinitely postponed this morning. Now I personally can't see any difference between those two.

Mr. DAVIES: I am very glad to do that. The basis of the Old Town bill was to correct an error. Is there anything said in the bill which relates to the Durham cemetery about correcting an error? Certainly there is no one here who desires the bill relating to the town of Old Town to stand as a statute of the State when we know there is an error in it. It seems to me that is perfectly plain. If there is anything in the Durham cemetery that asks for the correction of an error in the statutes it should be passed. But there is nothing in the title that indicates it, Mr. President, and I am sure that I have not had sufficient time to read it.

I want to urge the Senate against the passage of undigested legislation, and to make it the subject of reiterated remark, which you all realize, that the passage of law is a serious business.

Mr. WALKER of Somerset: Mr. President, I want to go on record as in favor of considering those measures, and those measures only, which are necessary for consideration at this special session, and referring to the next Legislature or indefinitely postponing or in some other way disposing of all other measures. I believe, Mr. President, it is very unsafe for us to consider measures here without proper consideration, proper advertising, and giving the people of this State ample opportunity to be heard, and I am satisfied, Mr. President, that the people of this State expect us to do the business which we were called to perform here as speedily as possible and then go home.

Mr. FOLSOM of Somerset: Mr. President, I think the time has ar-

rived when we should determine just what we are going to do and just what we should not do. Following out the suggestion of Senator Thombs, I feel that the suggestion made by the senator from Cumberland that we take up his resolution very soon is a very wise suggestion. For that reason I move that the matter now under consideration lay on the table temporarily.

Mr. DAVIES: Mr. President, I think the senator from Washington, Senator Peacock, wants to be heard.

The PRESIDENT: If the senator from Somerset would defer a moment his motion.

Mr. PEACOCK of Washington: Mr. President, I do not think this bill is any different from other bills. It was to correct an error. We discovered that there was an error in this bill. Now rather than take up the time of the Legislature to try to make an amendment, we believed that it was good policy for us to have the bill repealed, and then at another Legislature submit a properly drawn bill, and the main object in having this bill repealed at this time is not to have on our statute books a law which we know it is not practicable to enforce. It reacts against the State of Maine. The impression is that the State of Maine laws are not enforced; if we let this law stay on the statute books until the next Legislature it just makes it that much harder to formulate and enforce a proper law. As for advertising this bill, every man who has a dollar invested in this business has been consulted, and I have their united opinion that it is a proper action to have this bill repealed.

Mr. COBB of Kennebec: Mr. President, there is no one more than myself who wishes to get home as soon as possible, but it seems to me when one bill is passed and some others have been introduced, that we ought to consider a little while before we pass such a resolution. Now I understand that the friends of a certain bill put in a bill here at the last Legislature and these same people find that there is a flaw in it and that it does not work. Now it seems to me if the friends of that bill come back here and want it repealed,

and they feel it is doing a detriment to their business and to the State,—I believe that no matter how long we stay here that we should see that such a bill is changed.

Now I know, we all know, that after careful consideration at our last Legislature we let some bills through that even our distinguished lawyers of this body and the other body have found are not just right. They have found that this bill was not just right and it seems to me, gentlemen, that we ought to spend a little time and consider this bill that these gentlemen want repealed.

Mr. GURNEY of Cumberland: Mr. President, couldn't Senator Peacock briefly explain to the Senate the nature of this, so that we can understand more intelligently just what the point is?

The PRESIDENT: The senator from Washington, Senator Peacock, hears the remarks of the senator from Cumberland, Senator Gurney, and the senator from Washington may explain if he so desires.

Mr. PEACOCK: Mr. President, at the last Legislature, with the unanimous consent of the sardine packers we wanted State inspection for the improvement of our product and we passed a bill that with the advice of the best attorneys we could get we considered would be all right. We submitted it later to the chief justice and his ruling on the bill was that it was not workable. What we are asking now is simply to repeal a law that is on the books that according to his interpretation the State of Maine cannot enforce, which places the sea and shore fisheries in a peculiar position. There is a law that is not workable and if it is left on the books they are compelled to ignore the law and not fulfill their full duty, and we have felt right along that the logical thing,—the united opinion of the packers is that the logical thing is to repeal this law and at the proper time at the next Legislature to prepare a proper bill that will meet with the approval of the State of Maine.

Mr. GURNEY: Mr. President, may I ask Senator Peacock, through you, whether or not this dispenses with the State inspector?

Mr. PEACOCK: It does, sir.

Mr. GURNEY: And can you tell us

briefly, how the chief justice annulled the act of the Legislature?

Mr. PEACOCK: Under the old bill, the bill that we passed last year, we provided that a fee of two cents per case be collected for the inspection and be paid to the State treasurer for the expense to the State of the inspection. The chief justice ruled that we could not collect that fee, and for one reason that we had no funds to enforce the law.

Mr. FOLSOM: Mr. President, I still feel that the general proposition ought to be threshed out now and I renew my motion that this be laid on the table.

The PRESIDENT: The pending question is on the motion of the senator from Somerset that this bill be laid on the table.

The motion was agreed to and the bill was tabled.

Mr. DAVIES of Cumberland: Mr. President, I move that the order of business be suspended and we take up at the present time resolve limiting the scope of the work of the special session of the 79th Legislature.

Mr. PARENT of Androscoggin: Mr. President, before we vote on this, I would like to hear that resolution read. (The secretary reads the resolution.)

Mr. PARENT: Now, then, Mr. President, I would like to inquire through the Chair of the distinguished senator from Cumberland, whether or not this would exclude any and all matters now pending in either branch of this Legislature not mentioned in the Governor's message, or matters not voted upon by the people, which have had a full hearing by the committees, and upon which for instance perhaps in extreme cases there has been no opposition, matters which undoubtedly are important to a certain community—whether or not it would exclude those matters?

Mr. DAVIES: Mr. President, it would exclude all such matters unless they had the unanimous consent of this body. I assume that it is a matter of common knowledge among us that the unanimous consent of the Senate could do almost anything we wanted to in the way of passing legislation. Let me make that the subject of repeated remark that it would exclude all measures except

those which had the unanimous consent of the body.

A unanimous vote being necessary, the President called for a rising vote on the motion in favor of suspending the rules and taking up out of order the resolve limiting the scope of the work of the special session of the 79th Legislature.

The vote not being unanimous, the motion was lost.

An Act in regard to increasing the number of clerks in the office of the Register of Deeds for Cumberland county.

Referred to the committee on salaries and fees.

Mr. DAVIES of Cumberland: Mr. President, I move that this act be referred to the next Legislature.

Mr. GRANT of Cumberland: This is a matter that was taken up by or referred to the Cumberland county delegation last winter, and the whole matter of salaries in that county was considered. It was understood there should be four clerks in the office of the Register of Deeds, and through an oversight it was left out and there was only three, and it was not discovered until after the Legislature closed. This is practically to correct an error, and I hope Senator Davies' motion will not prevail.

A viva voce vote was taken and the Chair being in doubt a rising vote was had, and ten senators voting in the affirmative and fifteen in the negative the motion to refer to the next Legislature was lost.

The bill was then referred to the committee on salaries and fees.

Mr. PARENT of Androscoggin: Mr. President, on the senator's motion to take up his resolution, I am frank to say that I was thinking of another matter and remained in my seat and therefore voted against the resolution being taken up at the present time. After considering this matter I believe that now is the proper time to thresh that out. I think we are wasting time. I move that we reconsider that vote.

Mr. DAVIES: Mr. President, I do not wish to be unduly critical, but I

doubt whether Senator Parent, having voted in the negative is now in a position to make a motion to reconsider the vote. If the senator will permit me I will make the motion.

Mr. PARENT: Mr. President, I stand corrected.

Mr. DAVIES: Mr. President, I move that we reconsider the vote whereby we voted not to take up at the present time the resolution providing that only certain matters should be considered at this session of the Legislature.

The motion was agreed to, and the same senator then offered Senate Amendment A to the resolution.

Mr. DEERING of York, Mr. President, I rise to a point of order.

The PRESIDENT: The senator will state his point of order.

Mr. DEERING of York: the next motion that should be made in my opinion would be to take from the table this resolution. It cannot be amended until it is taken from the table.

The PRESIDENT: The point is well taken.

Mr. DAVIES: I gathered from the statement made by the Chair that the resolution was before the Senate in proper form to be amended. If I am incorrect about that I am ready to be corrected.

The PRESIDENT: It is the opinion of the Chair that you are incorrect.

Mr. DAVIES: I move to take the resolution from the table.

Mr. DEERING: Mr. President, as I understand the method of procedure this is taking the resolution from the table out of order?

The PRESIDENT: Yes, and it requires the unanimous consent of the Senate.

Mr. GRANT of Cumberland: May I inquire, Mr. President, when this would come up under the regular order?

The PRESIDENT: Under orders of the day. All those in favor of taking from the table this resolve will rise and stand until counted.

The vote being unanimous the resolution was taken from the table.

Mr. Davies offered Senate Amendment A to the resolve.

(The President started to read the amendment.)

Mr. DAVIES: Excuse me, Mr. President, I am not at all surprised that the Chair is confused at my writing. I should have drawn a little picture on it.

The PRESIDENT: It would have been a pleasure, I am sure, to gaze upon it.

Mr. DAVIES: I have added, provided it is sanctioned by the Senate, the words "And of any investigation of any department of the government." That is, the resolution as presented provides for the consideration of all matters introduced into the legislation which come under those made necessary by the adoption of the amendments at the September election, and those matters embraced in the Governor's message, together with what is embraced in the amendment, and any investigation of any department of the government. It will occur to the members of the Senate that that might be advisable from what has transpired recently. Is there any objection to the amendment?

Mr. DEERING: Mr. President, there is, for this reason, the amendment as I understand it prevents any person from asking for an investigation, does it not?

Mr. DAVIES: It is just the opposite. It invites it.

Mr. DEERING: Then it is an exception, instead of—

Mr. DAVIES: That is, the resolution provides that we shall consider at this special session of the Legislature the matters embraced in the Governor's message, matters made necessary by the adoption of the amendments, and that we shall consider any investigation of any department of the State.

Mr. DEERING: Mr. President, there is no objection on my part.

The PRESIDENT: The secretary will read the resolve and the amendment at this time.

(The secretary read the resolution as amended.)

Mr. GRANT: Mr. President, if in

order I wish to offer an amendment to the resolution at this time.

The PRESIDENT: No amendment is in order now. Is it the pleasure of the Senate that Senate Amendment A be adopted?

A viva voce vote having been taken and the same doubted a rising vote was had and 21 senators voting for and one against the amendment the amendment was adopted.

The PRESIDENT: Is it the pleasure of the Senate to adopt the resolve as amended?

Mr. GRANT: Mr. President, I am opposed to that amendment. I think it is entirely out of place. We have already passed a number of bills that would be excluded under that resolution, have we not?

That resolution might have been in place a few days earlier, but we have closed the door nearly twenty-four hours ago against the reception of any other bill, and I think the House and Senate are wise enough to handle the bills before them. There are matters of great importance and I believe the Senate and House should consider them.

I move that the resolution be indefinitely postponed.

Mr. PARENT: Mr. President and fellow senators, I am opposed to this resolution principally upon the ground that the several committees of this Legislature, after due advertising upon important matters, and upon hearings, some of them very full hearings, people coming from long distances upon matters to be heard here, expected to be heard and expecting action upon certain bills, and for us to close the door as against those bills after spending our time, after having properly advertised them, although not mentioned in the Governor's message, it seems to me it is unjust, unfair to the people of this State, and I for one strenuously shall oppose any such proposition such as this resolution provides for.

I think that all matters should be taken up in their order and duly and carefully considered on the

merits of the case and that will take care of the matters which are entitled to due consideration at the hands of this Senate and the House.

Mr. THORNTON of Aroostook: Mr. President, I think perhaps if the resolution had been presented at the first day of the session I might have been in favor of it, but at the present time after we have had committee hearings, after the public was notified to appear here and appear before the committees, and take up subjects which were not included in the resolution, it seems to me that at a proper time we can introduce an order to have committees report finally on everything before them. There are not many hearings and that will limit the scope of this session tomorrow. And those matters necessary to take up we can take up in committee of the whole or discuss them and close the session at the proper time.

It seems to me that in a session of this kind we must give to each member our confidence and esteem. I do not think there is a senator here who will present anything to this special session that he does not think to be fair and square to the people of the State of Maine. I have confidence in the members who have served so long as the members of this session have, and that they will do no injustice to the people.

I move that the resolution be not adopted.

Mr. FOLSOM: May I ask the senator through the Chair if he has such an order as he has suggested prepared to present this morning.

Mr. THORNTON: I will state that I thought some member had prepared such an order, but I will prepare one and present it.

The PRESIDENT: Will the senator allow the Chair to say that it is the purpose to hold a recess of this session from 11.30 or 12.00 o'clock until 2.00 or 2.30 and then have an evening session this evening.

Mr. FOLSOM: Mr. President, I will say along the line of general discussion that I feel quite impressed by the suggestion of the senator from

Aroostook, and I would support such a solution of the matter.

The PRESIDENT: The pending question is on the motion of Senator Grant.

Mr. THOMBS of Penobscot: Mr. President, I am going to venture the opinion this morning that this session of the Legislature is going to be criticised a great deal by the people of the State of Maine. It seems to me that the best we can hope to do is to adopt the course that will give us the least amount of criticism. Personally I am of the opinion that when the State of Maine by authority of the Governor has gone to the expense of convening the Legislature of Maine that it is proper and right for that Legislature to consider in a reasonable manner those things that are presented to it.

Now I quite agree and would have been perfectly willing to have accepted and acted in accordance with the desire of the Governor, as expressed in his call, if certain other things had not entered into this matter. Now the Governor in the issuance of the call defines specifically certain things, but, gentlemen of the Senate, long previous to the time when you had received a communication from the Governor, which I think might be fairly construed as an invitation to the members of this Legislature to present to this body such matters as they deem wise. I do not know how the rest of you construe that letter, but that is certainly the impression I got from it. There were 182 letters that went into every section of the State of Maine. I know that some of us took them seriously and acted upon the suggestion. Now following that in order to hasten the business for which we were gathered here, and to get along as expeditiously as possible, it was deemed wise to invite certain members of the Legislature to a preliminary conference. We did meet here and we took consideration, first of those matters that grew out of the amendments that were voted upon in September. We also took cogniz-

ance of certain other matters, and to hasten procedure while we were working without authority, it is true, and was so understood by everyone of you, it was deemed wise to print in the newspapers of the State of Maine advertisements that hearings would be held on the several matters therein referred to.

Senators, I say in all seriousness that I believe this Legislature has committed itself to a policy, it may be unwisely, and I am not going to discuss that particular phase of the question, but I repeat that I believe that we are now committed to a policy of going ahead and dealing with these things that we have received. Are we going to be the laughing stock of the whole State and an object of ridicule as well, after having gone through this performance?

If we now say to these men who have been here, and I venture to say there have been 300 men or more from different parts of the State, who have come here and appeared before committees. And it has entailed in addition to the time and expense that these particular men have been to, many other people of the State have spent time and money in the preparation of bills, and in preparing for their presentation. It simply seems to me that it is a question of good faith with the people of this State, under the peculiar circumstances under which we find ourselves, to go ahead and take care of those things that we have not only impliedly but expressly invited them to present for our consideration.

It seems to me, if you please, that we may hope for less criticism by pursuing to the end in a regular and orderly manner the course which we have marked out for ourselves, and I trust, fellow senators, that the resolution now before us may not have the sanction of this body.

Mr. DEARTH of Penobscot: Mr. President, it does not seem as though it is necessary for us to get particularly excited over this matter.

Mr. DAVIES: I am not going to get excited.

Mr. THOMBS: No one is excited except you, Senator Dearth.

Mr. DEARTH: I am not excited now. We are supposed to be acting with calm deliberation. I do not think we need to be governed in our acts by any fear of ridicule or laughter.

It is a question for us to exercise our best judgment, discretion and wisdom in these matters. The Governor in his message spoke of certain matters that he thought proper to consider at this session. He did not intend, and he has so stated, that by stating those matters he intended to give the impression that other matters could be excluded. He expected, as each of us would expect under these conditions, that if matters were presented here that were really emergent and important that we in our sound judgment and discretion would act properly upon such matters.

I feel there are certain matters that were not mentioned in the message that certainly deserve our attention, and one of them is the matter coming from Lewiston. The State stepped in there, in a way, and took that matter out of the hands of the city of Lewiston. It is our duty to consider that matter.

My position is this; we are under no obligation to consider any matters except those that have been advertised and upon which there has been a hearing, and matters of importance and emergent matters.

I am willing to stay here to consider those. I do not wish to stay here to consider everything that may be put in here. We certainly after advertising these matters, advertising hearings and after having hearings we are certainly under obligation to give them some consideration. We can decide what is emergent and what is not. Every member presenting a bill thinks his matters important, but we can decide what is emergent and what is not. Let us follow that rule and not waste any more time than we can help in discussing it.

Mr. COBB of Kennebec: Mr. President and fellow senators, I may feel

different from some people, but criticism does not amount to but a very little to me.

Mr. DAVIES: I didn't hear the word.

Mr. COBB: I say criticism does not amount to very much to me. We were elected here to look after the welfare of the State, and I diagnosed that letter that we had the right and the privilege to bring any bill in we wished to. Now the Governor presented measures and I think they were all right, but I feel that every legislator has the same right to bring any bill he wishes to, and I believe it is our duty here to measure those measures and decide and if right pass upon them, and those that are not right pass them by, and I believe we should consider all worthy measures.

Mr. GURNEY of Cumberland: Mr. President, may I inquire of the clerk how many bills approximately are pending.

The PRESIDENT: Just about forty, Senator.

Mr. DEERING: The pending question.

The PRESIDENT: The pending question is on the motion of Senator Grant that this resolve and amendment be indefinitely postponed.

Mr. DAVIES: Mr. President, I shall not detain the Senate but just a minute, but I should be false to the position that I hold and the opinion that I hold in relation to the departments of our government if I failed to express my views before the Senate. Evidently I differ fundamentally and radically from any of the gentlemen who have spoken in relation to this resolution. I do not think that the Governor is a part of the legislative body, no matter how much I may respect him. I think the functions of his office as defined by the constitution are entirely different from the functions of the Legislature. I do not think that he is in any position to bind the Legislature. I do not think that he has any authority to advertise in the papers from day to day that the Legislature will give hearings on certain bills, which have been introduced into the session—no, oh no—which will be

introduced into the session after it has convened. That is my position. And I have a firm conviction that that position is correct. Therefore, I thought that the legislative session should define, and should define early in the session, what should be the scope of its work, because I thought it was necessary to lay some line along which the Legislature should work. Of course I am not in the least surprised that other bills came in. But you must remember that the language of the constitution is something like this: The Governor may on extraordinary occasions convene the Legislature in special session. These words naturally import that we shall receive at such a session any number of bills that may be presented relating to any subjects. That is not my interpretation of the meaning of the work of the special session, and I should be false to myself if I did not state my position here. The resolution merely provides what shall be considered at the special session of the Legislature, and it is needless for me to say that any bill which has unanimous consent besides those defined therein would be received, would be acted upon, and if found meritorious would be passed.

The PRESIDENT: All those in favor of the passage of the motion made by Senator Grant of Cumberland that the resolve as amended be indefinitely postponed, will rise and stand until counted.

Nineteen having voted in the affirmative and four in the negative, the motion was carried, and the resolve was indefinitely postponed.

Mr. DAVIES: Mr. President, may I inquire if there is any plan before the Senate at the present time that defines what we shall do at this session? The reason that I inquire is that I have several bills that I want to present if we are going to throw the door wide open.

Mr. FOLSOM: Mr. President, I will say that it was my plan in consultation with Senator Thornton to have an order introduced very soon to have all committees report finally tomorrow morning.

Mr. THOMBS: Mr. President, I would like to inquire if both branch-

es have not adopted an order prohibiting the introduction of bills since one o'clock P. M. yesterday.

The PRESIDENT: You are right, Senator Thombs.

Mr. DAVIES: I am aware that that is so, but are we going to stand by the order?

Mr. THOMBS: The order stands at the present time. If the Senator desires to rescind that order he knows perfectly well how to do it in a parliamentary way.

Mr. DAVIES: I did not ask the Senator for information as to how I should do it. I asked if the senators were going to stand by it.

Mr. FOLSOM: I might suggest to the Senator that if he will introduce some such act at the present time, we will take a test vote and find out.

Mr. DAVIES: Mr. President, I should be very glad to do that only the rule prohibits it. If the gentleman will be kind enough to consult his rules, we having acted upon the measure once cannot act upon it again. I want to renew my question, is it going to be the general sense of the Senate that we stand by the order?

The PRESIDENT: Silence gives consent—I take it we propose to live up to the order.

Reports of Committees

Mr. Metcalf for the committee on inland fisheries and game reported ought to pass on 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.

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

Mr. Walker for the committee on education, reported that Resolve in favor of the town of St. George for the payment of additional school funds for the year 1917, be referred to the next Legislature.

The report was accepted.

Mr. Parent, for the committee on legal affairs, reported on the following bills: 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 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; submitting same in new draft in one bill under the title of An Act to amend Chapter 37 of the Acts and Resolves of 1917 as amended by Chapter 17 of the Acts and Resolves of 1919, and that it ought to pass.

The report of the committee was accepted, and under suspension of the rules the bill was given its two several readings and passed to be engrossed.

Mr. Parent, for the committee on legal affairs, reported ought not to pass on 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.

The report of the committee was accepted.

Mr. Gurney, for the committee on legal affairs, reported ought to pass in new draft, under same title, An Act to amend Chapter 82 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.

The report was accepted.

Mr. GURNEY: Mr. President, under suspension of the rules I move

that the bill be given its several readings.

Mr. DEERING of York: I suppose the next process will be to have it passed to be engrossed. I do not wish to delay this bill because I am very much interested in it but I would like to see the new draft, if Mr. Gurney can provide some way so we can see that a few minutes.

Mr. GURNEY: I will say, Mr. President, that I will move that it be tabled for printing and I presume it will return to us tonight. Then it can go right on. Or if that is not necessary I would be glad to say this, if I may, to the Senator from York, that the bill is precisely as printed and presented before the convening of the Senate with this exception, that we have added that no moneys from the State shall be available until a site for the pier shall have been provided by the city of Portland or city of South Portland, or a district composed of both; in other words, that Portland wishes to redeem its pledge to provide this site gratuitously for the State and that is to be done as a condition precedent to any moneys being taken from the issue of the bonds. Otherwise the bill is precisely as it was printed.

The PRESIDENT: The Chair will state for the information of the Senator from York that the bill having been given its two several readings, it will be printed prior to its passage to be engrossed unless the Senate votes differently.

Mr. DAVIES: Mr. President, I should like to inquire of Senator Gurney, if I may. On page 5 of Bill 14 of the Senate, I find this language: "Section 4 of said act is hereby amended by striking out in the first line the words: 'With the consent of the governor and council,' so that said Section 4, as amended, shall read as follows: May I inquire if that was not an amendment to the new bill?"

Mr. GURNEY: But that appears. There are a number of amendments, if I may reply to the senator, that are embodied in Senate Bill 14. The amendment that does not appear herein, but will appear in the new

draft, is that the money shall be available from the State only when a pier site shall have been provided by the city of Portland.

Now it is true that this amendment appears in the printed bill and the purpose of that, if I may reply, is this. The board of port directors will select a pier site only after consultation with very eminent engineers and an examination of the available sites in the harbor of Portland, which includes South Portland, and that must be determined by determining the nature of the harbor bottom and its accessibility and the possibility of building our piers in this same location. It developed in the course of their considerations that there were a number of speculators who conceived the thought that if they could determine in advance just where this pier was to be located, by purchasing land in the immediate vicinity they could turn their information to great advantage. It was therefore considered that after the directors had made up their mind where the pier was to be located they had to go to the Governor and Council and ask them to endorse the location, that the information would leak out and the speculators would be the ones who would gain by reason of that act. Now it is submitted to the Senate that probably after an examination has been made by these port directors, from their consultations and data furnished by the engineers, that their judgment of the wisdom of locating the pier in a given place will be as nearly perfect as it is possible to obtain; that the Governor and Council if called upon to pass upon that matter after it had been determined by the pier directorate, would be compelled to make only a perfunctory endorsement of the action of the pier directors, or they would be compelled to make an independent investigation so that their approval might represent study and thought and consultation with engineers as well. It was thought it would be a duplication of effort, and to avoid the possible benefit to speculators it was felt that when the pier directorate had made up their mind where the pier was to be lo-

cated they should take immediate steps to get that site without the necessity of referring it to Augusta and waiting for the determination of the Governor and Council which would probably be an acceptance of their opinion, because it is going to take a great deal of time to get this information crystalized, and then meanwhile the speculators would have obtained the land in the immediate vicinity and if we wanted more it might be impossible to obtain it. And that is the reason of that. But you will observe that in the bill, before the moneys are taken from the bonds the Governor and Council must give their consent. Does that answer your question?

Mr. DEERING: Was your question answered?

Mr. DAVIES: A statement was made in reply to the question.

Mr. GURNEY: May I arise to a question of privilege? I wish to resent the imputation of the senator from Cumberland. I have tried in good faith to give all the information in answer to his question that I am able to, and if I have not answered I beg the indulgence of the Senate to make it clearer.

Mr. DEERING: Mr. President, may I ask a question of the Senator through the Chair?

The PRESIDENT: You may ask the question.

Mr. DEERING: Is it not your opinion that the power of eminent domain given to the directors of the port through the bill will take care of any action by speculators in regard to getting possession of land.

Mr. GURNEY: I did not mean to give the impression that they could get possession of the land on the site, but land in the immediate vicinity.

Mr. DAVIES: Mr. President, I wish to say that it was not my intention to reflect in any way upon the answer of the senator. I merely made a statement in accordance with my understanding.

May I ask, please, what the motion is relating to the bill now before the Senate?

The PRESIDENT: Senator Gurney moved that the bill be given its two several readings at this time under suspension of the rules and be passed to be engrossed.

The Chair would suggest that perhaps it would be well to accept the report of the committee, and the bill be tabled for printing and it would then come back to us tonight at the evening session. Then every member will have a copy of the bill. If that meets with the approval of the Senate, and the senator will withdraw his motion.

Mr. GURNEY: I understood that the report of the committee was accepted.

The PRESIDENT: The report was not accepted. Is it the pleasure of the Senate to accept the report of the committee?

The report was accepted.

Mr. THORNTON of Aroostook: I ask unanimous consent to introduce an order out of order.

The motion was agreed to, and the senator offered the following order:

Ordered, the House concurring, that all committees of this Legislature now in session report all matters before them to the Legislature at 10 o'clock Friday morning, 1919.

Mr. THOMBS of Penobscot: Just a moment, Mr. President, I want to say personally that I feel that we should all work as expeditiously as possible for the transaction of business. This is practically the situation as I see it today; the President has advised us that he expects to hold three sessions today. The committee on legal affairs has one or more hearings for the afternoon. Can we reasonably be expected to clean up our work and make a final report tomorrow at 10 o'clock? I am somewhat doubtful.

I want to be fair. I think every man on the committee and especially the chairman will do everything to expedite the business of the session, but this is practically the situation.

Mr. DAVIES: I desire to suggest that the Senate should not be in session while the committees are at work. I think the chairmen of the

different committees will agree with me. It certainly is not possible that we are going to sit as a legislative body when some of our members are engaged in committee hearings. I simply make this suggestion at the present time. I shall move to adjourn until tomorrow morning unless there is objection.

Mr. DIERING: Would the Senator adopt the suggestion that we meet at 4.00 o'clock?

Mr. DAVIES: I understand from Senator Grant that the House adjourned until 4.00 o'clock. I inquire of Senator Thombs if that will give him sufficient time.

Mr. THOMBS: In my opinion the committee on legal affairs will not be through with its public hearings by four o'clock this afternoon.

The PRESIDENT: The pending question is whether this order shall have a passage.

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

Mr. DAVIES: Mr. President, it seems to me that it would be wise to inquire of the chairmen of the various committees whether they feel that they can reasonably and conscientiously report finally by tomorrow. Let us find out where we are going.

The PRESIDENT: The senators will be seated. Senator Davies has asked a question through the Chair of the various committees.

Mr. THOMBS: Let me repeat what I have already said: That as chairman of the legal affairs committee I am not prepared to say at this time that we would be in a position to make a final report at ten o'clock tomorrow. I assure the Senate that the committee on legal affairs will work as expeditiously as possible upon matters referred to it and will make their report with all possible despatch.

Mr. DAVIES: Mr. President, I move that the order lie on the table.

Mr. FOLSOM doubted the vote. A rising vote was had and 12 senators voting in the affirmative and 6 in the negative the bill was tabled.

Committee Reports

Mr. Folsom for the committee on salaries and fees, reported ought to pass in new draft on An Act to provide for a bonus for the heads of State departments.

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

Mr. Peacock for the committee on ways and bridges, reported ought to pass on 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."

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

The same senator for the joint committees on judiciary, ways and bridges and appropriations and financial affairs, reported ought to pass in new draft under the same title, An Act to provide for the issue of State Highway and Bridge bonds.

Report accepted and tabled for printing under the joint rules.

Passed to be Engrossed

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

Orders of the Day

The PRESIDENT: The Chair lays before the Senate the order in relation to the compensation of the assistant reporter of the Senate, tabled by Senator Walker.

On motion by Mr. Walker the order was passed.

Mr. THOMBS of Penobscot: Mr. President, I move that we suspend the rules and reconsider the vote whereby An Act to confirm and ratify the organization of the Durham Cemetery Association was referred to the next Legislature.

The motion was agreed to.

Mr. THOMBS: Mr. President, I wish to inquire what might be the pending question on this bill.

The PRESIDENT: Reference to the committee on legal affairs.

On motion by Mr. Thombs the bill was referred to the committee on legal affairs.

Mr. DAVIES: Mr. President, I would like to ask the senator if it is his intention to report that bill tomorrow morning without advertising?

The PRESIDENT: The senator hears the inquiry.

Mr. THOMBS: Mr. President, I don't know. I think I might answer the question of the senator from Cumberland in rather a facetious manner. I think it is sufficient answer at this time to say that the bill is now on its way to the committee in a regular way, and I am going to ask the senator from Cumberland if he will not have confidence in the committee on legal affairs to properly care for this resurrected child.

Mr. DAVIES: Mr. President, it is not a question of confidence at all. It is a question of personal equasion, as to what my judgment might be as differing from my friend Senator Thombs of Penobscot county.

It is the beauty of this people's court that everybody should be heard. Of course we have confidence in him; I might disagree with him. That is all.

Mr. DEARTH of Penobscot: Mr. President, I think if the Senate know what the bill proposes to do that we could dispose of it in a very few minutes without reference to a committee.

If someone who knows what the bill is, what the purpose of it is, will explain it so that we can act intelligently.

Mr. GOOGIN of Androscoggin: Mr. President and fellow senators, it is simply to allow the Cemetery Association at Durham, Maine, to incorporate. That is all it is. Last winter a bill was sent to me a day or two after the time for the introduction of bills, private and special acts, had passed. At the request of Judge Newell of Lewiston, I introduced this act. That is all it is to do, simply to allow a little country cemetery to incorporate.

Mr. DEARTH: If that is all there

is to it it will not take me long to determine what to do.

Mr. FOLSOM of Somerset: Mr. President, I tabled a short time ago, temporarily, an act that was offered by the senator from Washington, Senator Peacock. I now move to take it from the table. It is An Act to repeal Chapter 135 of the Public Laws of 1919, entitled "An Act to provide for the licensing of sardine packers, etc."

The motion was agreed to.

The PRESIDENT: The pending question is on the motion the senator from Cumberland, Senator Davies, that this bill be referred to the next Legislature.

Mr. DAVIES: Mr. President, inasmuch as the Senate has voted this morning as it has in relation to legislation I desire to withdraw the motion, and I now move that the bill be referred to the committee on sea and shore fisheries.

The motion was agreed to.

Papers from the House disposed of in concurrence.

From the House: An Act to amend Section 5, Chapter 118, of the Revised Statutes as amended by the Public Laws of 1919, Chapter 222, relating to the fees of sheriffs.

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

Mr. DAVIES: Mr. President, I want to translate your smile into a few words, if I may.

The PRESIDENT: You have my permission.

Mr. DAVIES: The committee on judiciary is in no position to advertise, speaking as its chairman, a hearing on as important a bill as the one just read. We will take it of course, under advisement and be very glad to consider whatever the bill is with all the surrounding circumstances, but it does not seem to me that we can give it notice and report tomorrow morning.

Reports of Committees

Report of the committee of agriculture, ought not to pass, on An Act to amend section 110, chapter 4

of the Revised Statutes, providing for the payment of damage done domestic animals by dogs and wild animals.

The report was accepted.

Report of the committees on military affairs, appropriations and financial affairs, and taxation, jointly, ought to pass, in new draft, under same title, on An Act to provide for the payment of a bonus to Maine soldiers and sailors in the war with Germany.

The report was accepted and on motion by Mr. Thornton of Aroostook the rules were suspended and the bill received its two several readings and was passed to be engrossed.

Report of the committees on military affairs, appropriations and financial affairs, and taxation, jointly, ought to pass, on Resolve proposing an amendment to article IX of the Constitution to provide for a bond issue for the purpose of paying a bonus to Maine soldiers and sailors in the war with Germany.

The report was accepted, and on motion by Mr. Grant of Cumberland the rules were suspended and the resolve was given its two several readings and passed to be engrossed.

Report of the committee on inland fisheries and game, on An Act to amend section 46 of chapter 33 of the Revised Statutes, as amended by chapter 219 of the Public Laws of 1917, and by chapter 133 of the Public Laws of 1919, also to amend section 47 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 protection of foxes in Aroostook county, that it be referred to the next Legislature.

The report was accepted.

Report of the committee on legal affairs, ought not to pass, on An Act to prevent the use of firearms by children under certain conditions.

The report of the committee was accepted.

Report of the committee on legal affairs, on An Act to save daylight and to provide standard time for the

State of Maine, that it be referred to the next Legislature.

The report of the committee was accepted.

Report of the committee on legal affairs, ought to pass, on An Act to incorporate the Portland State Pier Site District.

The report was accepted and on motion by Mr. Gurney of Cumberland the rules were suspended and the bill was given its two several readings and passed to be engrossed.

Report of the committee on legal affairs, ought to pass, on An Act to repeal chapter 14 Public Laws of 1917 relating to the acknowledgement of deeds.

The report was accepted and on motion by Mr. Thombs the rules were suspended and the bill was given its two several readings and passed to be engrossed.

Report of the committee on public utilities, on An Act to provide for the jurisdiction of the public utilities commission over certain motor vehicles, that it be referred to the next Legislature.

The report of the committee was accepted.

Report of the committee on salaries and fees, ought not to pass, on An Act to amend Section 42, Chapter 117 of the Revised Statutes, as amended by Chapter 214 of the Public Laws of 1919, to reimburse county commissioners for their expenses incurred at public hearings away from the county seat.

The report of the committee was accepted.

Report of the committee on ways and bridges, ought to pass, on Resolve in favor of international bridge between Madawaska, Maine, and Edmondson, New Brunswick, in new draft under same title.

The report was accepted, and by motion of Mr. Emerson of Aroostook the rules were suspended and the resolve was given its two several readings and passed to be engrossed.

On motion by Mr. Thombs the Senate recessed until 4 P. M.

After Recess

The Senate was called to order by the President at 4.20 P. M.

Additional papers from the House disposed of in concurrence.

Committee Reports

Majority report of the committee on ways and bridges on An Act to provide aid for assistance of towns in maintaining town highways, that the same be referred to the next Legislature.

Minority report of the same committee on the same bill, ought to pass, in new draft under the title, "An Act to amend Chapter 220 of the Public Laws of 1919, entitled 'An Act to amend Section 36 of Chapter 25 of the Revised Statutes as enacted and set forth in Chapter 258 of the Public Laws of 1917 as amended by Chapter 88 of the Public Laws of 1919, relative to the creation and expenditure of a mill tax highway fund.'"

The PRESIDENT: With the permission of the Senate the Chair will lay these reports on the table temporarily on account of the absence of Senator Peacock.

Mr. Grant for the committee on appropriations and financial affairs, reported ought to pass, on Resolve to amend Chapter 113 of Resolves of 1919, providing for the care, support and medical or surgical treatment of dependent persons in or by certain charitable and benevolent institutions and organizations not owned or controlled by the State and for other purposes.

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

Mr. Thombs for the committee on legal affairs, reported ought to pass, on An Act to amend paragraph 111 of the Private and Special Laws of 1915, entitled "An Act to incorporate the Bath Water District."

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

The same senator for the same committee reported same in a new draft, An Act to amend Section 12 of Chapter 83 of the Revised Statutes, relating to county commissioners."

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

Mr. Ricker for the committee on library, on An Act providing for the preservation of archeological objects and sights and for the appointment of a commission on archeology, that the same be referred to the next Legislature.

Mr. Grant for the committee on salaries and fees, reported ought not to pass, on An Act to increase the salary of the county commissioners of Androscoggin county.

The same senator for the same committee on An Act to amend Section 40 of Chapter 117 of the Revised Statutes as amended by Chapter 214 of the Public Laws of 1919, relating to the salary of the clerk of courts of Sagadahoc county, reported same ought not to pass.

The reports were accepted.

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 Passadumkeag Boom Company, that the House recede from its action and join with the Senate and receive said act for further consideration.

The report was accepted.

Mr. DAVIES: Mr. President, may I inquire the status of that bill now?

The PRESIDENT: The Senate referred it to the committee on interior waters.

Mr. DAVIES: And it is now referred to the committee on interior waters?

The PRESIDENT: Yes.

The inland fisheries and game committee made its final report.

The report was accepted.

Mr. Peacock for the committee on sea and shore fisheries, reported ought to pass, on An Act to repeal chapter 135 of the Public Laws of 1919, entitled "An Act to provide for the licensing of sardine packers, etc."

On motion by Mr. Deering of York, tabled on account of the absence of Senator Peacock.

Mr. Folsom for the committee on salaries and fees, reported ought to pass, on An Act in regard to the number of clerks in the office of the

register of deeds in the county of Cumberland.

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

From the House: An Act to amend Section 45 of Chapter 144 of the Revised Statutes as amended by Section 1 of Chapter 136 of the Public Laws of 1917, and by Chapter 58 of the Public Laws of 1919, relating to commitment to the State School for Boys.

In the House read and passed.

On motion by Mr. Deering of York, the bill was given its two several readings under suspension of the rules and passed to be engrossed in concurrence.

The Chair laid before the Senate An Act to amend Chapter 37, Section 13 of the Acts and Resolves of 1917 as amended by the Resolves of 1919, relating to the salary of patrolmen of the city of Lewiston.

In the Senate this bill was passed to be engrossed. It came from the House, House Amendment A adopted, which simply amended the title.

On motion by Senator Parent the Senate reconsidered the vote whereby this bill was passed to be engrossed, and on further motion by the same senator House Amendment A was adopted and the bill as amended was passed to be engrossed in concurrence.

From the House: Report of the committee of legal affairs, ought to pass, on An Act amending Section 1, Chapter 202, of the Private and Special Laws of 1913, relating to the election of assessors for the city of Portland, in case of death, resignation or otherwise.

In the House, under suspension of the rules, read and passed to be engrossed.

On motion by Mr. Parent of Androscoggin, under suspension of the rules the bill was read twice and passed to be engrossed in concurrence.

The PRESIDENT: The Chair takes from the table the two bills tabled in the absence of Senator Peacock. The secretary will read the reports.

(Secretary reads majority and minority reports.)

The PRESIDENT: The Chair will state that in the House the minority report was accepted.

Mr. PEACOCK: Mr. President, I move that the majority report be accepted, and in explanation of this I will say that this is—

Mr. DEERING of York: Mr. President, I rise to a point of order.

The PRESIDENT: The Senator will state his point of order.

Mr. DEERING: Mr. President, I believe the proper motion would be to non-concur with the House.

The PRESIDENT: The point is well taken.

Mr. PEACOCK: Mr. President, I move that we do not concur with the House.

Mr. THORNTON of Aroostook: Mr. President, is this subject open for debate at the present time?

The PRESIDENT: Yes, on the motion to non-concur.

Mr. THORNTON: The motion to non-concur—the majority report, as I understand, is on the Granville bill which provides for the maintenance of the small highways or connecting links between the trunk lines?

The PRESIDENT: Yes, sir.

Mr. THORNTON: Now, Mr. President, I think that the bill, if I am correctly informed, takes part of the bond issue to distribute to the smaller towns on these small highways, and I think it is but fair that we should provide for these small connecting links. So that I hope that the motion to non-concur will not prevail.

Mr. PEACOCK: Mr. President, before that vote is taken I would like to make an explanation of the majority report. I cannot consistently oppose anything that will be detrimental to the small cross roads. My history, I think, is well established in that matter. But by the request of the Governor, the ways and bridges committee with the judiciary committee and the appropriations committee met here some two or three weeks ago to consider the point

at issue and legislation for good roads. At that time it was voted that we would recommend to this Legislature the bond issue to the amount of three millions of dollars, two millions to be spent on state highways and one million on bridges. We provided that the automobile registration money should go to pay the interest on this bond issue and the interest on the two million bonds already issued; also that a certain sum of money each year should be set aside as a sinking fund—whatever was required at any year—so as to meet the bonds as they matured; third, that the administration charges of the highway commission should be provided for out of this; and fourth, that the balance of the money be spent for maintenance of the state roads. Your committee are taking this money to retire these bonds, as it is liable some year to leave a shortage in the money necessary to maintain the roads. They believe that if we are going to build good roads, it is absolutely necessary to provide for their maintenance, and having that in view, they also recommend an amendment to the mill tax fund, making the balance of that available for either the construction of roads or the maintenance. And we believe that there is danger some years, if this bill goes through, that the highway commission would not be in position to give our state road proper care for maintenance for the lack of funds. And in addition to that we have already provided that the highway commission shall have available for highway construction the next two years practically five millions of dollars, and they have made the statement that if this bill should go through it would take a great deal of their time away from the main issue and that they would not be able to give it the proper attention and it would be injurious to the general good roads program.

Now I am in favor of this bill. I believe that it has some merits in it, but I believe that it should be referred to the next Legislature, and at that time it could be redrafted and an arrangement made to finance the bill without disturbing the mill tax

fund. And for that reason I hope that the vote to non-concur with the House will be carried.

Mr. DEERING of York: Mr. President, I have listened with a great deal of care to the statements of the senator from Washington, Senator Peacock, and from all that I have been able to learn from what he said and from various interviews that I have had with members of the committee on ways and bridges, I have not yet found out how they propose to do anything for the country roads, or third class roads so-called. Now the referring of this particular bill to the next Legislature is a continuation of what happened to the bill at the last Legislature. The bill was drawn, I believe, by Mr. Granville of Parsonfield and has been known all through our deliberations as the Granville bill, and it seeks to put upon the country roads some money of the appropriations from the highway funds so that those third class roads can be continued to be repaired and made good. Now from the first inception of this bill—it was hardly written before the Governor of this state stamped his approval upon it. He said that this bill appears to him as being the correct principle, and it was the correct principle all through the deliberations of the ways and bridges committee last winter, in spite of the fact that we passed the Washburn bill, and the Granville bill after the Washburn bill was passed was postponed to this Legislature, perhaps not with the distinct understanding that it would be passed, but that it would receive a fair consideration when the bond issue was voted upon; and I don't know what we are going to say to the farmers and the men who live in the country and who voted for the bond issue when some of us went out through the country and told them that part of this money was going to be expended upon the country road,—or part of the money available for roads was going to be expended upon these third-class roads over which they had got to haul their potatoes and their apples and their other produce. Now after the Governor stamped it with his approval, the ways and bridges com-

mittee even from that time until now approved the principle of this bill, and Senator Peacock not five minutes ago said that he believed that this bill had merit in it. But the proposition at this time is simply this—they have got so much money appropriated to spend for roads on the national highways and on the trunk line systems that they fear that they cannot go out into the country and help the towns to put this money on the third-class roads.

Is there any reason, Mr. President and senators, why part of the material and part of the equipment that the highway commission has received from the federal government and the equipment that they have from the State of Maine cannot at once be put upon the third-class roads instead of putting it onto the trunk line systems?

Now I have spoken for the bond issue a dozen times when it was before the people and I have always been in favor of the trunk line system, but when a bill appears before the Legislature which in its inception has the approval of the Governor of the state, when all the farmers want it, and all the country roads need it, when the ways and bridges committee stamped it with their approval, it seems to me we should not postpone the benefits that those third-class roads should have a year more. Now if that is the only excuse there is, that there is not equipment enough or men enough to be hired to do all the work they are going to do, it is far better for the prosperity of this state that they spend this sixth of a mill upon the country roads while the other work is going on than it is to put all their equipment on the trunk line systems. The class of men who have to use these roads voted for the bond issue with the distinct understanding that some of this money, or some money available from the road department, should be put upon the roads of the farmers, and that is what I am speaking for. I am saying that if we do not pass this bill, we go back from this Legislature discredited. If we do not give

the third-class roads some money, we go back and meet with the talk that we have misrepresented the bond issue to the men that live out on the country roads. And I say to the ways and bridges committee, without any fear of successful contradiction that they make a mistake and we make a mistake if we carry this motion of Senator Peacock today.

There has been some criticism of the special session of the Legislature, I know, and there is criticism of every session of the Legislature, but from the time Maine first became a state down to the present time nobody has yet found a better way to carry on the administration of our government or a better way to make laws. We invite the people to come here and have their say in this great general court of the people, and here today I am speaking for that class of people which composes the majority of our population, so that they may derive some benefit from this vast amount of money which is made available by the bond issue which they themselves have voted, and it does not lie in 31 men in this Senate or in 10 on the ways and bridges committee to deny that large and deserving class of people the money which they should have, because they have voted to grant it themselves.

Now I hope that this motion of Senator Peacock will not prevail, because I do not believe there is a senator in this Chamber who can go back to the rural population in his district and explain to them that every cent of money that is to be spent upon roads until the next Legislature must be spent only upon the trunk line system.

Mr. BABB of Cumberland: Mr. President, I wish to take just a moment of your time to say that being a representative in this body from the rural community of Cumberland county, and having driven the last six months about twelve thousand miles in the counties of Cumberland, Oxford and York, and talking with a great many farmers, the question that has been asked me previous to

the special election in September was, "How shall I vote on the bond issue? Is that going to give us any money for our country roads?" And my answer was to them that I understood that it was. Now how shall I go back to those people, if we come here and refuse to grant this Granville bill, what shall I go back to those people and say, if we turn them down? Now in order to come to this Legislature I came in my automobile. I had to come on the trunk line to get here to be sure, but I had to crawl my way through fifteen miles of mud to get onto a road that would bring me to a trunk line. And that is the condition, gentlemen, of the country roads in our state today. Great work has been done by our Highway Commission and we honor them for it, but I want to say this: If this objection comes before us that they have no machinery or no men to put back to help us with our roads,—I have made this observation, I have failed to see in all the distance I have traveled this year any of the Highway Commission's trucks or men back helping us with our State aid road. We find our own men. We find our own material. We find our own teams to do our own work. Give us our money and we will see that our roads are built when we can have the direction of the overseers who are granted to us to do our work.

The PRESIDENT: The pending question before the Senate is on the motion of the Senator from Washington, Senator Peacock, that the Senate non-concur with the House.

A rising vote was taken, and five voting in the affirmative and twenty in the negative, the motion of the senator from Washington was lost.

Mr. DEERING: Mr. President, I move that we concur with the House in accepting the minority report.

A viva voce vote was taken and the motion was agreed to, and on further motion by the same senator, the rules were suspended and the bill was given its two several readings and passed to be engrossed.

The PRESIDENT: The Chair lays

before the Senate report of sea and shore fisheries' committee on An Act to repeal Chapter 135 of the Public Laws of 1919, entitled An Act to provide for the licensing of sardine packers, to improve the quality of fish used for sardines and to establish standard measurements for sardine herring. The report of the committee is that the bill ought to pass.

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

Mr. THOMBS for the committee on legal affairs, reported ought to pass, on An Act to amend section 1 of chapter 177 of the Laws of 1917, relating to the powers of the Portland Water District.

The report was accepted, and on motion by Mr. Parent of Androscoggin, under suspension of the rules, the bill was read twice and passed to be engrossed.

The committee on judiciary reported ought to pass, on An Act to amend section 5 of chapter 118 of the Revised Statutes, as amended by the Public Laws of 1919, chapter 222, relating to the fees of sheriffs.

In the House this bill was passed to be engrossed.

On motion by Mr. Deering of York, the rules were suspended and the bill was read twice and passed to be engrossed.

The committee on ways and bridges reported ought to pass, on An Act to amend sections 2, 3, 4, 5 and 6 of chapter 319 of the Public Laws of 1915, relative to state and county aid in the construction of highways and bridges.

In the House read and passed to be engrossed under suspension of the rules.

On motion by Mr. Folsom of Somerset, under suspension of the rules, the bill was read twice and passed to be engrossed.

Report of the committee on ways and bridges, ought to pass, on An Act to require reflecting mirrors on certain motor vehicles.

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

In the Senate the report was accepted and on motion by Mr. Folsom of Somerset, under suspension of the rules, the bill was read twice and passed to be engrossed.

Mr. GANNETT of Kennebec: Mr. President, I ask unanimous consent to introduce a committee report out of order.

The motion was agreed to and the senator for the committee on taxation reported ought to pass on Resolve amending section 8 of article 9, of the Constitution as amended by article 33 of the Constitution providing for an income tax.

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

Mr. THOMBS of Penobscot: Mr. President, I move that we take from the table this bill.

The motion was agreed to and on further motion by the same senator the rules were suspended and the bill was read twice and passed to be engrossed.

On motion by Mr. Peacock of Washington, the bill relating to sardine inspection was taken from the table, and on further motion by the same senator the rules were suspended and the bill was given its two several readings and passed to be engrossed.

Mr. THOMBS of Penobscot: Mr. President, I would like to ask if the report of the committee on legal affairs relating to an amendment of the charter of the Bath Water District was accepted at this session, and may I inquire what is the present status of the matter?

The PRESIDENT: It was laid on the table for printing under the joint rules.

On motion by Mr. Thombs, the bill was taken from the table and on further motion by the same senator the rules were suspended and the bill was given its two several readings and passed to be engrossed.

Mr. DIERING of York: Mr. President, if there are any other bills in

similar situation, I would make the motion that the rules be suspended and they be given their several readings.

In accordance with this motion the following resolves and bills were each given their two several readings and passed to be engrossed:

Resolve amending chapter 113 of the Resolves of 1919, providing for the care, support, and medical or surgical treatment of dependent persons in or by certain charitable and benevolent institutions and organizations not owned or controlled by the State, and for other purposes.

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

An Act to increase the number of clerks in the registry of deeds in the county of Cumberland in the State of Maine.

The PRESIDENT: The Chair will state for the information of the Senate that our friends at the other end of the corridor have not decided in regard to a recess to 7.30 this evening, apparently waiting the action of this body. If they decide not to have a recess until evening there is no necessity of the Senate having one, but if they were to be in session for a matter of fifteen or twenty minutes we could send over all the bills. It is the opinion of the Chair that it would be wise to recess until 7.30 that they may dispose of the bills at that end, thereby facilitating business.

On motion by Mr. Thombs of Penobscot, the Senate recessed until 7.30.

After Recess

Senate called to order by the President.

Papers from the House disposed of in concurrence.

From the House: Report of the committees on appropriations and financial affairs, judiciary and ways and bridges, jointly, ought to pass, on An Act to amend chapter 220 of the Public Laws of 1919, entitled "An Act to amend section 36 of chapter 25 of

the Revised Statutes as enacted and set forth in chapter 253 of the Public Laws of 1917 as amended by chapter 88 of the Public Laws of 1919, relative to the creation and expenditure of the mill tax highway fund. Report of the committee accepted. In the House this bill was indefinitely postponed.

On motion by Mr. Thombs the Senate voted to concur with the House.

From the House: Report of the committee on judiciary on An Act to amend paragraph 2, section 6, chapter 10, Revised Statutes, relating to additional exemption from taxation of sewerage district bonds, that the same ought to pass. The report was accepted. In the House this bill was read three times and passed to be engrossed under suspension of the rules.

On motion by Mr. Deering of York, the rules were suspended and the bill was given its two several readings and passed to be engrossed.

Report of the committee on judiciary, ought to pass, on An Act to amend sections 32 and 33 of chapter 88 of the Revised Statutes of 1916, relating to trial justices and justices of municipal and police courts.

The report was accepted.

Mr. GURNEY of Cumberland: Mr. President, after consultation with a number of attorneys who have given this matter some consideration I move that the matter be indefinitely postponed.

The PRESIDENT: In the House this bill was read three times and passed to be engrossed.

Mr. PARENT of Androscoggin: Mr. President, I understand that this bill had the unanimous recommendation of the judiciary committee, and I would like to inquire as to the nature of the bill.

The PRESIDENT: Would you like to have the bill read or make an inquiry through the Chair?

Mr. PARENT: I would like to make an inquiry through the Chair.

Mr. GURNEY: I think the bill better be read.

(The bill was read by the Secretary.)

Mr. DEERING of York: Mr. President, the bill that has just been read purports to come from the judiciary committee, but I find two or three of them who never heard of it before. The matter was called to my attention just now, together with other members of the committee. It is a law that is impossible for this reason, as Senator Parent will readily see. For instance, the jurisdiction of the Biddeford municipal court is \$300, and that authorizes the judge to bring an action before a Trial Justice in his county, if the defendant resides in that county, and by that you raise the jurisdiction of the Trial Justice to \$300, which cannot be done without changing a lot of other statutes. It is the same in Bangor and Brewer, I think the jurisdictions are different, and in many other counties of the state. So it would be impossible to be worked, and it would be inconsistent with many laws we now have, and it would not be good legislation.

Mr. DAVIES of Cumberland: Mr. President, I rather feel as if the situation demanded a word or two from me in relation to this bill. There has been no hearing upon it, and it was brought before the committee by Representative Buzzell and he told the committee it was a bill that should be passed. We assumed that was so and reported it, like all the other committees, without knowing anything about it at all. As a matter of fact I had no time to read the bill and I do not believe that anybody on the committee but Buzzell saw the bill. That is not anything unusual here. There are many under the same circumstances, and I am very glad indeed if somebody found the bill was not workable before it was passed.

The motion to indefinitely postpone was adopted.

Bills in First Reading

S. D. 396: An Act to provide a bonus for the heads of state departments.

Mr. WALKER of Somerset: Mr. President, I have a motion I desire to make. I move that this bill be indefinitely postponed. Evidently many

of the matters coming along tonight have not received a whole lot of consideration, and some members of the committees have not seen the bills that are reported in here favorably. I hardly think this bill has been advertised at a public hearing. It proposes a bonus of 33 1/3 per cent for the heads of some departments of the state, 30 percent for others, 25 percent for some, 20 percent for some, and 10 percent for some. It appeals to me that this matter has not had sufficient consideration for us to pass upon it now, and it is something that we are not expected to pass upon at this special session, and it is something that will cause a great deal of feeling among the people of the State and a great deal of explaining. For these reasons and many others which I might mention, I ask that it be indefinitely postponed.

Mr. DEARTH of Penobscot: Mr. President, it seems to me in certain cases salaries should be increased. It seems that the commissioner of agriculture receives but \$2000 a year, and the superintendent of public buildings, \$1500. I would like to ask the senator if he will not withdraw his motion and we will look into it tomorrow.

Mr. WALKER: I say to the senator through the Chair that I cannot see how this would affect the superintendent of public buildings. The superintendent of public buildings would hardly be the head of a department.

Mr. DEARTH: The commissioner of agriculture would come under that.

Mr. WALKER: I will read from the bill "All heads of state departments or members of state boards and commissions who receive yearly salaries fixed by law."

Mr. DEARTH: Hadn't we better lay it on the table and take it up tomorrow?

Mr. WALKER: I am willing.

The motion was withdrawn and the bill tabled and specially assigned for tomorrow.

Passed to Be Engrossed

(Under suspension of the rules.)

S. D. 397: An Act to provide for an

issue of state highway and bridge bonds.

S. D. 308: An Act to amend chapter 15 Public Laws of 1917 relating to celebrating centennial week.

S. D. 309: An Act to amend section 51, chapter 33 of the Revised Statutes, as amended by chapter 219 of the Public Laws of 1917, and by chapter 116 of the Public Laws of 1919, relating to trapping of foxes in Lincoln county.

S. D. 310: 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.

S. D. 311: An Act to amend chapter 84 of the Private and Special Laws of 1917, entitled "An Act to provide for the building of public wharves and for the establishment of port facilities and for the advancement of commerce.

Tabled by Mr. Davies of Cumberland until tomorrow, pending second reading.

Mr. Grant for the committee on appropriations on financial, reported ought to pass under new draft, on Resolve appropriating \$75,000 for a dormitory for the Maine Institution for the Blind.

The report was accepted and on motion by Mr. Grant the bill was read twice under suspension of the rules and passed to be engrossed.

Committee on Library submitted its final report.

The report was accepted.

The PRESIDENT: The Chair will declare a recess.

After Recess

Senate called to order by the President at 8.50 P. M.

From the House: Report of the committee on interior waters, ought to pass, on An Act to amend the charter of the Passadumkeag Boom Company.

In the House passed to be engrossed under suspension of the rules.

On motion by Mr. Thombs of Pe-

nobscot the report was accepted and on further motion the rules were suspended and the bill was read twice and passed to be engrossed.

From the House: Majority report of the committee on judiciary, ought to pass, on An Act authorizing the town of Turner to purchase and operate or purchase and hold stock in the electric railroad between East Auburn and Turner village.

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

In the House the majority report was accepted.

On motion by Mr. Deering of York, the Senate concurred with the House and accepted the majority report, and on further motion by the same senator, under suspension of the rules the bill was read twice and passed to be engrossed.

From the House:: Report of the committee on salaries and fees, ought to pass, on An Act increasing the amount to money allowed for clerk hire in the office of the Register of Deeds for Penobscot county.

In the House read and passed to be engrossed under suspension of the rules.

On motion by Mr. Thombs of Penobscot, under suspension of the rules, the bill was read twice and passed to be engrossed.

From the House: Report of the committee on salaries and fees, ought to pass, on An Act to amend paragraph 7, section 45 of chapter 117 of the Revised Statutes, as amended by chapter 204 of the Public Laws of 1919, relating to clerk hire in the office of the Register of Deeds of Kennebec county.

In the House read and passed under suspension of the rules.

On motion by Mr. Cobb of Kennebec, under suspension of the rules, the bill was read twice and passed to be engrossed.

Committee on public utilities submitted its final report.

The report was accepted.

On motion by Mr. Deering of York, adjourned until 10 o'clock tomorrow morning.