

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

AUGUSTA
KENNEBEC JOURNAL PRINT
1921

HOUSE

Wednesday, Feb. 16, 1921.

The House met according to adjournment and was called to order by the Speaker.

Prayer by Representative Woodruff of Brunswick.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

Senate 50. An act to amend Section 23 of Chapter 78 of the Revised Statutes, relating to acknowledgment of deeds.

Senate 51. An act to amend Section four of Chapter 13 of the Revised Statutes, relating to vacancies in the office of county treasurer, filled by appointment.

Senate 49. An act to amend Section 16, Chapter 20 of the Revised Statutes, relating to the inspection of records of poisons sold by druggists.

The following bills, resolves and petitions were received and, upon recommendation of the committee on reference of bills, were referred to the following committees:

Agriculture

By Mr. Rogers of Rockland: Petition of W. A. Ayer and 25 others of Knox county in favor of passage of law on standardization of milk.

By Mr. Chase of Unity: Petition of W. G. Conant of Hebron and 105 others in favor of same.

By Mr. Jordan of Cumberland: Bill "An act to provide for local inspection of slaughter houses and their products." (500 copies ordered printed.)

Appropriations and Financial Affairs

By Mr. Dodge of Portland: Resolve in favor of the Maine General Hospital.

By the same gentleman: Resolve in favor of the Maine School for

Feeble-Minded for maintenance during the years 1921, 1922 and 1923.

Claims

By Mr. Kimball of Hampden: Resolve in favor of R. Lyle Hodgkins for damages sustained in building the State Hospital at Bangor.

Education

By Mr. Towne of Madison: Bill "An act to provide for instruction in fire protection in the public schools."

By Mr. Baker of Steuben: Resolve in favor of Cherryfield Academy.

By Mr. Reed of Harmony: Resolve in favor of Fannie S. Marble of Ripley for teacher's pension.

By Mr. Leighton of Dennysville: Resolve in favor of Washington Academy, East Machias, Maine.

Inland Fisheries and Game

By Mr. Wadsworth of Winthrop: Bill "An act additional to Chapter 33 of the Revised Statutes, as amended, prohibiting all fishing in the tributaries to Lake Annabessacook in the county of Kennebec."

By the same gentleman: Petition of A. D. Morse and 25 other residents of Winthrop and Monmouth, Kennebec county, in favor of closing the tributaries to Lake Annabessacook to all fishing.

By the same gentleman: An act to prohibit all hunting within certain territory in the town of Winthrop, in the county of Kennebec.

By the same gentleman: Petition of C. I. Bailey of Winthrop and 79 other land owners in favor of the passage of "An act to prohibit all hunting within certain territory in the town of Winthrop, county of Kennebec."

Interior Waters

By Mr. Dodge of Portland: Bill An act authorizing the Ashland Company to construct and maintain booms and piers in the Aroostook river.

Judiciary

By Mr. Barwise of Bangor: Petition of Saul Michaud of Eagle Lake and 25 others in favor of the pas-

sage of House Bill No. 28, known as the "Barwise Sunday Bill."

By the same gentleman: Petition of Julie Thibodeau of Eagle Lake and eight others in favor of same.

By the same gentleman: Petition of P. J. Bell of Bangor and 27 others in favor of same.

By the same gentleman: Petition of H. B. Crosby of Brewer and 13 others in favor of same.

By the same gentleman: Petition of William A. Taylor of Brewer and 15 others in favor of same.

By the same gentleman: Petition of Francis D. Clancy of Bangor and 16 others in favor of same.

By the same gentleman: Petition of A. S. Baker of Bangor and 19 others in favor of same.

By the same gentleman: Petition of Myer W. Epstein of Bangor and 19 others in favor of same.

By the same gentleman: Petition of Albion Archer of Aurora and eight others in favor of same.

By the same gentleman: Petition of S. N. Cohen of Bangor and 18 others in favor of same.

By the same gentleman: Petition of Mr. P. Hart of Bangor and 19 others in favor of same.

By the same gentleman: Petition of Charles E. Sheehan of Bangor and 21 others in favor of same.

By the same gentleman: Petition of William M. Kent of Bangor and 20 others in favor of same.

By the same gentleman: Petition of Edward M. Quinn of Bangor and 15 others in favor of same.

By the same gentleman: Petition of Max Alfred of Bangor and four others in favor of same.

By Mr. Hunton of Oakland: Remonstrance of E. R. Gower and 10 others of Oakland against the passage of the "Barwise Sunday Bill."

By the same gentleman: Remonstrance of Weston P. Holman and 36 others of Oakland against same.

By Mr. Hinckley of So. Portland: Remonstrance of Florence E. Dyer of

So. Portland and 24 others against the same.

By the same gentleman: Remonstrance of Inez C. Rand and 17 others against same.

By the same gentleman: Remonstrance of Henry G. Clark and 39 others of South Portland against same.

By Mr. Porter of Pittsfield: Remonstrance of George Elliott and eight others against same.

By the same gentleman: Remonstrance of Charles B. Brown and 22 others against same.

By the same gentleman: Remonstrance of Mary B. Wingate and 18 others of Pittsfield, Maine, against same.

By the same gentleman: Remonstrance of O. H. Drake and 29 others of Pittsfield, Maine, against same.

By the same gentleman: Remonstrance of E. W. Hunt and 20 others of Pittsfield, Maine, against same.

By the same gentleman: Remonstrance of Mrs. E. S. Cowan and 13 others against same.

By the same gentleman: Remonstrance of C. R. Phinney and 28 others against same.

By the same gentleman: Remonstrance of Roland Cony and 21 others of Pittsfield against same.

By the same gentleman: Remonstrance of S. J. Willis and 24 others of Pittsfield, Maine, against same.

By Mr. Forbes of Paris: Remonstrance of William C. Leavitt and 35 other legal voters of Norway against same.

By the same gentleman: Remonstrance of C. G. Miller and 17 other legal voters of South Paris against same.

By the same gentleman: Remonstrance of Rev. J. L. Wilson and 30 other citizens of South Paris against same.

By the same gentleman: Remonstrance of John J. Hayden and 25 other citizens of South Paris against same.

By Mr. Washburn of China: Remonstrance of J. A. Jones of South China and 19 others against same.

By the same gentleman: Remon-

strance of John A. Woodsum and 32 others against same.

By the same gentleman: Remonstrance of Mrs. J. B. Cookson and 48 others of Waterville against same.

By the same gentleman: Remonstrance of Lee W. Googin and 31 others of Randolph against same.

By Mr. Davis of Freeport: Remonstrance of D. A. Tuttle of Pownal and 36 others against same.

By Mr. Patterson of Industry: Remonstrance of A. R. Williams and 18 others against same.

By Mr. Nickerson of Swanville: Remonstrance of F. S. Dolloff and 17 others of Jackson against same.

By the same gentleman: Remonstrance of Thomas H. Martin and 57 others of Brooks against same.

By Mr. Small of Brewer: Remonstrance of Edgar L. Brown and 59 others of Brewer against same.

By Mr. Hayes of Gorham: Remonstrance of G. P. Benner and 75 others of Gorham and Scarboro against same.

By Mr. Bragdon of Franklin: Remonstrance of Rev. Frank W. Brooks and 11 others of Franklin against same.

By Mr. Cherry of Eastport: Remonstrance of J. A. Weed and 42 others of Eastport against same.

By Mr. Roberts of Lyman: Remonstrance of Elmer M. Roberts and 57 others against same.

By Mr. Atherton of Stacyville Pl.: Remonstrance of Rev. A. F. Snapp and 18 others of Mattawamkeag.

By Mr. Sawyer of Garland: Remonstrance of A. Q. Thomsfield and 16 others of Dexter and Ripley against same.

By the same gentleman: Remonstrance of F. A. Blodgett and 37 others against same.

By the same gentleman: Remonstrance by Miss Gladys Roberts and 27 others of Dexter against same.

By Mr. Crabtree of Island Falls: Remonstrance of Fred S. Parker and 26 others of Sherman, Maine, against same.

By Mr. Smith of Waterboro: Remonstrance of George N. Brock and 48 others against same.

By Mr. Peaslee of Thomaston: Remonstrance of C. L. Cronkhite and 26 others against same.

By Mr. Mason of Ellsworth: Remonstrance of Ralph J. Barron and 34 others of Ellsworth against same.

By Mr. Kimball of Hampden: Remonstrance of W. A. Sawyer and 46 others of Hampden against same.

By Mr. Hussey of Blaine: Remonstrance of H. A. Tompkins of Bridgewater and 67 others against same.

By Mr. Phillips of Orrington: Remonstrance of Rev. James S. Henry and 48 others against same.

By Mr. Barnes of Houlton: Remonstrance of Kate P. Burleigh and 44 others of Houlton against same.

By Mr. Willard of Sanford: Remonstrance of John Wilkinson and 22 others of Sanford against same.

By Mr. Owen of Milo: Remonstrance of A. C. Townsend and 40 others of Brownville against same.

By Mr. Weatherbee of Carroll: Remonstrance of T. S. Ross of Lincoln and 29 others against same.

By Mr. Moody of York: Remonstrance of Frank H. Ingalls and 17 others of York against same.

By the same gentleman: Remonstrance of F. W. Marshall and 15 others of York against same.

By Mr. Thomas of Chesterville: Remonstrance of E. A. Brown and 16 others of Farmington Falls against same.

By the same gentleman: Remonstrance of Mrs. E. S. Longley and 22 others of Farmington Falls against same.

By Mr. Maher of Augusta: Bill "An act to amend Section 17 of Chapter 60 and Section 11 of Chapter 61 of the Revised Statutes, relating to the taking of land for public uses."

By Mr. Sawyer of Garland: Bill "An act relating to Good Templars' Hall in Dexter."

By Mr. Dodge of Portland: Bill "An act to incorporate the Maine State Company."

By Mr. Maher of Augusta: Resolve authorizing Michael Burns to bring a suit against the State of Maine.

By the same gentleman: Resolve in favor of Commissioner of Labor and Industry and State Factory Inspector.

Legal Affairs

By Mr. Phillips of Bar Harbor: Bill "An act authorizing the town of Bar Harbor, County of Hancock, State of Maine, to elect the Chief of Police."

By the same gentleman: Petition of Frank Haslam and 98 others in favor of same.

By Mr. Davis of Freeport: Bill "An act to repeal 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 adequate port facilities and for the advancement of commerce', known as the Portland Pier Act." (500 copies ordered printed).

By Mr. Moody of York: Bill "An act to divide the town of Wells and incorporate the town of Ogunquit." (500 copies ordered printed).

By Mr. Newcomb of Newburg: Bill "An act to legalize and make valid the acts and doings of the inhabitants of the town of Stetson at the annual town meeting held on March 10th, 1919, and at the annual town meeting held on March 8th, 1920, and by adjournment on March 10th, 1920."

By Mr. Snipe of Bath: Bill "An act to amend Section 51 of Chapter 82 of the Revised Statutes, relating to trial terms of the Supreme Judicial Court, as amended by Chapter 227 of the Public Laws of 1917."

Military Affairs

By Mr. Nickerson of Swanville: Resolve providing for the payment to Mrs. Fannie Bradley of Searsport the unpaid portion of a soldier's bonus due her.

Public Utilities

By Mr. Phillips of Bar Harbor: Bill "An act extending the Charter of Salisbury Cove Water Company."

By Mr. Hodgkins of Bangor: Bill "An act incorporate the Great Pond Railway Company."

By Mr. Granville of Parsonsfield: Bill "An act to authorize the Public Utilities Commission to regulate head lights on electric cars."

Salaries and Fees

By Mr. Larrabee of Lewiston: Bill "An act to increase the salary of the judge of the Municipal Court for the city of Lewiston."

By Mr. Buzzell of Belfast: Bill "An act to increase the salary of Register of Deeds in Waldo County."

By Mr. Rounds of Portland: Bill "An act relating to the salary of the recorder of the Municipal Court for the city of Portland."

By the same gentleman: Bill "An act relating to the salary of the Judge of the Municipal Court for the city of Portland."

By Mr. Barwise of Bangor: Bill "An act to amend Section 11 of Chapter 211 of Laws of 1895, as amended by laws of 1909, as further amended by Chapter 146 of the laws of 1915, in relation to salary of judge of Bangor Municipal Court."

By Mr. Rounds of Portland: Bill "An act to amend Section 40 and Section 45 of the Revised Statutes, relating to compensation of clerks of courts and clerk hire in county offices."

By Mr. Varney of Jonesboro: Bill "An act to provide additional clerk hire for the clerk of courts of Washington County."

By Mr. Barwise of Bangor: Bill "An act to amend Section 38 of Chapter 214 of the Private and Special Laws of 1919, relating to the salary of the judge of Probate of Penobscot County."

By the same gentleman: Bill "An act to amend Section 37 of Chapter 214 of the Private and Special Laws of 1919, relating to the salary of county attorney for Penobscot County."

By Mr. Hodgkins of Bangor: Bill "An act to reimburse the county commissioners for services incurred at public meetings away from the county seat."

By Mr. Snipe of Bath: Bill "An act to amend Section 40 of Chapter 117 of the Revised Statutes, relating to the compensation of Clerks of Courts, as amended by Chapter 214 of the Public Laws of 1919."

By Mr. Buzzell of Belfast: Bill "An act to increase the amount al-

lowed for Clerk hire in the office of Register of Deeds and offices of clerk of courts in Waldo County."

By Mr. Maher of Augusta: Bill "An act to amend Section 12 of Chapter 75 of the Private and Special Laws of 1919, relating to the salary of the Recorder of the Augusta Municipal Court."

By Mr. Barwise of Bangor: Bill "An act to increase the amount of money allowed for clerk hire in the office of the clerk of courts of Penobscot County."

State Lands and Forest Preservation

By Mr. Roberts of Lyman: Bill "An act to amend Section 29 of Chapter 8 of the Revised Statutes, providing for the appointment of Deputy Forest Fire Wardens in towns and fixing their compensation." (500 copies ordered printed.)

Towns

By Mr. Kerswell of St. George: Remonstrance of Lewis Williams of South Thomaston and 9 others against bill "An act to divide the town of South Thomaston."

By the same gentleman: Remonstrance of Edward G. Russell of South Thomaston and 31 others against same.

By the same gentleman: Remonstrance of Fred Pierce and 37 others against same.

By the same gentleman: Remonstrance of the owners of the Crescent Beach house, etc., of South Thomaston against same.

By the same gentleman: Remonstrance of George S. Everett and 19 others of Ingraham's Hill against same.

By the same gentleman: Remonstrance of E. E. Atkins and 13 others of Ingraham's Hill against same.

Ways and Bridges

By Mr. Brown of Abbot: Petition of Forrest H. Colby and 55 others of Bingham for appropriation to repair the highway between Abbot Village and Bingham.

By the same gentleman: Petition of J. B. Whitney and 29 others of Moscow for same.

By the same gentleman: Petition of D. H. Buxton and 51 others of Abbot for same.

By Mr. Newcomb of Newburg: Resolve to aid the town of Carmel in building a road.

By the same gentleman: Resolve to aid the town of Newburg in building a road.

By the same gentleman: Resolve to aid the town of Exeter in building a road.

By the same gentleman: Resolve to aid the town of Levant in building a road.

By Mr. Nickerson of Swanville: Resolve to aid in repairing a road in the town of Milo.

By Mr. Towne of Madison: Resolve appropriating money for the purpose of repairing the highway between the Cornville town line and the Harmony town line in the town of Athens.

By Mr. Wight of Newry: Resolve to reimburse the town of Gilead for money spent in behalf of the State in maintaining roads in the town of Gilead.

By Mr. Hammond of Van Buren: Resolve in favor of maintenance of International Bridge between Van Buren, Maine, and St. Leonards, New Brunswick.

By Mr. Smith of Ludlow: Resolve in favor of repairing bridge in the town of Littleton in Aroostook county.

By Mr. Spear of Rockport: Resolve to aid the town of Warren in building a road.

By Mr. Eastman of Fryeburg: Resolve to aid the town of Fryeburg in constructing a road.

By Mr. Atherton of Stacyville Pl.: Resolve appropriating money to aid in repairing and constructing roads and bridges in the town of Mount Chase, Penobscot County, Maine.

Orders

On motion by Mr. Moody of York, it was

Ordered, that the State Librarian be and is hereby directed to deliver to each member of the House one copy of the laws of Maine for 1919.

Mr. Dodge of Portland presented the following order:

Ordered, that the Highway Commission furnish the Clerk of the

House a copy of the contract entered into for the construction of a garage now being built in Augusta, by 9.30 o'clock Thursday, February 17, 1921; also a copy of its acceptance of this contract, and a copy of the authorization by the Governor and Council for making the necessary expenditure, also a statement showing the date when the first expenditure for land or material was made.

Be it further ordered, that the Clerk of the House read the copies furnished as provided above at the appropriate time during the session of this House tomorrow.

Mr. BUZZELL of Belfast: Mr. Speaker, I move that the order be tabled.

Mr. WING of Auburn: Mr. Speaker, I call for a division of the House.

The SPEAKER: A division is called for. The House will note the reading of the order in this particular that it is to report by 9.30 o'clock, February 17, 1921, with the required information.

A viva voce vote being taken, the motion of the gentleman from Belfast, Mr. Buzzell, that the order be tabled, was lost.

On motion by Mr. Poore of Casco, the rules were suspended and he was permitted to introduce a bill out of order with reference to trapping fur-bearing animals; and on further motion by the same gentleman, the bill was referred to the committee on Inland Fisheries and Game.

Mr. TILDEN of Hallowell: Mr. Speaker, if in order at the present time, I move the reconsideration of the vote referring a bill to a committee.

The SPEAKER: Is it the pleasure of the House to entertain such a motion? Generally, the Chair would suggest that that comes under orders of the day. The gentleman from Hallowell (Mr. Tilden) has the floor.

Thereupon on motion by Mr. Tilden of Hallowell, the vote was reconsidered whereby a resolve in favor of the Reformatory for Women

was referred to the committee on appropriations and financial affairs; and on further motion by the same gentleman, the resolve was referred to the committee on State School for Boys, State School for Girls and State Reformatories.

Reports of Committees

Report of Mr. Holley from the committee on Appropriations and Financial Affairs on Resolve in favor of the Reformatory for Women for new building, alterations and repairs, exclusive of maintenance, reporting that same be referred to committee on State School for Boys, State School for Girls and State Reformatories.

Report of Mr. Forbes from the committee on Public Utilities reporting "Ought not to pass" on Bill "An Act to provide for the jurisdiction of the Public Utilities Commission over certain motor vehicles."

Reports were read and accepted and sent up for concurrence.

Mr. Crafts from the committee on Inland Fisheries and Game reported "Ought to pass" on Bill "An Act to amend Section 3 and Section 10 of Chapter 173 of the Public Laws of 1919, relating to registration of resident hunters."

(Tabled by Mr. Bragdon of Perham, pending acceptance of report.)

Mr. Croxford from the committee on Public Health reported the same on Bill "An Act to prevent the marriage of persons having syphilis."

Report was read and accepted, and on motion by Mr. Phillips of Bar Harbor, tabled pending first reading.

Mr. Snipe from the committee on Public Health reported the same on Bill "An Act relating to the State Department of Health."

Report was read and accepted and on motion by Mr. Rounds of Portland, it was tabled pending first reading.

First Reading of Printed Bills and Resolves

House 108: An Act to make legal and valid the annual town meeting of the town of Crawford in the county of Washington held March 29, 1920.

House 109: An Act to amend Chapter 65 of the Private and Special Laws

of 1919 entitled "An Act to authorize the county of Androscoggin to enlarge and repair the county buildings in Auburn in said county and erect a new building and to enlarge and construct safety vaults."

House 110: An Act to extend the charter of the Lincoln County Street Railway.

House 111: An Act to amend Chapter 16 of the Private and Special Laws of 1911 relating to the issue of stocks and bonds by the Lewiston Gas Light Company.

House 112: An Act to amend Section 3 of Chapter 16 of the Revised Statutes relating to schoolhouse lots acquired by condemnation.

Passed to Be Engrossed

House 95: An act to amend Section 66 of Chapter 16 of the Revised Statutes, as amended by Chapter 122 of the Public Laws of 1919, to increase the school age limit.

House 103: An act creating the West Paris Village Corporation.

Orders of the Day

On motion by Mr. Cole of Eliot it was voted to take from the table House Document No. 34, an act relating to the protection of deer, in the towns of York, Wells, Kittery and Eliot, in the county of York.

Mr. Cole offered House amendment A as follows:

House Amendment A

Amend House Document 34, entitled "An act relating to protection of deer in the towns of York, Wells, Kittery and Eliot, in the county of York, by striking out in the third and fourth lines thereof, the words "or in the town of Kittery, or in the town of Eliot," so that said bill as amended shall read as follows:

Sec. 1. In shall be unlawful for any person at any time to hunt, chase, catch, kill or destroy any deer in the town of York, or in the town of Wells in the county of York. It shall also be unlawful for any person to have in possession at any time any deer, or part, or parts thereof, taken in either of said towns. Whoever violates any provision of this act shall pay a fine of not less than fifty nor more than

one hundred dollars and costs for each offence.

The amendment was adopted.

On motion by Mr. Buzzell of Belfast it was voted to take from the table the joint order providing for the formulation of a comprehensive plan for the codification and grouping of the various departments, tabled by that gentleman on February 14.

Mr. BUZZELL: Mr. Speaker, I offer the following amendment and move its adoption:

House Amendment A

Amend said order by adding to the eighth paragraph thereof the following:

"In full on or before the first day of April, A. D. 1922, and that each member of the Eightieth Legislature shall be furnished on said date with at least two copies of said report," so that said paragraph shall read as follows:

Ordered, that this committee shall continue and make a final report to the Eighty-first Legislature not later than the second week of the session; that through the recess the Governor and Council may call upon the committee for report and recommendations in full on or before the first day of April, A. D. 1922, and that each member of the Eightieth Legislature shall be furnished on said date with at least two copies of said report.

The amendment was adopted.

The SPEAKER: The Chair has been informed that there is to be a further amendment to this order.

On motion by Mr. Winter of Auburn, it was voted that the order as amended by House Amendment A be tabled and specially assigned for tomorrow morning at ten o'clock.

On motion by Mr. Bragdon of Perham it was voted to take from the table House Document No. 88, bill "An act to amend Section 3 of Chapter 21 of the Revised Statutes, as amended by Chapter 166 of the Public Laws of 1917, relating to burying grounds," and on further motion

by the same gentleman the bill was re-committed to the committee on Judiciary.

On motion by Mr. Roberts of Lyman it was voted to take from the table House Document No. 81 bill "An act to incorporate the Kennebunk, Kennebunkport, and Wells Water District;" and on further motion by the same gentleman it was referred to the committee on Judiciary.

On motion by Mr. Maher of Augusta, it was voted to take from the table House Document No. 1, bill "An act additional to and amendatory of Chapter 7 of the Revised Statutes, relating to elections."

Mr. Maher offered House amendment A as follows:

House Amendment A

House amendment A to House Bill No 1 entitled "An act additional to and amendatory of Chapter 7 of the Revised Statutes, relating to elections.

Sec. 1. House Bill No. 1 is hereby amended by inserting in the first section between the word "vote" and the word "is" in the seventh line of said section, the words "or by physical incapacity."

Sec. 2. House bill No. 1 is hereby amended by inserting in the second section between the word "because" and the word "I" in the last line on Page three of said section the words "of physical incapacity or because."

Mr. HINCKLEY of So. Portland: Mr. Speaker, this bill was originally referred to the Judiciary committee, of which the gentleman from Augusta (Mr. Maher) is a member, and that particular matter was threshed out and it was the feeling of the committee that it was opening a dangerous door to allow those who might be—

The SPEAKER: At this time, on a motion to amend a bill, the House is practically a committee of the whole to discuss the situation and to inform itself for a final vote. The gentleman from So. Portland (Mr. Hinckley) is now arguing on the adoption of the amendment. If the gentlemen will give him their attention, I will ask

the gentleman from So. Portland (Mr. Hinckley) to begin his remarks again in order that they may be heard.

Mr. HINCKLEY: Mr. Speaker, and gentlemen, I did not know that this amendment was coming in, but this is an "Absentee voter's" bill and the matter was referred to the committee on Judiciary, and was threshed out by the committee and was finally reported unanimously by it, if I remember correctly, that it ought to pass in the form as presented. The particular subject matter of the amendment was presented, and argued and discussed fully by the committee, and the committee felt that it was unwise to have this amendment adopted. This is a radical departure in our method of voting. The bill provides in substance that a person outside of a city or town on election day, by making application to the clerk and by getting proper endorsement on his application from the board of registration—I will not attempt to give the whole machinery of it—that they may have a chance, an opportunity of voting by mail, under supervision that is considered reasonably safe. As I say, there is a serious question even about that, but the Judiciary committee felt that it was well, perhaps, to give it a trial; but this amendment goes a step further and provides that if a person is incapacitated! Now you can see what a wide door that opens and how easy it would be to get a physician's certificate to show incapacity and how easy it would be to perpetrate fraud in election. I would be the last one to try to deprive a person of the right to vote who is unable to get to the polling place; but I certainly feel that we must throw every safeguard around our elections, and I think it would be most unwise to enact such an amendment as this. I am not going into the details of this matter. You all know the temptations; you all know the dangers; if the doors are opened in these elections matters and votes are permitted to be cast in this way. I tell you, gentlemen, it is the most dangerous thing that has ever been proposed in this State in the line of an election law, and I certainly feel, inasmuch as the committee on judiciary has given this matter very serious consideration—and the gentleman from Augusta

(Mr. Maher) being on that committee knew the discussion that was made—that this amendment should not be adopted by the House at this time.

(At this point Mr. Cole assumed the Chair.)

Mr. MAHER of Augusta: Mr. Speaker and gentlemen of the House: I did not feel it would be necessary to trespass upon your time at this stage; but I will briefly state to you, in answer to the gentleman from So. Portland (Mr. Hinckley), the matters which operate upon my mind in the introduction of this amendment. It is perfectly true that he has given you historically a correct resume of the history of this matter. It was heard by the Judiciary committee—and I am divulging no secret inasmuch as the gentleman (Mr. Hinckley) has adverted to it, and all those matters are well within the purview of the House—I did discuss this particular phase of the bill.

Now I am not particularly impressed at the outset with the proposition of the absentee voter measure. I can see very many reasons for it and I can see some real reasons, and other fanciful reasons perhaps, against it; but, I think on the whole that the consideration in favor of giving a trial to this particular measure were very carefully weighed by the committee, and I think the committee wisely decided that the bill should be reported and an experiment be made in this direction inasmuch as it was on trial in a number of states. My suggestion to the committee it did not see fit to act upon; but by its declination to act, I do not conceive that I am precluded from submitting to this House my suggestion, and by so doing I certainly intend no disrespect to the committee, and I feel that I thereby indicate no hostility to the bill nor any hostility to the committee by asking the House to just see my side of the question. I may be in error. However, it does no harm to suggest it.

This bill in essence provides that when any person for valid reasons, which reasons are to be suggested to a tribunal, to wit, the board of registration in the particular city, town or place where they reside, is to be ab-

sent from a town upon election day, he may be furnished with an absentee voter's ballot and permitted, under certain safeguards provided by the bill, to vote. There is no limit in the bill as to the distance they may be from the town; there is no provision in the bill as to the nature of their business; but if the board is satisfied that they are going to be absent and that it is a case for relief under the absentee voter's act, they are given an absentee voter's ballot. Then they have safeguards provided by the bill, and excellently provided, I believe. It is a very admirable and carefully drawn bill to accomplish its purpose. The absentee voter marks his ballot and it is forwarded to the particular place of deposit. Now there is just one single class of voters that that means to relieve, namely, those who either for business or for pleasure, either for cause or caprice, are going to be absent from the particular place where by law they are supposed to deposit their ballots. Now it appeals to me, gentlemen, that if we are to depart from the time-honored precedent of requiring the personal presence of the voter to deposit his ballot, that this Legislature might very well, and without any great danger of opening up any wide door, go a step further and protect those who are equally as anxious to cast their ballot and upon whom the hand of affliction has rested so that they are physically incapacitated. This applies for instance to people who are living in some institution of a charitable nature or quasi-charitable, and who have become advanced in years, whose minds are keen, but who physically are not quite ready for the stress of going to the polls—perhaps it is not expedient; perhaps it is not safe; they may not deem it advisable. Now why make that man or that woman in that institution, advanced in years or touched by sickness, who is physically unfit, for whom it would be a physical menace to go to the polls,—why cannot they have the advantage if they live right in the town or city? Why cannot they have the opportunity of casting their ballot under the absentee voter provision? What opportunity for fraud is there in a

case like that? If they are physically incapacitated, and they are out of town, this bill fits them. If they are as far away from Lewiston as Auburn this bill fits them whether they are well and strong or not. There is no limit as to place; and if you happened to be only one foot out of the town where you vote, you are within the purview of the act. Now I say, if they live right in the city, right where the Board of Registration has the amplest opportunity to find out whether or not they are physically incapacitated by proper reputable physician's certificate or affidavit submitted to that board passing upon every case, that you are not opening any door for fraud, that you are doing a little something for the people right in your own State. Who would it reach? It would reach people, I say, such as inmates of charitable institutions or eleemosynary institutions, and we can see where it might reach the boys out here a little later at Togus, boys who have been gassed, boys who have been shell shot, boys who do not feel able to stand the stress of being hauled to Augusta, to Gardiner, to Waterville, to Portland, to Lewiston. They are among those boys who would come under this clause of course, here; if they were absentee voters, they would come under this clause; but if they happened to be right in this particular town, they could not vote unless they went to the polls. Now is that fair and reasonable? It does not seem to me that there is any particular danger and have taken in a great body of new voters and there has been a great awakening of interest upon the part of those new voters. They are keen in their desire for the exercise of the ballot, and the exercise of that ballot intelligently. Now I can conceive of a time when there may be some measure pending which will affect the interests of the State of Maine, the security of the State of Maine, the property of the State of Maine, the authority of the State of Maine—some constitutional amendment which will be addressed to the common judgment of the electorate of the State of Maine, as has been the case in times past, when we will need

the vote of the last, living, intelligent informed voter. Now I can conceive that, in the natural course of events, as the natural physical sequence of the marriage state, that there must be a large number of women who will not wish at certain times to go through the stress and inconvenience and publicity of the polling place. Now, gentlemen, you have given the ballot to women, and you are by this measure giving the ballot to all absentee voters, absent by cause or, as I said, caprice. Pray tell me what intelligent argument can you adduce against giving that ballot to the person who is absent from the polls because it was by the hand of God?

Mr. GARDINER of Gardiner: Mr. Speaker, I hesitate to speak after the gentleman from Augusta (Mr. Maher); but I would inquire if the House is aware that this law can become effective only if the Constitution is changed? In this direction legislation can take three steps. The first step is that proposed by the law under consideration to extend the privilege of voting to those who are absent from their town. The second step possible is that indicated in the proposed amendment under discussion which would extend the privilege further to those who are confined to their homes by sickness. The third step possible in this direction would be to abolish entirely the requirement of personal presence at the polls. That is but one further step in the same line. It seems to me that the law without the amendment puts us into a new field, a field of experiment. If that experiment works, it might be advisable at a later time to consider such an amendment as that now proposed; but to take the two steps at first, to start and make a beginning of the two steps instead of one step, seems to me unnecessary and uncalled for.

Mr. WING of Auburn: Mr. Speaker, I hesitate somewhat to obtrude myself on the House in this discussion, but I wish to state my position and my idea about this very important matter. This bill, as I understand it, originated in that class of men who are known as commercial travelers, and who are very often engaged upon their business hither and yon in va-

rious parts of the State on the day of election. The petition which was referred to the committee, of which I am a member, bore the names of the men whom I knew were engaged in that occupation, and I was afterwards told that the commercial travelers of the State, through some kind of an organization, were very much interested in this bill. Now you will see that this is a bill which provides for absentee voting. It is a radical departure even in its present form. As has been intimated, it requires an amendment to the Constitution. Now in order that the House may have clearly before it the question, I will ask the Chair to read the amendment offered by the distinguished gentleman from Augusta (Mr. Maher).

(Amendment read by the Clerk.)

Mr. WING resuming: Now, gentlemen of the House, you will see that the amendment is a most radical change in the fundamental law of our State; that it really should be the subject of a separate bill upon which people may appear before such committee as had the matter in charge for hearing, and where the matter should be discussed. I think the gentleman from Augusta (Mr. Maher) is unintentionally enlarging the scope of this bill and confusing a bill which is entitled for absentee voting with a bill that provides any kind of voting. Now I do not believe that this House, of the citizens of our State, are ready at the present time to open wide the door to such a law as the amendment offered by the gentleman from Augusta (Mr. Maher). I do not want this House to think that the committee on Judiciary is up in arms with itself, or that we have any animosity or any feeling in the matter, because we have tried to come to the report in a reasonable way. I only signed the report with reluctance because I felt that this departure was very much of an innovation; but I do feel that the bill in its present form is well enough and I do not want the field opened wide by physical disability which means a great many things. Gentlemen, consider what physical disability means, and, having considered it, say whether you will give your consent to the amendment offered by

the gentleman from Augusta (Mr. Maher).

(Speaker Barnes assumes the Chair.)

Mr. WILSON of Presque Isle: Mr. Speaker, having been an election officer for 12 years, I can look forward and see what this bill would mean if the amendment was adopted. It would take probably in some of the larger towns the time of at least two election officers previous to the election to see that the votes were properly signed and delivered to the election officers, meaning a great expense to those towns. This law closely follows the Massachusetts law and we have had in our town several of those applicants voting under the absentee voting law and it requires that one of the election officers shall be there to determine whether the voter can vote or not, and also a justice of the peace or notary public to sign the statement before it can be made; and we have had to send an election officer and a justice of the peace in some of our towns to take those who did not want to spend the time to go to the polls and deliver those votes. I say it would be some expense, and therefore, I hope that the amendment will not be adopted.

Mr. BUZZELL of Belfast: Mr. Speaker, I too wish to rise to sort of testify to the beautiful feeling in our Judiciary committee. We get along beautifully there in our deliberations. We sometimes have different minds, but generally thresh things out to a conclusion. I feel that there has been a public demand for this law for some time; especially the commercial travelers need it. I was reluctant at the start to make the departure that this law called for. It is worth something to go and vote. It is worth something, it is worth some effort; but upon the whole I became convinced that we should have a law of this kind, and this bill that we have before us without the amendment is what we have considered and finally approved, and you have the report here in this House, "Ought to pass." Now we have an amendment offered, and I wish to

read what that amendment provides for in the first place. That is the first amendment as proposed. I did not get to the second one, and for fear that the second one does not make any better provision than the first, I shall have to be against the amendment. I will commence and read from Section 133. "Definition of absentee voter. An absentee voter is hereby defined to be any person who is a duly qualified registered voter, and in respect to any primary election duly enrolled as a member of the political party in the primary of which he proposes to vote, but who through absence from the city or town in which he is entitled to vote, is unable to cast his ballot at the polling place." A condition might be produced that I should be afraid of. I am afraid that in the stress of political battle that you would see physicians on the one side passing thus and so for those of the same political complexion, and then there would be physicians on the other side who would really think that some of their party was incapacitated. I am afraid we would be getting into too deep water if we adopted this amendment, and that was the decision of the committee as I understand it. Therefore I wish to register myself as against this amendment.

The SPEAKER: Is the House ready for the question?

Mr. MAHER of Augusta: Mr. Speaker, if the Chair and House will pardon me, it would certainly not be meet to allow the trenchant argument that has been adduced to pass without the right of the speaker to a few minutes' reply; and I can assure the gentlemen that what few words I have to say in reply are due rather to the menace of the situation than to the force of the arguments, because, as I understand it, the arguments may be crystalized into confusion and trepidation and danger. First there is apt to be confusion in practice, taking the last argument first. The House will bear with me if I read this: "An absentee is hereby defined to be any person who is a duly qualified registered voter, and

in respect to any primary election duly enrolled as a member of the political party in the primary of which he is entitled to vote, is unable to cast his ballot at the polling place." That is perfectly plain. Now this confusing amendment simply puts right after that word "vote" "or physical incapacity," so that it reads: "Who through absence from the city or town in which he is entitled to vote, or physically incapacitated, is unable to cast his ballot at the polling place." Is there anyone who is confused by that or who does not understand what it means? It does not seem to me there can be.

Is there anyone alarmed by the arguments of the gentleman from Presque Isle (Mr. Wilson) that this is going to put excessive cost upon the town? If so, I commend to their patient consideration the simple reading of the bill because it contains therein the complete answer to the argument thereto adduced. There is nothing in this bill, whatever the provision may be in Massachusetts, about any election clerk or anybody on behalf of the town attending at the bedside of the absentee voter, nor anything in the bill about sending anybody up to the Touraine or to the lumber camps to hold converse with the absentee voter. The burden is on the voter who seeks the privilege. He must adduce the proof, first, that he is lawfully absent, and in case of my amendment, that he is physically incapacitated. Now there is not any proposition of any warring before the boards by rival doctors representing rival camps because I fancy that most normal people who are interested in voting at all want to vote at the polls, and, if they are in a condition where they want the protection of the provisions of this act, a reputable physician's certificate would be sufficient.

Gentlemen, I have no particular interest in the passage of this amendment beyond what I have stated; and the gentleman who has adverted in argument several times to the Massachusetts law will be interested, if not charmed to know, that the legislature of Massachusetts

unanimously adopted it day before yesterday.

Mr. McILHERON of Lewiston: Mr. Speaker, I wish to say just a word in regard to the bill and amendment and the party that is trying to put it through. They refer to the parties in the bill. I look upon the voters as American citizens and I am glad of the assistance that the Democratic party could render you this morning by prayer. You had a Democratic Chaplain to pray for you, and I hope his prayers will be effective, and bring you into harmony, so that you will see things in the way you should. Now what I want to ask the House to do in this matter is to do justice to all concerned—equal rights to all and special privileges to none. Let that be the prime consideration in the passage of this bill, and the consideration of the amendment, and if you do that, I will heartily say amen to the prayer that our Democratic friend has offered for the guidance of this House today.

Mr. MAHER: Mr. Speaker, I move the previous question, and that there be a viva voce vote.

The SPEAKER: Is the House ready for the question? The question is on the adoption of House amendment A to the absentee voter's bill. Those in favor of the adoption of the amendment will say aye; contrary minded, no.

A viva voce vote being taken, the amendment failed of passage.

Mr. MAHER: I move that the bill have its third reading.

Mr. FORBES of Paris: Mr. Speaker, I hesitate a little to butt in on this question. This bill as it stands has been referred to as experimental legislation. I have to confess that I have myself no information as to the manner in which the experiment is working out in other states. I may be reactionary, but I feel some willingness to wait until we can get some idea as to how it is working out in other states. I should like to be informed, myself. Now with all due respect to that genial class of gentlemen for whose special benefit this

bill is here, I have hesitancy in opening not only the second door but the first. There is another serious objection to this bill. This can only become effective upon the adoption of a Constitutional amendment. Now do not believe in loading our already overgrown statutes with a lot of machinery in anticipation of a possible future constitutional amendment. When the amendment is submitted to the people and adopted, it will be plenty of time for this legislation, with possibly a very slight delay, and the absentee voter may have to wait over one election to vote. For these brief reasons, I prefer to vote against this and I shall ask for a division on the vote.

The SPEAKER: The Chair understands that the gentleman from Paris (Mr. Forbes) asks for the ayes and nays.

Mr. FORBES: I beg pardon, I merely wish a division, so that we may vote on this as a matter of record.

The SPEAKER: The Chair would suggest that the motion of the gentleman from Paris (Mr. Forbes) is the doubting of the vote.

Mr. FORBES: Yes, Mr. Speaker, I doubt the vote.

The SPEAKER: The question before the House at the time the gentleman from South Paris (Mr. Forbes) arose was on the passage of the bill to be engrossed. Those who are in favor of the passage of the bill, without amendment, to be engrossed, will rise and stand and the monitors will count.

A division of the House being had One hundred and five voting in favor of the passage of the bill to be engrossed and seven against it, the bill was passed to be engrossed.

Mr. ROUNDS of Portland: Mr. Speaker, I would like to take from the table House Bill No. 59, tabled by me relating to the State Department of Health, more especially to salaries and fees, and further move that it be indefinitely postponed. This bill provides some \$25,000 extra for Public Health. It was heard yesterday.

Most all of it is for salaries of different officers. I will read some of the salaries recommended: L. D. Bristol, at present salary of \$4,000 increased to \$6,000; H. E. Thompson, \$2,700, increased to \$3,500; A. G. Young \$2300, increased to \$3,000; Philip C. McGouldrick, \$1,800, increased to \$2,500; Mrs. Ione F. Winans, \$1300, increased to \$2500; Georgia E. Jackson, \$936 to \$1,040; Catherine Q. Holway, \$936 to \$1,092; Mabel R. Cushing, \$676 to \$780; Douglas Cushing, \$416 to \$520; Beatrice E. Young, \$1,040 to \$1,300; Lucina A. Bonneau, \$780 to \$936; Emily G. Doherty, \$676 to \$900; Esther M. Schwartz, \$780 to \$936; Gladys A. Stevens, \$624 to \$936; Hortense L. Staples, \$624 to \$900; Minnie D. Morton, \$624 to \$936; Myrtie Rumery, \$624 to \$924; George H. Coombs \$2700 to \$3000; Myra V. Parker \$1500 to \$1800; R. B. Patten \$1300 to \$1500; Lottie C. Dingley \$676 to \$936; Alice H. Patterson \$676 to \$936; H. D. Worth, Bangor, \$2500 to \$3000; J. F. Stevens, Millinocket, \$2500 to \$3000; J. W. Loughlin, Bangor, \$2500 to \$3000; C. F. Kendall, Biddeford \$2500 to \$3000; G. H. Hutchins, Presque Isle \$2500 to \$3000; E. P. Goodrich, Lewiston, \$2500 to \$3000; A. S. Pope, Waterville, \$2500 to \$3000, A. L. Smith, Machias, \$2500 to \$3000; and then it goes on, and they are not going to increase the local health officers that are up to \$800, except to bring those up to \$800 who are under. Now this matter involves in salaries alone at the present time \$14,020 out of the \$25,000. As a matter of fact, there is a man who lost himself down to Bangor who was getting \$4000 a year, and he has been paid out of the Red Cross Christmas seals that you bought in the fall, and now is being paid, too. This now is being paid to a woman, and they have already out west somewhere a man coming here to take her place on the first of April, if this bill goes through. So you can see that there is \$18,000 out of the \$25,000 in just the items I have read. Now it looks to me under retrenchment that we do not want to increase one department almost \$20,000 because there are other clerks to be brought in on this as an

offset. Therefore, I am speaking now for the taxpayers of Maine in asking that this bill be indefinitely postponed and put back in some ratio at least on the basis of war times. Good things are coming down, living is becoming cheaper. Therefore, I think we are justified in keeping our appropriations down as low as we can, and that is why I ask to have this bill indefinitely postponed.

Mr. SMITH of Skowhegan: Mr. Speaker, may I inquire what action the committee has taken relative to this matter?

The SPEAKER: The committee report is that the bill ought to pass.

Mr. HOLLEY of North Anson: Mr. Speaker, I would like to inquire, through the Chair, of the gentleman from Bath, Dr. Snipe, if this is the bill that was up for hearing in the Senate Chamber yesterday.

The SPEAKER: The gentleman from Bath (Mr. Snipe) may reply.

Mr. SNIPE: Mr. Speaker, I will reply that it is the bill that was heard yesterday.

Mr. HINCKLEY of South Portland: Mr. Speaker, I would like to ask the gentleman from Bath (Mr. Snipe) whether or not this bill in any way makes any change in the health laws of the State, or whether or not this bill is simply a bill to increase salaries and wages of employees,—whether it affects the Health Department in any other way except to increase the salaries.

The SPEAKER: The gentleman from Bath (Mr. Snipe) may reply through the Chair.

Mr. SNIPE: Mr. Speaker, I read the bill yesterday, and as I recall it, it practically does only that. A part of the reason for the increased appropriation that was requested is due to the fact that the United States government during the war provided \$8,000 for the assistance of the medical activities in the State. That is an entire loss to the State Department of Health. Aside from that loss, the other expenses are for salaries and increased equipment,—not altogether for salaries, although that is a part of the requested increase.

Mr. SMITH of Skowhegan: Mr. Speaker, I for one am not informed relative to this bill, and I would

make a motion that it be retabled until tomorrow morning.

The motion prevailed.

From the Senate:

The SPEAKER: The Chair at this time presents remonstrance of James H. Downs and 45 others of Brunswick; Guy Tarbox and 32 others of Buxton; the Caribou Methodist church; the United Baptist church of Caribou; Rev. C. A. Kenney and 47 others of Hartland; George N. Brock and 47 others of Waterboro; Charles E. Brooks of Saco and 80 others; J. A. Gregory and 157 others of Presque Isle; Everett S. Gower and 36 others of Berwick; R. L. Laird and 15 others of Plymouth; Herbert Tilton and 45 others; Alex A. Johnson and 69 others, each and all remonstrating and protesting against the passage of the bill commonly known as the "Barwise Bill."

These remonstrances and petition come from the Senate referred to the committee on Judiciary.

In the House referred in concurrence.

The SPEAKER: Under and by virtue

of an order dated January 21 that the House employ a special messenger to the Speaker, the Chair announced at this time, the employment of Mary W. Boulter of Houlton to fill that office.

The SPEAKER: The Chair will crave the indulgence of the House again. As we become accustomed to the business which a little later will be quite pressing, we will know that increases in the amount of money carried in any resolve do not come before the committee on appropriations and financial affairs for their approval or rejection, and that each committee bears its own burden. Such resolves are presented to the committee on appropriations and financial affairs that that committee may have a record of the amount of money suggested to be raised. The chairmen of the various committees are not members of this body. It is the duty of the members of the several committees to bear this suggestion in mind.

On motion by Mr. Ricker of Poland,
Adjourned until ten o'clock tomorrow morning.