

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

**HOUSE.**

Wednesday, March 10, 1909.

Prayer by Rev. Mr. Slocombe of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

An Act to authorize the county commissioners of Androscoggin county to negotiate a loan for the purpose of erecting an addition to the county jail and for other purposes.

This bill came from the Senate passed to be engrossed in that branch under suspension of the rules as amended by Senate Amendment A.

On motion of Mr. Hersey of Houlton the rules were suspended and the bill received its three several readings without reference to a committee and was passed to be engrossed as amended.

**Senate Bills on First Reading.**

An Act to amend Section 1 and Section 3 of Chapter 60 of the Revised Statutes relating to duties of the commissioner of agriculture.

An Act creating a lien on shovel handle blocks.

An Act to amend An Act entitled "An Act to create a lien on manufactured staves and laths."

Resolve in favor of D. H. Lambert, secretary of the committee on Indian affairs.

An Act to amend Section 10 of Chapter 57 of the Revised Statutes of Maine (1903) relating to the establishment and support of free public libraries.

An Act additional to Chapter 128 of the Revised Statutes relating to malicious mischiefs and trespasses.

An Act to change the name of Moose pond to Great Moose lake.

An Act to prohibit the throwing of sawdust and other mill waste into Kimball brook, Shin brook and Seboeis river, tributaries to the East Branch of the Penobscot river, also Fish stream, a tributary to the Mattawamkeag river.

Resolve in favor of a monument marker on the battleground of Cedar Mountain, Virginia.

An Act to authorize and empower

the Guilford Manufacturing Co. to erect and maintain piers and booms in the Piscataquis river.

Mr. Hersey of Houlton offered House Amendment A by striking out Section 4 and adding the following: "Section 4. The rights hereby granted under Sections 1 and 2 of this act shall terminate on July 1, 1915."

The amendment was adopted and the bill was assigned for tomorrow morning.

Resolve in favor of Eugene A. Holmes, county attorney of Aroostook county, came back from the Senate recommitted to the committee on claims.

On motion of Mr. Spear of South Portland the resolve was tabled pending action in concurrence.

Resolve for the erection of a fish hatchery and feeding station on Cold stream, the outlet of Cold Stream lake in Enfield, came from the Senate with Senate Amendment A adopted in that branch.

On motion of Mr. Strickland of Bangor the vote was reconsidered whereby this resolve was finally passed and on further motion by the same gentleman the vote was reconsidered whereby it was passed to be engrossed. Senate Amendment A was adopted in concurrence and the resolve was then passed to be engrossed as amended.

The following petitions, bills, etc., were presented and referred:

**Judiciary.**

By Mr. Burleigh of Augusta: An Act in relation to coroners and coroner's inquests.

By Mr. Peters of Ellsworth: An Act to amend Chapter 11 of the Revised Statutes relating to register of deeds.

By Mr. Burleigh of Augusta: An Act relating to the solemnization of marriages.

By Mr. Bisbee of Rumford: An Act to amend Section 38 of Chapter 28 of the Revised Statutes in relation to fire escapes on schoolhouses.

**Legal Affairs.**

By Mr. Charles of Rome: Petition of M. S. Collins and 50 others in favor of

bill relating to the supervision of steamboats.

By Mr. Chase of Sebec: An Act to amend Chapter 93, Section 55, of the Revised Statutes relating to liens for pressing hay.

#### **Mercantile Affairs and Insurance.**

By Mr. Rounds of Portland: An Act relating to illegal combinations by fire insurance companies doing business in this State.

By Mr. Sanborn of Dover: Remonstrance of H. J. Cross and 38 others of Dover, members of Dover Camp, No. 8053, Modern Woodmen of America, against legislation designed to increase the rate of assessment for insurance in order of Modern Woodmen of America.

#### **Inland Fisheries and Game.**

By Mr. Colby of Bingham: Petition of J. G. Harlow and 36 others against the closing of Little Otter ponds in Somerset county.

#### **Public Buildings and Grounds.**

By Mr. Bigelow of Portland: Resolve to purchase picture of Gen. Joshua L. Chamberlain to be hung in the State House.

#### **Reports of Committees.**

Mr. Wing from the committee on the judiciary reported "ought not to pass" on resolve in favor of Michael Burns.

Mr. Montgomery from same committee reported same on bill "An Act to amend Chapter 151 of the Revised Statutes of 1903 relating to proceedings for the prevention of crime."

Mr. Andrews from same committee reported same on bill "An Act to license brokers dealing in shares of stock of corporations doing business outside the State."

Same gentleman from same committee reported same on bill "An Act to provide for two voting precincts in the town of Parsonsfield."

Mr. Burleigh from same committee reported same on bill "An Act permitting court to be held on New Year's day."

Same gentleman from same committee reported same on bill "An Act to incorporate the Silver Lake Electric Co. of Dexter."

Mr. Peters from same committee re-

ported same on bill "An Act to amend Section 45 of Chapter 61 of the Revised Statutes, as amended by Section 4 of Chapter 43 of the Public Laws of 1907, relating to the protection of children."

Same gentleman from same committee reported same on bill "An Act in relation to medical expert testimony."

Same gentleman from same committee reported same on bill "An Act to regulate the office hours of registers of deeds in the several counties."

Mr. Mercier from the committee on salaries and fees reported "ought not to pass" on bill "An Act establishing the salary of the county attorney for the county of Knox."

Same gentleman from same committee reported same on bill "An Act to amend the 8th Paragraph of Section 1, Chapter 151 of the Public Laws of 1905, relating to the salary of the register of probate of Knox county."

Same gentleman from same committee reported same on bill "An Act in relation to the compensation of the county commissioners for Somerset county."

Mr. Whitney from same committee reported same on bill "An Act relating to the clerk hire for the register of deeds for Kennebec county."

Same gentleman from same committee reported same on bill "An Act to amend Section 3 of Chapter 116 of the Revised Statutes in relation to the salary of the judge of probate of the county of Kennebec."

Same gentleman from same committee reported same on bill "An Act to amend Chapter 174 of the Public Laws of 1905, so far as said act relates to the salary of the sheriff of Lincoln county."

Mr. Lambert from same committee reported same on bill "An Act to establish the salary of the register of probate for Aroostook county."

Same gentleman from same committee reported same on bill "An Act fixing the salary of the judge of probate of Aroostook county."

Same gentleman from same committee reported same on bill "An Act for the relief of the register of deeds for Hancock county."

Mr. Harrington from same commit-

tee reported same on bill "An Act to amend Section 1 of Chapter 173 of the Public Laws of 1905, as amended by Chapter 177 of the Public Laws of 1907, relating to the compensation of the register of deeds.

Same gentleman from same committee reported same on bill "An Act to amend Section 1 of Chapter 151 of the Public Laws of 1905 as amended by Chapter 11 of the Public Laws of 1907, relating to the compensation of registers of probate."

Same gentleman from same committee reported same on bill "An Act to amend Section 1 of Chapter 119 of the Public Laws of 1905, relating to the compensation of county attorneys."

Mr. Buswell from same committee reported same on bill "An Act to amend Chapter 117 of the Public Laws of 1905, relating to compensation of county commissioners and pertaining to the salary of the county commissioners for the county of Oxford."

Same gentleman from same committee reported same on bill "An Act to provide for the expenses of the judge and register of probate for the county of Oxford."

Same gentleman from same committee reported same on bill "An Act to amend Section 1 of Chapter 173 of the Public Laws of 1905, as amended by Chapter 177 of the Public Laws of 1907, relating to the compensation of registers of deeds."

Same gentleman from same committee reported same on Bill "An Act to provide for certain expenses of the treasurer of the county of Oxford while in attendance upon the term of court now held at Rumford."

Same gentleman from same committee reported same on Bill "An Act to provide for clerk hire and for certain expenses of the clerk of courts for Oxford county."

Mr. Porter from same committee reported same on Bill "An Act relating to the compensation of the register of deeds for Androscoggin county."

Same gentleman from same committee reported same on Bill "An Act relating to the office of register of probate of Androscoggin county."

Same gentleman from same committee reported same on Bill "An Act relating to the compensation of county commissioners for Androscoggin county."

Same gentleman from same committee reported same on Bill "An Act to amend Section 1 of Chapter 444 of the Private and Special Laws of 1907, relating to the compensation of the clerk of the municipal court of the city of Lewiston."

Same gentleman from same committee reported same on Bill "An Act to amend Chapter 118 of the Public Laws of 1905, relating to the compensation of clerks of courts."

Same gentleman from same committee reported same on Bill "An Act relating to the compensation of registers of probate."

Same gentleman from same committee reported same on Bill "An Act regulating the compensation of the registers of deeds."

Same gentleman from same committee reported same on Bill "An Act to amend Section 1 of Chapter 151 of the Public Laws of 1905, providing for clerk hire for the register of probate of Piscataquis county."

The reports were accepted.

Mr. Whitney from the committee on salaries and fees reported "ought not to pass" on Bill "An Act to amend Chapter 117 of the Laws of 1905, in regard to salaries of the county commissioners of Washington county."

The report was tabled, pending acceptance, on motion of Mr. Bogue of East Machias.

Mr. Mercier from the committee on salaries and fees reported "ought not to pass" on Bill "An Act relating to the salary of the judge of probate for the county of Washington."

The report was tabled, pending acceptance, on motion of Mr. Bogus of East Machias.

Mr. Wing from the committee on the judiciary reported "ought to pass" on Bill "An Act legalizing the assessment and commitment of taxes in the city of Ellsworth for the years 1903 and 1904."

Same gentleman from same committee reported "ought to pass" on Bill "An Act to amend Section 45 of Chapter 123 of the Public Laws of 1905, as amended by Chapter 43 of the Public Laws of 1907,

entitled 'An Act for the protection of children.'

Same gentleman from same committee reported "ought to pass in new draft under same title" on Bill "An Act to authorize the Sebasticook Power Company to issue additional bonds."

Mr. Coolidge from the committee on legal affairs reported "ought to pass" on Bill "An Act to provide for a fire and police commission for the town of Skowhegan."

Mr. Snow from same committee reported same on Bill "An Act relating to the fees of the city clerk and treasurer and collector of the city of Portland."

Mr. Marshall from same committee reported same on Bill "An Act to amend Section 88 of Chapter 84 of the Revised Statutes, relating to empanelling of traverse jurors."

Mr. Morse from same committee reported same on Bill "An Act to amend Section 1 of Chapter 96 of the Private and Special Laws of 1905."

Mr. Hall from same committee reported same on Bill "An Act to amend Section 1 of Chapter 166 of the Private and Special Laws of 1887, entitled 'An Act creating the Fort Fairfield Village Corporation,' as amended by Chapter 303 of the Private and Special Laws of 1905, and as amended by Chapter 116 and by Chapter 210 of the Private and Special Laws of 1907."

Mr. Pike from same committee reported same on Bill "An Act to amend Section 7 of Chapter 99 of the Revised Statutes, relating to judgments in bastard cases."

Same gentleman from same committee reported "ought to pass in new draft under same title" on Bill "An Act to incorporate the Woodland Light and Water Company."

Mr. Rounds from the committee on telegraphs and telephones on Resolve to investigate the workings of the telephone and telegraph companies in the State of Maine as to rates, equipment and the expense of carrying on the business, reported Bill entitled "An Act to regulate the use of joint poles in the public streets by electrical companies."

Mr. Rounds from the committee on ways and bridges reported "ought to

pass" on Bill "An Act to restore Portland bridge."

Mr. Bigelow from the committee on inland fisheries and game on petition of E. P. Cole and others of Brooklin praying for a law regulating the hunting of sea fowl in the waters of Bluehill bay, reported Bill entitled "An Act to regulate the hunting of ducks and other water fowl in Bluehill bay and Eggmoggin Reach, so called."

Same gentleman from same committee on petition of C. A. Spaulding and others for an act prohibiting ice fishing in Pierce pond, so called, and regulating the number of pounds of fish which may be taken, reported Bill entitled "An Act to regulate fishing in Pierce pond, so called, in Somerset county."

Same gentleman from same committee on petition of H. E. Coffin and others for regulations on fishing in Chase brook and tributaries, also a portion of Fish river, Aroostook county, reported Bill entitled "An Act to regulate fishing in Chase brook and tributaries and in a portion of Fish river in the county of Aroostook."

Same gentleman from same committee on petition of Ralph Gledhill and others of Madison for an amendment to the law prohibiting fishing through the ice in Hayden lake, reported Bill entitled "An Act to amend Section 1 of Chapter 407 of the Private and Special Laws of 1907, as amended, relating to fishing in Hayden lake, in the town of Madison, in Somerset county."

Mr. Cummings from the committee on claims reported "ought to pass" on Resolve in favor of the town of Old Orchard for abatement of taxes for the years 1907 and 1908."

Mr. Miller from the committee on pensions reported "ought to pass in new draft under same title" on Resolve in favor of Israel H. Cross of Lincolnville.

Mr. Whitney from the committee on salaries and fees reported "ought to pass in new draft under same title" on Bill "An Act to amend Section 11 of Chapter 93 of the Acts and Resolves of 1878, relative to the establishment of a municipal court in the town of Farmington."

The reports were accepted and bills and resolves ordered printed under joint rules.

**First Reading of Printed Bills and Resolves.**

An Act to amend Section one hundred and thirteen of Chapter fifteen of the Revised Statutes, as amended by Chapter eleven of the Public Laws of 1905, relating to the number of trustees of State normal schools.

An Act to incorporate the Maine Boiler Inspection Company.

An Act to encourage the teaching of manual training, domestic science and agriculture in academies and to repeal Chapter 78 of the Public Laws of one thousand nine hundred and seven.

An Act to incorporate the Litchfield Electrical Company.

An Act to amend the charter of the Rumford Falls Light and Water Company.

An Act to set off from the town of Cushing in Knox county Fred Thornton, with his poll and estate, and annex him with his poll and estate to the town of Thomaston in said Knox county. (Read the third time and passed to be engrossed on motion of Mr. Packard of Rockport.)

Resolve in favor of Mary A. Goodwin of Kittery.

Resolve in favor of Drew plantation.

Resolve in favor of the Androscoggin Valley Agricultural Society in the county of Oxford.

Resolve in favor of Donald M. Hastings of Bristol, Me., Co. E, 4th Maine Inf., 1861.

Resolve in favor of Freeman B. Andrews, late of 27th Unassigned Maine Vol.

Resolve in favor of the town of Dresden in aid of the repair and maintenance of bridges.

Resolve in favor of the towns of Edmunds and Dennysville in the county of Washington.

Resolve in favor of the town of Sebec.

Resolve in favor of Machiasport bridge.

Resolve in favor of building bridges on the road as traveled from the Northeast Carry on the West Branch of the Penobscot river to Chesuncook lake.

Resolve in favor of repairing the road between Patten and Trout Brook farm, in Penobscot county.

**Passed To Be Engrossed.**

(Mr. Davies of Yarmouth in the chair.)

An Act to extend the charter of the Sagadahoc Trust Co.

An Act to extend the charter of the Blushill Trust & Banking Co.

An Act to amend Section 89 of Chapter 134 of the Public Laws of 1907, relating to the compensation of selectmen.

Mr. Morse of Belfast offered House Amendment A by striking out the word "two" in Line 13 and inserting the word "three."

On motion of Mr. Merrill of Durham the bill was tabled pending the adoption of the amendment.

An Act to extend the charter of Cumberland Trust Co.

Mr. Beyer of Portland offered House Amendment A by adding the following: Section 2. "The corporate name, Cumberland Trust Co., is hereby reserved to the use of Edward C. Hersey and Henry G. Beyer, Jr., both of Portland, in case the original incorporators of the Cumberland Trust Co. fail to organize under the charter before said charter expires."

The amendment was adopted, the bill then received its third reading and was passed to be engrossed.

An Act to amend Section 43 of Chapter 32 of the Revised Statutes relating to Pleasant river in Washington county.

**Protection of Deer in York County.**

An Act for the protection of deer in York county came up on its passage to be engrossed.

Mr. Chase of York offered House Amendment "A," adding to Section 1 the following: "Provided, however, that there shall be a perpetual close time on deer in the town of York, and it shall be unlawful to hunt, chase, catch or kill any deer in said town and it shall be unlawful to have in possession at any time any deer killed in said town."

The question being on the adoption of the amendment.

Mr. MOORE of Saco: Mr. Speaker: I move that the amendment be indefinitely postponed. I see no reason why the town of York should have the specific legislation regarding the protection of deer in that town other than is granted to the whole county of York. Inasmuch as there is a proposition

here before this Legislature to divide that town, there might be some question in the minds of a great many of the members whether that amendment would apply to the town of York or to the town of Yorktown. I think the bill itself is a proper measure. I think the deer in York county should be protected, but to single out one town and have a close time, and a perpetual close time in one town in that county is a matter to which I should not give my consent, and I move that the amendment be indefinitely postponed.

Mr. CHASE of York: Mr. Speaker: The reason why I selected out the town of York for a perpetual close time, for one reason, was because the other gentlemen representing the other towns in York county were not willing to do so in regard to their towns. Now, the gentleman from Saco (Mr. Moore) speaks about having special legislation for the town of York, and he objects to that, but he believes that the bill is all right, and that bill itself is for special legislation for the county of York. Now, I would like to know if it is any worse to have special legislation for the town of York than it is to have special legislation for the county of York. I am very glad to find out that the gentleman from Saco is interested in the matter of the division of the town. I have some suspicion as to how the gentleman stands on that question, and he has now given us an indication of it which I am very glad to know about. But it seems to me, Mr. Speaker, that it is perfectly fair for us to have a perpetual close time on deer in the town of York and I will give my reason for it. The town of York is a summer resort; it is probably the largest summer resort in the State of Maine, excepting Bar Harbor, and it is nothing but a summer resort, and anything that will result or tend towards the best interests of that town as a summer resort should be adopted in my opinion. I know that the people who come to the town of York in the summer time are interested in seeing some of these wild animals that are entirely harmless. I have known people to hire a team and pay \$6 or \$7 for it and drive for half a day into the woods roads to see a deer. I know

at one time there were some deer before they were allowed to be slaughtered two or three years ago, and they got so tame that the people could see them frequently, and I have known people who chose to come to the town of York for the sole reason that they believed they could have a chance to see a deer in the town of York. I have no pet scheme in this matter. I never shot a deer in my life and wouldn't shoot one any more than I would shoot my grandmother, but I do believe that it is for the interests of the town of York, and I do this simply and solely because I believe it is for the interest of the town of York, to have this amendment made, I would like to have it apply to the whole county of York, but for these other gentlemen who would like to have blood shed, and like to see it shed and take part in the shedding of blood especially when they can walk up in the face and eyes of an animal that is absolutely harmless and that they are not afraid of. For my part, I think it is nothing more than fair to have a close time in the town of York. Of course if the members of this House think I am asking for an unreasonable thing they can vote against it. It won't hurt my feelings at all. I feel that I have done my duty in the matter, what I thought was right and as it ought to be.

Mr. MARSHALL of Portland: Mr. Speaker: I rise to suggest a point of order. As I understand it this amendment is new subject matter and provides for a matter in regard to which there has been no hearing. If I recall correctly Speaker Larrabee in 1897 ruled that such matter was not permissible from the floor of the House without a hearing.

The SPEAKER: In reply to the gentleman from Portland (Mr. Marshall) I desire to say that the Chair refuses to sustain his point of order and will further state that it has been the custom to receive the amendment as offered.

Mr. MOORE of Saco: Mr. Speaker. I recognize, in spite of the ruling of the Chair, that there is some merit in the point of order raised by the gentleman from Portland, but I thought



the motion to indefinitely postpone covered all the bill, all the point of order and everything else. I thought after that motion was carried it would kill the whole thing. It seemed to me instead of making the point of order it would be better to get at the merits of the matter. I have lived in York county for 40 years, all my life, and we have deer all over that county. I don't know why it is that they should be killed in Cornish and South Berwick and Eliot and kept alive in York. The town of York is a beautiful place no doubt, and there is very much sentiment about the town of York; it is a good community to live in and there are good people there, but why they should have deer in York and we in Saco and my friends in South Berwick and Eliot and Wells adjoining that town should be allowed to kill those deer I cannot quite understand. It is true that this bill in a way is special legislation for York county, but the county unit is a whole lot bigger than the town of York. The old county of York is a whole lot bigger than the town of York or the town of Yorktown. I think we do too much of this business. I think that most of these laws that we are enacting here are for the special benefit of some individual or some particular community. We have got laws enough now. The old common law under which this State has existed for a good many years will take care of all of us. If we live up to that it will be well enough, but we come in here—and there are over a thousand bills in this House and Senate which have been introduced at this session, and I will venture to say that eight-tenths of that thousand bills are for the special benefit of some town or some community or of some particular individual. I say it is time for us to stop. I am sure I don't want to murder deer. I never shot a deer in my life, and I don't know how to kill a deer. I am sure I wouldn't go to York and kill a deer anyway. I want the people of the town of York to have all that is coming to them, but I do not want to have them set out all alone out of the 520 towns in this State as the only town where a deer can live and sleep in peace.

The SPEAKER pro tem: The Chair

desires to inquire from the gentleman from Saco (Mr. Moore) if his motion is to indefinitely postpone the bill and the amendment?

Mr. MOORE: The amendment.

Mr. CHASE: Mr. Speaker, if it hurts the feelings of the gentleman from Saco so badly to have the town of York have a little more protection for deer than they are inclined to give it I respectfully invite him to join me and have the whole county of York included in the matter of preventing the killing deer altogether. I should be delighted to have him join with me in that.

Mr. SMITH of Berwick: Mr. Speaker, I rise to support the motion to indefinitely postpone this amendment. I am not a blood thirsty hunter of innocent game. I know nothing about a gun, except the muzzle and the breach; I never go gunning; I don't approve of it, but I realize that there are many of my friends in the county of York who are enthusiastic hunters. They believe they should have the right to hunt, and I don't know why the old town of York should become a city of refuge for the hunted deer in the county of York any more than any other town, and I would ask that the motion to indefinitely postpone be passed.

The question being on the adoption of the amendment.

Mr. Chase of York called for a division.

Mr. WING of Auburn: Mr. Speaker, I understood the gentleman from Saco (Mr. Moore) to make a motion to indefinitely postpone.

The SPEAKER pro tem: The Chair heard the motion of the gentleman from Saco, but the question is on the adoption of the amendment.

Mr. MOORE: Mr. Speaker, is the question not on the motion to indefinitely postpone?

The SPEAKER pro tem: The Chair would say to the gentleman from Saco that the effect of the motion is the same. The question is on the adoption of the amendment.

Mr. MARSHALL of Portland: Mr. Speaker, I would ask what the motion before the House is.

The SPEAKER pro tem: The ques-

tion is on the adoption of the amendment offered by the gentleman from York, House Amendment A.

A division was had and 27 members voting in the affirmative and 50 in the negative, the amendment was lost.

Mr. CHASE: Mr. Speaker, I rise to the question of no quorum, no quorum voted.

The SPEAKER pro tem: The gentleman from York makes the point that no quorum voted. The Chair will count.

Mr. MOORE. The return of the division shows that 77 members voted. Does that not form a quorum?

The SPEAKER pro tem: The Chair will announce to the gentleman from Saco that it does. The Chair announces that a quorum was present and voted.

Mr. EMERY of Sanford: Mr. Speaker, I move that we indefinitely postpone the whole bill, and I call for a division of the House upon that motion.

A division being had, 41 voted in the affirmative and 34 in the negative.

So the motion prevailed.

An Act to authorize and empower Leone R. Cook and others, trustees, to convey certain interests in real estate to the inhabitants of the town of Yarmouth.

An Act to extend and amend the charter of the Cornish Water, Light & Power Co.

An Act to amend Chapter 260 of the Private and Special Laws of 1887, relating to the powers of the Dover and Foxcroft Village Fire Co., the name of which was changed to Dover and Foxcroft Water District, by Chapter 11, Section 1, of Private and Special Laws of 1903.

An Act to incorporate the Maple Grove Electric Co.

An Act to incorporate the trustees of an academy under the name of the Nasson Institute.

An Act to amend Sections 94, 96 and 97 of Chapter 15 of the Revised Statutes of 1903 providing for the schooling of children in unorganized townships.

An Act relative to school buildings.

An Act to prohibit the swelling of scallop meats by artificial means.

An Act to prohibit seining smelts in certain parts of Casco bay.

An Act to amend Section 1 of Chapter 61 of the Special Laws of 1907 relating to the lobster industry within two miles of the shore of Monhegan island.

An Act to amend Section 1 of Chapter 356 of the Private and Special Laws of 1907, entitled "An Act to regulate the taking of what perch in Lake Sebasticook, in the town of Newport, county of Penobscot, and its tributaries."

An Act to regulate fishing in a portion of Sandy River stream, Franklin county.

An Act to prohibit ice fishing in Ware pond, in Lee, in Penobscot county.

An Act creating a close time on muskrats in certain tributaries to Lake Sebasticook, from May 1 to March 15 of the following year.

An Act to regulate the length of trout which may be taken in certain ponds in Oxford county.

An Act to regulate fishing in Pleasant pond in Somerset county.

An Act to regulate fishing in Belgrade stream, in Kennebec county.

An Act to prohibit ice fishing in the Prestile stream in Aroostook county.

An Act for the protection of deer in Cumberland county.

An Act to provide for ice fishing, in accordance with the general law of the State, in Spectacle, the Stanleys, Trafton and Jay Bird ponds, in Oxford county.

An Act to amend Section 61 of Chapter 41 of the Revised Statutes of 1903, relating to sea and shore fisheries.

An Act to regulate the taking of fish from Lower Kezar pond, in Fryeburg, Oxford county, Maine.

An Act to authorize and ratify the appointment of Portland City Hall Building Commission.

An Act to authorize the city of Portland to retire and pension members of its fire department.

An Act regulating the taking of alewives in Patten's Pond stream in the town of Surry, Hancock county,

Resolve in favor of Lincoln Academy.

Resolve in favor of the town of

Roxbury for \$123.75 to be paid to the town of Roxbury on account of permanent road constructed in the year 1908.

Resolve in favor of the town of Rumford.

Resolve in favor of the Plantation of New Canada in Arcostook county.

Resolve in favor of the town of Dover.

Resolve in favor of the town of Caribou.

Resolve in favor of the town of Abbot for \$140 to be paid to the town of Abbot on account of State road constructed in the year 1907.

(At this point the Speaker resumed the Chair).

#### Passed to Be Enacted.

An Act to incorporate the Rangeley Lakes & Megantic Railroad Co.

An Act to legalize, make valid and binding certain acts and doings of the town of Whitneyville.

An Act to amend Section 1 of Chapter 538 of the Private and Special Laws of 1889 relating to the taking of smelts in the Sheepscot river, as amended by Chapter 165 of the Private and Special Laws of 1907.

An Act to ratify the organization of the Virginia Spring Water Co., and authorize said company to issue bonds.

An Act to amend Chapter 412 of the Private and Special Laws of 1907, regulating fishing in Swift river in the counties of Oxford and Franklin.

An Act to amend Chapter 115 of the Private and Special Laws of the year 1872 entitled "An Act to incorporate the Home for Aged Women at Bangor."

An Act to provide for a close time on wild animals and birds on Kineo Point, so-called, Moosehead Lake.

An Act to amend Section 20 of Chapter 41 of the Revised Statutes of 1903, relating to sea and shore fisheries.

An Act entitled "An Act to amend the charter of the New England Retail Grocers Publishing Co."

An Act to ratify the organization, acts and doings and extend the powers of the Limerick Water & Electric Co.

An Act to regulate fishing in the waters in Alder Stream Township, in the county of Franklin.

An Act relating to an open season

for the hunting of certain game birds in the county of Hancock.

An Act to prohibit ice fishing in the Puffer ponds, so-called, in the town of Dexter, Penobscot county.

An Act to ratify, confirm and make valid the consolidation of certain railroads under the name of Sandy River & Rangeley Lakes Railroad, and enlarge the powers of said railroad.

An Act to extend the charter of the Dexter Trust Co.

An Act authorizing towns and cities to elect fish wardens in certain cases.

An Act to amend Chapter 510, Private and Special Laws of 1874, being An Act to incorporate the Lincolnville Railroad Co.

An Act to extend the charter of the Atlantic Trust Co.

An Act to amend and additional to Chapter 50 of the Private and Special Laws of 1866, relating to the Children's Home in Bangor.

An Act to authorize the receiver of the Eustis Railroad Co. to dispose of the proper of said company.

An Act to incorporate the North Parsonsfield Water Co.

An Act to require motor boats to be provided with mufflers in certain cases.

An Act to regulate fishing in that portion of Rangeley lake known as South Bog, in Franklin county.

#### Finally Passed.

Resolve, in favor of the Eastern Maine Insane hospital, for steam sterilizer, tools and machinery, vegetable cellar and piggery extension.

Resolve, in favor of buoys in Richardson lake.

Resolve, in favor of the Maine State prison.

Resolve, in favor of E. L. Philoon, chairman of the special joint committee appointed by the 73rd Legislature, in regard to a State Board of Education.

Resolve, in favor of the Maine Insane hospital for greenhouse, wharf, coal pocket, commander's house, and residences on arsenal grounds.

Resolve in favor of road in Elliottsville.

Resolve for the publication of certain documents by the State historian.

Resolve in favor of Fred A. Houd-

lette and Son, incorporated, of Boston.

Resolve in favor of the Madawaska Training School.

Resolve in favor of E. L. Philoon, chairman of joint special committee appointed by the 73d Legislature.

Resolve in favor of the president and trustees of Bates College.

Resolve in favor of Daniel R. Palmer of Buckfield.

Resolve in favor of Eliza A. Getchell of Winslow.

Resolve for repairs of highway in Upton, Magalloway Plantation, and Township "C," in the county of Oxford.

Resolve in favor of the Aroostook State Normal School.

Resolve in favor of the Farmington State Normal School.

Resolve in favor of the Maine Insane hospital, for additional compensation for certain officers.

Resolve in favor of investigation of Industrial Education.

Resolve in favor of the town of Mount Chase in Penobscot county.

Resolve in favor of the Maine State prison.

Resolve in favor of the Chase Island hospital.

Resolve in favor of a fish hatchery in Washington county.

Resolve in favor of the Maine Insane hospital, for support of criminal insane.

Resolve in favor of the Eastern Maine Insane hospital, for purchase of additional land.

Resolve in favor of the Eastern Maine Insane hospital, for concrete walk, grading, painting, furnishings, completion of contracts on barn, tubercular hospital and wing D.

#### Protection of Trees and Shrubs.

The following bill, having the emergency clause, came up on its passage to be enacted: An Act to appropriate moneys for the protection of trees and shrubs from the introduction and ravages of dangerous insects and disease.

A division was had, and pending the announcement of the vote by the Chair Mr. Rounds of Portland moved that the yeas and nays be ordered.

The motion was agreed to.

Mr. Weld of Old Town moved that the bill lie on the table for further consideration.

Mr. BEYER of Portland: Mr. Speaker, spring is rapidly approaching when these insects will hatch out of their nests and there will be thousands of brown-tailed moths and gypsy moths. This appropriation must pass this Legislature, it seems to me, because we will have great trouble on our hands if it does not. This appropriation should be passed at once so we can get these pests out of the way before spring comes; it will be too late in another month; and I hope that this bill will go through without further question.

Mr. PATTANGALL of Waterville: I would like to inquire of the gentleman if he regards the appropriation for 1910 as being something which ought to be immediately available.

Mr. BEYER: It simply makes the law take effect immediately. I don't think the emergency clause would change the appropriation for 1910.

Mr. MONTGOMERY of Camden: I see that this bill calls for \$3500 annually.

Mr. MARSHALL of Portland: Mr. Speaker, I hope that the motion to lay on the table will not prevail. It will be necessary for us to get out notices, have them printed, and all those things take time and all those things are provided for in the bill. I hope the bill will receive its passage without delay.

The question being on the motion to lay the bill on the table—

The motion was lost.

Mr. ROUNDS of Portland: Mr. Speaker, I have studied considerably on this measure when the bill was before us. In Portland they are troubled very much by these brow-tailed moths and I think generally in the southern part of the State. If you let this thing go on it will only be a few years before the whole State will be troubled with these pests. In three weeks from now those brown-tailed moths will be flying all round in York and Cumberland counties. As I understand it the Governor thought the amount asked for was too much. We passed the bill by a two-thirds vote and supposed we had got through with it but it was thought best to withdraw it and reduce the appropriation by \$10,000 for each year,

and I hope that the bill will now have a passage so that the people in the southern part of the State can stop these pests from going into the northern part of the State. Therefore I move its passage.

Mr. WING of Kingfield: Mr. Speaker, I am in favor of the passage of this resolve but I note that the resolve calls for \$35,000 annually. It does not say for the years 1909 and 1910. It seems to me that there should be some amendment to the bill before we pass it.

Mr. ADDITON of Leeds: Mr. Speaker, this is an important matter and one which has been before this House before and had a favorable passage. While I am not on the committee I understand that the bill has been reduced as to the amount of the appropriation, and it seems to me that it should receive a passage at this time.

Mr. BEYER: Mr. Speaker, as to the objection raised by the gentleman from Kingfield, we cannot bind any future Legislature, and the bill will simply mean that the appropriation will run until the next Legislature. So I hope that the gentleman from Kingfield will not press his objection. I would like to see the bill go ahead as soon as possible.

Mr. STETSON of Hartford: Mr. Speaker, this bill was passed to be enacted in both branches of the Legislature and went to the Governor carrying an appropriation of \$35,000 a year, and the Governor sent it back to the Senate and reduced it to \$25,000 for each year. That is the way it stands as I understand it.

Mr. WING of Auburn: Mr. Speaker, I would like to inquire if the gentleman is asking us to pass this bill over the veto of the Governor?

Mr. STETSON: I am not. I was simply stating that this bill had been passed by both Houses and that it went to the Governor and that he thought the appropriation was too much and reduced it to \$25,000 a year; and that is the way it comes before the House today.

Mr. MOORE of Saco: Mr. Speaker, there seems to be a good deal of doubt in the minds of the members as to what this bill is, and I ask to have it read by the clerk.

The clerk read the bill.

Mr. WING of Kingfield: Mr. Speaker, I have an amendment which I wish to offer.

The SPEAKER: The Chair would state that the bill is not now in an amendable state. If the House desires to consider the amendment it will be necessary to reconsider the vote whereby the bill was passed to be engrossed.

Mr. BEYER: Mr. Speaker, I understand that the State will not allow towns to fight the Gypsy moth. The towns can handle the brown-tailed moth but the Gypsy moth is a different proposition. Now several towns have made an appropriation on the expectation of the passage of this bill. It is a very important matter. Any delay of this bill will be quite dangerous, and I hope that a motion to reconsider its passage to be engrossed will not prevail.

Mr. SMITH of Biddeford: Mr. Speaker, I hope the gentlemen of the House will understand what we are contending with in the southern part of the State. We are overrun with the brown-tailed moth and if it is not stopped in the south the whole of this State will be overrun with the brown-tailed moth as we are. Give us the money with which to stop them there so they will not spread any farther east. I don't know what it will cost but pass this bill without delay.

Mr. Hersey of Houlton moved to reconsider the vote whereby the bill was passed to be engrossed.

The motion was lost.

Mr. Beyer of Portland moved the previous question.

The motion was agreed to.

The question being, shall the main question be now put?

It was agreed to.

The question being, shall the bill pass to be enacted

The yeas and nays were called.

YEA:—Additon, Allen of Richmond, Andrews, Bartlett of Eliot, Bartlett of Stoneham, Beals, Bearce of Eddington, Bemis, Beyer, Bigelow, Bigney, Bisbee, Blake, Blanchard, Bogue, Bradford, Burse of Pittsfield, Bussell, Buswell, Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of Sebec, Chase of York, Clark, Colby, Cole, Conners, Coelidge, Cummings, Davies, Day, Doble, Donnell, Dorr, Dufour, Duncan, Dunn,

Edwards, Emery, Farnham, Ferguson, Frost, Grant, Hall, Hamlin, Hannaford, Hanson, Harmon, Harriman, Harrington, Harris, Hersey, Higgins, Hill, Hodgkins of Temple, Holt, Hussey, Hyde, Jones, Jordan, Joy, Kavanough, Kelley, Lambert, Lane, Libby, Lombard, Lord, Ludgate, Mace, Marshall, McLain, Mercier, Merrill of Bluehill, Merrill of Durham, Miller, Millett, Montgomery, Moore, Morse, Moulton, Nelson, Nickerson, Orff, Packard, Patten, Pelletier, Peters, Pinkham, Porter, Pressley, Putnam, Redion, Richardson, Robbins, Ross, Rounds, Sawyer, Silsby, Sleeper, Smith of Andover, Smith of Berwick, Smith of Biddeford, Snow of Brunswick, Stackpole, Stanley, Stetson, Strickland, Thompson, Thurlough, Tibbetts, Trafton, Trickey, Trimble, True, White of Columbia, Whitney, Wing of Auburn—119.

NAY:—Hines, Pattangall, Pike, Quinn, Stover, Weld, Wing of Kingfield—7.

ABSENT:—Allen of Jonesboro, Bourassa, Bowley, Bragdon, Burleigh, Cook, Cusins, Couture, Drake, Fortier, Gilbert, Havey, Hodgkins of Damariscotta, Merrifield, Patterson, Paul, Perry, Sanborn, Snow of Scarborough, Spear of South Portland, Spear of Warren, Varney, White of Wayne, Whitehouse—24.

The necessary two-thirds having voted for the bill it was passed to be enacted.

The following bill, having the emergency clause, came up on its passage to be enacted: Resolve in favor of the Maine Insane hospital to provide for deficiencies.

A division was had.

Mr. Rounds of Portland called for the yeas and nays.

The motion was agreed to.

Mr. WING of Auburn: Mr. Speaker: I ask that the Speaker read the constitutional provision in regard to emergency measures.

Mr. ROUNDS of Portland: I would like also to have read Hinds' Digest of rules of parliamentary procedure as to what a constitutional amendment can be passed by. I think you will find that it is two-thirds of the members present and voting.

Mr. PATTANGALL of Waterville: If the gentleman is under the impression that two-thirds have the power to amend the Constitution of this State, I think it is all the more necessary to bring in the Constitution.

Mr. BIGELOW of Portland: Mr. Speaker: I desire to take but a moment of the time of the House and I want to call attention to the fact that

the insurgent tactics which evidently are in play here are unnecessarily delaying the business of this Legislature. There are a large number of important measures which we must act upon. Some of them must necessarily be considered as emergency measures. When the gentlemen have once in a session expressed their disapproval of this method of doing business it seems to me that they ought to have reasonable consideration for the rest of us who want to complete the State's business and get home, and that they ought to vote us in order to make the necessary two-thirds, because they must know when it comes to a consideration of these questions it is necessary to have two-thirds to put these measures through. It is not a question of politics, it is a question of fair play and business common sense, and I appeal to the minority members of this House, who may think that they are making a point here but who I think have made it when they have once expressed their disapproval of doing business in this way, to assist us in facilitating the business of the Legislature.

Mr. STRICKLAND of Bangor: Mr. Speaker: I object to the slur on the minority members of the House. I believe in doing business as business should be done by business men, and I believe we should vote for those measures that undoubtedly ought to be passed, that we all know ought to be passed, but when it comes to slurring, it is not in place in this particular case.

Mr. PATTANGALL of Waterville: Mr. Speaker: Speaking for one of the small minority of seven who voted no on an emergency appropriation a few minutes ago, I desire to say that not even to accommodate the ideas of expedition on the part of my friend from Portland (Mr. Bigelow) would I vote for what I deemed to be a violation of the Constitution of this State. I know I may be doing wrong in delaying the House on so little and unimportant and frivolous a matter as a constitutional question, and perhaps I ought to have taken, with others, the time of the House in discussing ice fishing in some pond in Cumberland county in-

stead of taking up the other question; but it seems to me that so long as we label one appropriation after another an emergency appropriation because we want to pass them in a hurry we are doing a dangerous thing. I am not so anxious to do business that I want to do it wrong. I am not opposing this proposition but I am opposing and shall continue to oppose, not by delay but by my vote, the proposition that anything which anybody wants to get through in a hurry can be called an emergency appropriation.

Mr. BEYER of Portland: Mr. Speaker: If it is in order I move to take a vote on this special appropriation to pronounce whether or not in the judgment of this Legislature an appropriation for the Insane hospital, like this one, is an emergency measure under the Constitution, that is, whether it is a matter of public health, and if the House so decides that it is within the meaning of the Constitution an emergency measure, then we can proceed to vote on it.

Mr. MOORE of Saco: Mr. Speaker: I rise to a point of order and I move the previous question. We are considering the adoption of the resolve. The gentleman from Portland (Mr. Beyer) wants an expression of opinion of this House as to whether an appropriation for an insane hospital is an emergency measure. Everybody who votes on the main question will express his opinion on that. We are not concerned with the opinion of the House as to that proposition at all. It is not in order, Mr. Speaker, in my opinion.

The SPEAKER: The Chair will sustain the point of order raised by the gentleman from Saco.

The question being on the demand for the previous question the motion was agreed to.

The question being, shall the main question be now put?

It was agreed to.

The SPEAKER: As many as are in favor of the final passage of this resolve, when their names are called, will answer yes; those opposed will answer no. The clerk will call the roll.

YEA,—Additon, Allen of Richmond, An-

draws, Bartlett of Eliot, Bartlett of Stoneham, Bemis, Beyer, Bigelow, Bigney, Bisbee, Blake, Blanchard, Bradford, Bragdon, Burse of Pittsfield, Bussell, Buswell, Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of Sebec, Clark, Colby, Cole, Conners, Coolidge, Cummings, Davies, Donnell, Dorr, Dufour, Edwards, Emery, Ferguson, Grant, Hall, Hamlin, Hannaford, Hanson, Harmon, Harriman, Harrington, Harris, Hersey, Higgins, Hill, Hodgkins of Temple, Holt, Hussey, Hyde, Jones, Jordan, Joy, Kavanough, Kelley, Lambert, Lane, Libby, Lombard, Lord, Ludgate, Marshall, Mercier, Merrill of Bluehill, Merrill of Durham, Miller, Millett, Montgomery, Moore, Morse, Nelson, Orff, Patten, Pelletier, Peters, Pinkham, Porter, Pressley, Redlon, Richardson, Ross, Rounds, Sawyer, Silsby, Smith of Andover, Smith of Berwick, Smith of Biddeford, Snow of Brunswick, Stackpole, Stanley, Stetson, Strickland, Thompson, Tibbetts, Trafton, Trickey, Trimble, True, Weld, White of Columbia, Whitney, Wing of Kingfield—102.

NAY:—Allen of Jonesboro, Beals, Bearce of Eddington, Bogue, Chase of York, Day, Doble, Duncan, Dunn, Farnham, Frost, Mace, McLain, Moulton, Nickerson, Packard, Pattangall, Pike, Putnam, Quinn, Sleeper, Stover, Thurlough, Wing of Auburn—24.

AFSENT:—Bourassa, Bowley, Burleigh, Cook, Cousins, Couture, Drake, Fortier, Gilbert, Havey, Hines, Hodgkins of Damariscotta, Merrifield, Patterson, Paul, Perry, Robbins, Sanborn, Snow of Scarborough, Spear of South Portland, Spear of Warren, Varney, White of Wayne, Whitehouse—24.

The necessary two-thirds having voted in the affirmative the resolve was finally passed.

#### Orders of the Day.

Unfinished business: Resolve in favor of the University of Maine.

On motion of Mr. King of Kingfield the resolve was referred to the committee on appropriations and financial affairs.

#### Protection of Squirrels in York Co.

The SPEAKER: The first assignment for the day is House Document No. 269, bill creating an open time on grey and black squirrels in York, Kennebec and Washington counties.

Mr. SLEEPER of South Berwick: Mr. Speaker, if I understand correctly the pending question is the adoption of the amendment.

The SPEAKER: The pending question is the adoption of House Amendment "A."

Mr. SLEEPER: I desire to enter a protest against the adoption of the

amendment. This bill has been drawn in the interest of the county of York. Two years ago a law was passed creating a close time on grey squirrels throughout the State. We feel down there in the county of York that our rights are being abridged and have asked for a repeal of the law. There are very many people there who desire to have this bill repealed. These people are not able to take a trip into the woods through the lack of both time and money, and it has been an ancient custom there to indulge in this form of sport. I don't imagine in the course of a year more than a hundred squirrels are killed in York county, and I appeal to the members of this House in the interest of those people to see that the rights of the common people are not abridged. We already have measures where our ponds are being closed to ice fishing and I think it is all right, and I hope the members will give some consideration to the rights of our common people.

Mr. SMITH of Berwick: Mr. Speaker, I also move to kill this amendment, and I speak for my town and my class town of Wells for an open time on grey squirrels. It is a fact well known by hunters and those who take an interest in the matter that grey squirrels are a pest. They are dangerous to our song birds, our game birds and all other birds. They will eat the eggs, and if the eggs escape their ravages until the time when the young birds come they will then eat the young birds. I have seen them do it. I am not speaking from hearsay for I have seen the nests ravaged, and I have seen the grey squirrels in the nests eating the young birds. Talk about the ordinary grey squirrel, he is pretty, but what is he pretty for? He is a good deal prettier when he is baked into a pie than when he is up in the top of a pine tree eating bird's eggs or eating the young birds.

Mr. CLARK of Hollis: Mr. Speaker I am in favor of the amendment because I believe that all in my section of the county are in favor of having a close time on grey squirrels. The gentleman from South Berwick (Mr. Sleeper) said there wasn't more than a hundred grey squirrels shot in York

county. There was a time when in York county they could shoot many times that number and at the present time we have only a few left, and I think we ought to save what few we have and perhaps later on we will have more, and I am very much in favor of the amendment.

Mr. MONTGOMERY of Camden: Mr. Speaker, I would ask what the amendment is.

The SPEAKER: The House has under consideration House Document No. 269, An Act creating an open time on grey and black squirrels in York, Kennebec and Washington counties. The gentleman from Shapleigh (Mr. Ferguson) has offered House Amendment "A," which is "Strike out the word 'York' in Section 1, line 4."

Mr. EMERY of Sanford: Mr. Speaker, in speaking for my section of York county I sincerely hope that this amendment will be adopted.

Mr. HANNAFORD of Newfield: Mr. Speaker, I think this amendment should not be passed from the fact that in Newfield these grey squirrels are destructive not only to the birds but the farmers. The gentleman from South Berwick says that probably there wouldn't be over a hundred shot. I wish on behalf of the people in my section that there might be ten times that many shot in Newfield.

Mr. FERGUSON: I wish to say for the information of the House that the York county delegation is decidedly in favor of this amendment. The majority of the York county delegation is in favor of this amendment, striking out the word "York," so that the other counties can have the open time on grey squirrels if they want it, but in York county the majority of the delegation is in favor of a close time.

Mr. MOORE of Saco: I would like to propound a question to the gentleman from Shapleigh. When did the York delegation discuss this matter?

Mr. FERGUSON: It has been individually discussed.

Mr. MOORE: That may be. I personally do not pretend to voice the sentiment of the delegation. I don't know how they stand on the question of grey and black squirrels. I don't think the matter has been discussed before the



delegation, and I don't think it should be stated to this House that the delegation by a majority vote has adopted the law protecting black and grey squirrels in that county, because I don't think that is the sense of the 17 members of that delegation. I think there are individual opinions about it, but personally I do not care. I think the law protecting the squirrels in that county was a nuisance anyway and I think it ought to be repealed. I am against the amendment.

Mr. HANSON of Lyman: Mr. Speaker, in behalf of my constituents from the three towns which I represent in York county I favor the adoption of the amendment.

Mr. SMITH of Biddeford: Mr. Speaker, the people whom I represent are in favor of the amendment.

Mr. BARTLETT of Eliot: Mr. Speaker, in behalf of the constituents which I represent I shall also favor the adoption of the amendment.

The SPEAKER: Any more testimonials from York county? (Laughter.)

Mr. WING of Auburn: Mr. Speaker, I move that the House take a recess of five minutes while the delegation from York county hold a caucus. (Laughter.)

The SPEAKER: The question is upon the adoption of House Amendment A offered by the gentleman from Shapleigh.

A division was called for.

Mr. DAVIES of Yarmouth: Mr. Speaker, I would inquire if every member of the House who is present is obliged to vote unless specially excused.

The SPEAKER: The Chair understands so. The Chair understands that every member is required under the rules to vote unless excused by the House. However, it is difficult to ascertain who vote and who do not unless the yea and nay vote is demanded.

A division being had, 28 voted in the affirmative and 46 in the negative.

So the amendment was lost.

The bill was then read a second time and assigned for tomorrow morning.

#### Regulation and Conduct of Elections.

Majority and minority reports of the committee on judiciary to which was referred the bill, entitled An Act to

amend Section 22 of Chapter 6 of the Revised Statutes relating to the regulation and conduct of elections reporting "ought not to pass," and "ought to pass."

Bill relating to the regulations and conduct of elections.

Mr. HERSEY of Houlton: Mr. Speaker, I move that the House non-concur with the Senate in the acceptance of Report A.

Mr. PETERS of Ellsworth: Mr. Speaker, I want to say a word briefly to express the views of the people in my section of the State, and also briefly in behalf of the five members of the committee on judiciary who reported against any change in the ballot law in the respect proposed by the distinguished senator from Cumberland county. I do not expect to make any extended remarks but looking at it from the standpoint of a lawyer, who are always perhaps conservative, it strikes me that the burden of proof rests heavily on the proponents of this measure to show that a change in our system is either fairly necessary or urgently demanded. In my section there certainly is no demand for this. On the other hand I assure you it would be a very great surprise to the voters of my constituency if at the next election they should have placed in their hands a handbill as long as your arm. They would be surprised and disgusted. I do not know, gentlemen, what demand there may be for it in your section of the State, but as I look at it here I have seen no evidences of any demands; I have seen no petitions to amount to anything; I have seen no agitation in the newspapers; I have seen no call in the platform of the party for such a change; I have not heard the tread of the cowhide boots from the north or anywhere coming down here and asking for a change in the ballot law; and I am unable to see any evidences anywhere of such a demand for this change as should exist to warrant us in voting to make such a revolutionary change in the law. When I was a good deal younger than I am, and a boy, I remember that the old women in my town in the spring used to administer doses of thoroughwort tea to

the boys. I never knew exactly why they did it; there was no demand for it from the boys, and I never could see that it did very much good. And it looks to me as if this bill is in very much the same position. There is no demand for it and I cannot see as it does any good. If it has any special merit, and I know it must have some because it is advocated by a very able and distinguished man, it is up to those who advocate it to show its merit to us.

The adoption of this measure, as I understand it, means simply this, that instead of the present form of ballot which is by law established we shall adopt the Massachusetts system, which means that instead of having the names of the candidates grouped in party lines and party groups with the name of every individual in every party who may be on the ticket to be voted for, that they shall be arranged alphabetically, one under the other, and the voter picks out the names of any men he desires to vote for and crosses each individual name—nothing to distinguish the party except the alphabet and the alphabet governs the order in which the names shall be arranged on this ballot, which is a total and revolutionary change from our present methods of casting the ballots. Now it will be urged in behalf of this change that there is a considerable percentage of spoiled ballots under the present system, and I have no doubt there is, but it seems to me, as it seemed to my fellow members of the committee, that the percentage was a rapidly diminishing one and that we were gradually and surely learning to cast a ballot and cast it right; and if that is the fact we object to being checked in our education and shifted off to another method of voting which would be entirely strange and as to which we have got to commence all over again. We had better stick to what we have which we are learning gradually and not enter into any new fields.

I believe there is said to be some way whereby this new method of voting in a sense prevents fraud. If so, that ought to be explained to us, if

this new method of voting will be a distinct improvement on the present methods and will take a definite step toward the prevention of fraud. I look at it in this way: We should not make any change in our laws, and especially in this law affecting the ballot, unless we are absolutely dead certain that it is necessary, or, if it is not absolutely necessary, that there is a great and urgent demand for it. Down in my section there is not only a total absence of a demand for it but there would be a great objection to our coming here without practically any request and tinkering with the law in this important respect. And I know very well, and I believe you will agree with me that it is true in regard to your constituents that when your friends who have not taken advantage of the opportunity to learn about this new ballot—I know when the ballot clerk gives them this long ballot with this list of names as long as your arm they are going to be disgusted and mad and will not vote, and I know further if they do vote at all they will vote for perhaps a name or two at the top of the ticket and let it go at that. It is just as bad, gentlemen, to have votes spoiled or not cast in that way as it is to spoil ballots by other errors. You will be told that there are no spoiled ballots in Massachusetts and that there are large numbers of spoiled ballots in Maine. In a sense that is true. But reflect—in Massachusetts a voter would commence and he would vote for the name on the top of the ticket, perhaps not more than one name, and that is all he does. There are no spoiled ballots because they cannot be spoiled. If a man crosses one name out of 50 on the list he does not spoil his ballot, but he fails to vote for a lot of men who should have a fair chance to be voted for. I take the position that we are just learning to get acquainted with our present system and that it is unwise for us to overturn it at the present time, unless the proponents of this measure can overwhelmingly convince us that it would be wise to do so.

Mr. COOLIDGE of Lisbon: Mr. Speaker, I believe this ballot should be

labelled a ballot to compel the people to vote a straight ticket. I believe that politics can only be made better by giving a man all the chance he can have to vote for the men on the ticket rather than for the party. I do not believe that under the Massachusetts system there will be any more names on the ballot than there are at present in just perhaps changing the form of the ballot.

Under the Massachusetts system if a man wants to vote for just one person he can vote it and his ticket is not spoiled. We all know that there are times in elections in the State of Maine when a man wants to vote very particularly for one man who is not in his party and who does not belong to his party. Now, very few men unless they have learned carefully to cut their ticket, to split it, can vote such a ticket without spoiling it, and oftentimes he is compelled in order to vote for that particular man to vote for the whole party ticket which he does not wish to do. If we were all college graduates and had spent a year or two in studying the peculiarities of the Maine ballot we might be able to cut it or split it without spoiling it. I believe that the Massachusetts ballot is the simplest. It leads to independent voting. It has been years since I have voted a straight Republican ticket, although I pretend to be a pretty good Republican. I believe if there is a man on the ticket who is better fitted to my mind for the position that it is my privilege to vote for him without danger of spoiling the ticket. It is for that reason that I am very much in favor of this Massachusetts ballot. I think it should be adopted. It is not many years since we went on to the Australian system at all. It was new then to be sure. This will in a measure be new, but I believe that we had better take a new thing if it is better. I think the Massachusetts ballot is decidedly better.

Mr. HERSEY of Houlton: Mr. Speaker, if the members of the House will turn to Senate Document No. 287 you will find the ballot which is under discussion. I fear that the members have not acquainted themselves fully with this legislation which is asked for

as set forth in this bill. Even the gentleman from Ellsworth (Mr. Peters) who was upon the committee that was divided in making its report does not seem to have read the bill, or else he has forgotten its terms, as the names are arranged in alphabetical order upon the ballot, and on one ballot they are arranged under the several officers, and at the right of every name is the political party, Democratic or Republican or Prohibitionist or Socialist, or whatever it is. That the gentleman from Ellsworth seems to have overlooked in reading this proposed law.

Now, I wish to say that while this matter came before the judiciary committee there came from that committee a divided report, five in favor and five against, so that the report of that committee is of no value it seems to me except for discussion in this House. The report of the committee cannot possibly be of aid to you or me. It comes here to be examined in a common sense way by us. While this matter came up in the Senate a few days ago and was very ably discussed there by the senator from Cumberland (Mr. Looney) the only objection made there against this bill was made by two senators, one of whom said they ought not to make any change because we are fairly used to the present ballot, and that seems to be the objection of the gentleman from Ellsworth this morning. The other senator said that he was in favor of going back to the old system and voting where the politicians made your ballot and led you up to the ballot box. Those were the objections made in the Senate, and the only objection made in the House by the gentleman from Ellsworth is that the people are not used to it but that they are used to the present ballot. Now, gentlemen, it seems to me that although that may be something of an argument I have examined this thing somewhat and it seems to me—and I am only speaking for myself—that we ought to give this matter careful attention; and that there is no question before this Legislature, or will be before this Legislature of more importance to the State of Maine than this very ballot. It is so simple, this Massachusetts ballot. All the names are on one ballot

arranged as I have stated under their officers and alphabetically. Opposite each is the party name, whether the officer is Democratic, Republican, Prohibitionist or Socialist, or whatever he is, and at the right of that is a little square in which you make your mark for the man you select for that office. You cannot spoil your ballot. There is no cross at the top of the ballot endorsing the party, taking everything. You simply take your ballot and your pencil into the booth and go down the list of names and select the candidates that you select and that you think are the names of the man who will do the best for the public good. You mark it, and that is your ballot. It is the simplest thing in all the world. It is what the American citizen should have and nothing else. It is the Massachusetts ballot—it is the Australian ballot. While we have what is called the Australian ballot, this is the real Australian ballot. We ought to have had it years ago instead of the one we have at the present time. Every state in the Union has got the Massachusetts ballot with the exception of West Virginia and North and South Carolina. Kansas a week ago adopted it as it is today, and the question is, after all these states have adopted the Massachusetts ballot shall we not give a few moments to the consideration of it.

Now, gentlemen, it appeared in the Senate in the discussion of this matter from the best authority that a conservative estimate in the last election in the State of Maine that there were 26,000 defective ballots. I understand from Senator Looney of Cumberland that the people of the city of Portland in their city affairs, in their city elections have adopted the Massachusetts ballot, and they approve of it, and approve of it so much that they have instructed their delegation from Portland in this Legislature to vote for this ballot. So I say, gentlemen, if it is a good thing for the city of Portland it must be a good thing for the State of Maine. In the discussion in the Senate in regard to this matter I wish to call the attention of the House to one remark made by Senator Looney. He said:

"Some time before the Legislature convened, I had an interview with the assistant secretary of state of Massachusetts, who is the ballot expert of that state, and the chairman of the election commission of the city of Boston. Both of those gentlemen assured me that not only was the Massachusetts system acceptable to the people of that state but that the people were heartily and enthusiastically in favor of it. Both of them told me that rarely, if ever, do they hear of a ballot thrown which is totally defective and very rarely, although sometimes, a ballot is thrown which is partially defective. Mr. Minough, the chairman of the election commission of the city of Boston, told me that, at the last state election in Massachusetts, in the city of Boston 110,000 ballots were cast and that among that 110,000 ballots thrown not one was entirely defective; and he said he did not know of any that were partially defective."

Senator Boynton of Lincoln, in that discussion said: "It was in 1902, that the Australian ballot was adopted by Massachusetts, and at that time it was my privilege to be a member of that state and for several years thereafter to vote with this system of ballot; and I wish to say that it has given to the citizens of Massachusetts a system which is to them entirely satisfactory. If you should take a ballot tomorrow in that state as to whether or not that ballot should be repealed, not one man in 200 would vote to have it repealed or to have any other system substituted for it. It has done many things—among others, it has done away with the corrupt practice of the purchase of votes, for there the goods cannot, under that system, be delivered; and there are many other reasons for retaining it which I will not stop to bother you with. I will say that, if the State of Maine, by this Legislature, should now adopt this system and repeal the one we have, it will be a long step in the right direction, in my opinion."

Now, this is not a political question at all. There cannot be a single argument it seems to me worthy of our attention urged against the Massachu-

setts ballot. Its simplicity is far beyond that of the Maine ballot, and I say to you what you all know, we have not got used to the Maine ballot and we never can get used to it. But there is a reason against the adoption of the Massachusetts ballot and only one reason, and that is the reason urged by the machine politician. He wants to have the voter vote the straight ticket and nothing else, to swallow and endorse everything nominated by his party right and left. We might just as well be honest in the matter; that is the reason and the only reason against the Massachusetts ballot; that is the reason and the only reason for holding the present ballot, and that is that the present ballot makes people vote the party ticket straight.

Now, I say to you that if you can have a ballot that will oblige an honest, conscientious, patriotic American citizen who loves his home and his country and the best interests of his State to go into a booth and force him to indorse and vote for a candidate unworthy of office and unfit for office and who does not indorse his opinions and does not stand for honesty and the best interests of his State then you have done something which has wronged every voter of the State and every citizen of the State. When you have a ballot that will defeat the machine in its nominations made from men who are unfit to be candidates for office, who are unfit to represent the honest citizen and the patriotic citizen—if you can have a ballot that will do that, that ballot should be indorsed by all honest and honorable men. Now then, you take this Massachusetts ballot. The voter in his booth has before him just simply one ballot and not half a dozen or a dozen, or not as many as there are parties, and all the names are on the ballot, and opposite the name is the party name. There is a little square and he marks the candidate for Governor that he wants by marking at the right of it in the little square with his cross, and the candidate for Governor he indorses and the candidate for Congress the same, and so on down to his county officers, and all those men are elect-

ed, and the men that he indorses and the men that are such as he says will care for the best interests of the State, and that ballot when it is so marked becomes his conscientious honest ballot. But you take the present ballot. Let any man unless he is very intelligent and has spent a great deal of time in the examination of it enter a booth—and I am speaking of the ordinary citizen, the ordinary man—he enters this booth and he has before him a ballot. What is it? A half dozen or more ballots are before him, a Democratic ballot, a Republican ballot, a Prohibitionist ballot, a Socialist ballot, and so on, side by side, the names on the different ballots all together. Above is the place for the cross for the party name, and he don't want to indorse everybody in his party. There are candidates on that ballot that he will not indorse if he can help it, a candidate who does not represent the best interests of the State, and here is another man in another party who does. How is he going to get him over and vote for him? He begins to think. He says, "I must write his name and underneath the one I want, but shall I scratch out the name above? Must I go over and place the name in the other place? Here is a sticker. Will I put it underneath or over the name? Must I scratch out the name before I paste it over it? Must I put a cross in the Democratic square or the Republican square?" There he stands and works and sweats and the more he works the more bewildered he gets. Finally he hears in his ear the voice of some politician who has said to him before he entered the booth. "John, if you vote and don't want to lose your ballot just mark a cross in the party square and leave it there; if you go to monkeying with it you will lose your vote." And that man, honest, sincere, stands there losing his manhood, trembling and saying: "I don't want to lose my ballot but I have got to make my cross at the head of it and indorse what they put up to me." Now, gentlemen, I want to say to you that the moment that you and I indorse a ballot that will do this, we say to a political party: "You may nominate men unfit for office and they will be elected under the general ballot, and the

good man, the honorable man will have to vote the ticket, they will have to endorse your nomination, they cannot help themselves;" and so politicians will pander and bow down and scrape to the low and the depraved in politics. If you give them a ballot whereby they can rebuke them and say to the party, "When you nominate a man unfit for office I won't endorse him," then you have raised the standard of your party, you have raised the standard of your nominations, and political platforms and promises become and mean something.

Someone has well said that the voting booth is the temple of American institutions, that no single party, tribe or family are appointed to watch the sacred fires evermore burning on these altars or to attend its services. Each one of us is a priest. To each is given the care of this ark of the covenant, each one of us ministers at its altars. Then

"Strike away the hands that lay  
Profanely on this sacred ark,  
So shall our voice of sovereign choice  
Swell the deep peace of duty done,  
And strike the key of time to be,  
When God and man shall speak as one."  
(Applause).

Mr. MOORE of Saco: Mr. Speaker, I represent the average man and most of them vote the straight ticket. They vote independently; they have no difficulty in going so under the present form of ballot. The voters have been 15 years learning how to cut the ticket and vote as they want to. About everybody is educated up to that point. If we adopt this Massachusetts ballot I can see the result. The governor on the Massachusetts ticket has anywhere from 10,000 to 20,000 more votes than the rest of the people on the same ticket. People do not vote. They are disfranchised as to a part of the ticket. It is true there have been a great many defective ballots thrown under our law. The people have been 15 years learning how to go in and cut their ticket and vote for individuals from one party to the other, and they know how to do it now. Let us not confuse them any more; let us not go into any more new schemes in the matter of the ballot. From a Democratic standpoint I will say that our present law has worked well. The State 15 years ago

was about 40,000 Republican; it is down now to a matter of 7000. I think a continuation of the present ballot will give us a Democratic Governor, a result which is greatly to be desired; and in behalf of all the average men in my community I am opposed to the motion of the gentleman from Houlton.

Mr. MONTGOMERY of Camden: Mr. Speaker, I can say here today that the party I belong to had no part in making this law that has been so well pounded today as a bad ballot law. It never had been tried in part in this State but was launched upon the State at the time of its enactment untried and unknown. It was apparently a theory. Our party had nothing to do with it. We have done the best we could to get along with it, and as the gentleman from Saco says, we have done very well under it. It is now proposed to change this ballot law, change it completely, radically, and being one member of the judiciary committee I myself was afraid to adopt new theories in this matter and new conditions, not because I thought we would lose as a party, not on that account at all, but because I believed that it would unsettle the mode of elections, and so I signed the report that the theory of the Massachusetts ballot ought not to pass, and I am ready to stand by it not as a party measure, but still as a party measure, not as a partisan but as a member of the State desiring to vote right and believing I can vote right.

I do not believe that the description of the man given by the gentleman from Houlton, and his dilemma in the booth, could be represented anywhere on earth but by the gentleman himself. Possibly he may have gone into a booth and with the tremendous theories he has he may have found himself in that predicament, and if he has he has fairly illustrated the insanity which would follow a man if he had to mark every name upon his ballot. We are increasing the number of officers to be elected by the State, and if the gentleman from Houlton has been in the predicament he has spoken of I do not blame him for speaking of it here, I do not blame him for having the feeling that he has about it, but if he will produce any other person in this State who has

had that tremendous feeling in a booth in trying to vote, he is a subject for the insane asylum; and I am glad that we passed an emergency bill for that purpose this morning to take care of him.

**Mr. ROUNDS of Portland:** **Mr. Speaker,** it has been said that it required a college-bred man to mark his ballot right. but I think that in the down-town wards of the city of Portland the ballots are spoiled less than in the up-town wards where the college educated people abound. This proposed method of voting has been called the Massachusetts ballot. You have not got the Massachusetts ballot here. You have got a little part of the Massachusetts ballot and a little part of some other and you don't know what you have got. You have started in on something but you haven't got the Massachusetts ballot here. It has been said that bribery cannot be carried on under this proposed ballot. When we first started we had no doors to the booths. We have doors now, and they say they can buy votes better than without them. But I will say this, that this ballot has

gone on for 15 years and we have got used to it and I think we should keep on in the same old road and see if we cannot get so that we can have less spoiled ballots than we have at the present time.

I had occasion in September to have sent me one of the Oregon ballots. I understand that we only have from six to ten minutes in the booth. This Oregon ballot I had sent me had 54 names on it to be voted for. Now who, whether college bred or otherwise can mark that ballot 54 times in from six to ten minutes? To come right down to this ballot law I think we have got law enough; and I wish the fish laws and ballot laws and everything else could be struck off and we go home. (Laughter and applause.)

The question being on the motion to non-concur with the Senate in adopting Report A, Mr. Hersey of Houlton moved that when the vote is taken it be taken by the yeas and nays.

Pending action on the motion Mr. Rounds of Portland moved to adjourn.

The motion was agreed to.