

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

HOUSE.

Thursday, March 27, 1913

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

Prayer by the Rev. Mr. Evans of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: An Act relating to the municipal elections in the town of Eden.

In the Senate a new draft was substituted for the original bill; in the House the original bill had been previously passed to be engrossed.

On motion by Mr. Sherman of Eden, under a suspension of the rules, the vote was reconsidered whereby this bill was passed to be engrossed in the original draft, and on further motion by Mr. Sherman the House voted to concur with the Senate in substituting the new draft for the original bill.

On further motion by Mr. Sherman the bill in new draft received its three several readings at the present time and was passed to be engrossed under a suspension of the rules.

From the Senate: An Act to incorporate the Bowdoinham Water and Electric Company.

In the House this bill was passed to be engrossed, and came from the Senate amended by Senate Amendment A.

On motion by Mr. Skelton of Bowdoinham Senate Amendment A was adopted in concurrence, and the bill was then passed to be engrossed as amended by Senate Amendment A.

From the Senate: Majority and minority reports of the committee on taxation, which was instructed by order of the Legislature to inquire into the expediency of investigating the subject of taxation of money invested in real estate mortgages, and considering whether or not Chapter 179 of the Public Laws of 1911 should be repealed, and reporting by bill or otherwise; majority reporting legislation thereon inexpedient, and minority re-

porting in accompanying bill, an Act to repeal Chapter 179 of the Public Laws of 1911, providing for exemption of mortgages on real estate from taxation and that it "ought to pass."

In the House the majority report was accepted, and came from the Senate in that branch, minority report accepted in non-concurrence.

On motion by Mr. Dresser of South Portland the House voted to adhere to its former action in accepting the majority report of the committee.

From the Senate: An Act to amend Chapter 117 of the Public Laws of 1911, regulating the sale of commercial seeds, commercial feeding stuffs, commercial fertilizers, drugs, foods, fungicides and insecticides.

In the House this bill was passed to be engrossed; in the Senate the bill was passed to be engrossed, and thereafterwards that vote was reconsidered and Senate Amendment A adopted.

On motion by Mr. Cook of Vassalboro, under a suspension of the rules, the vote was reconsidered whereby this bill was passed to be engrossed, Senate Amendment A was adopted in concurrence, and on further motion by Mr. Cook the bill was passed to be engrossed as amended by Senate Amendment A.

From the Senate: An Act to amend Chapter 393 of the Private and Special Laws of 1909, relating to the Millinocket Municipal Court.

In the House this bill was passed to be engrossed; in the Senate the bill was passed to be engrossed, and subsequently the vote was reconsidered and Senate Amendment A was adopted.

On motion by Mr. Quinn of Millinocket, under a suspension of the rules, the vote was reconsidered whereby bill was passed to be engrossed, and on further motion by Mr. Quinn the bill with Senate Amendment A was laid upon the table pending the concurrent action in the adoption of Senate Amendment A.

From the Senate: An Act authorizing the Atlantic Shore Railway to increase its capital stock.

In the House this bill was passed to

be engrossed as amended by House Amendment A and by House Amendment B; in the Senate the bill was indefinitely postponed in non-concurrence.

Mr. Mitchell of Kittery moved that the House insist upon its former action in the passage of the bill to be engrossed and asked for a committee of conference.

The motion was agreed to, and the Speaker thereupon appointed as a committee of conference on the part of the House Messrs. Mitchell of Kittery, Gordon of Biddeford and Marston of Skowhegan.

From the Senate: An Act to amend Chapter 219 of the Private and Special Laws of 1903, establishing a salary for the judge of the Eastport Municipal Court. (Tabled pending the acceptance of the report of the committee in concurrence on motion by Mr. Milton of Eastport.)

From the Senate: Majority and minority reports of the committee on judiciary on bill, An Act to regulate the practice of Osteopathy and providing a board of registration of Osteopathic physicians, majority reporting in new draft and "ought to pass" minority reporting "ought not to pass."

In the Senate minority report was accepted.

Mr. Donovan of Lewiston moved that minority report be accepted in concurrence with the Senate.

Mr. DONOVAN of Lewiston: Mr. Speaker and gentlemen, I only wish to say a few words in relation to this matter. I submit that this is one of the most important measures that has come before this Legislature for consideration, inasmuch as it concerns that which is dearest and nearest to you, your health. Without health, I need not tell you, life is a miserable existence. I wish to refer to the regular practice of medicine which dates back to the dawn of humanity, and as we travel down the ages little of an authentic nature is known until we come to about the 15th century. We have the writings of numerous eminent men, whose writings have been of very valuable assistance to the profession. When we get along as far as the celebrated

anatomist Versailius we see that his ingenuity and his interest in human life and well-being prompted him to look into the interior of the human construction. We have all heard of Rembrandt, whose picture adorns the walls of many of our institutions. I will also call attention to some of the inventions and improvements which have been wrought by the distinguished men of those olden times. I refer particularly to the work, the result of labor and observation of that celebrated man, Dr. Jenner. At that time that dreaded disease, small-pox, was much more to be dreaded than it is now. In fact, at the present time we care very little about it; but in those days a victim of small-pox was a loathing mass of pus and corruption. The astute mind of this great man soon became aware that those whose duties dealt with the care of the cow became immune, and his mind soon drew the inference that there was a relationship existing between cow-pox and small-pox. The result of that was that the cow-pox was introduced into the system as a preventive for small-pox. Then we come down to the days of vaccination, where the work is done neatly and in a manner very much improved over the previous crude methods. And I may say in passing that Dr. Jenner, on account of his labors for the benefit of humanity drew down upon himself the anger and vituperation of the community. Later on he was rewarded in a measure.

It was not very long ago, in 1847, that ether and chloroform were discovered. Think for a moment of the advance in medical science. Think of the victim chained down to the table by cords and bandages preparatory to a surgical operation; think of the victim, and think of the friends, and think of the surgeon who was about to perform an operation. I had the pleasure of seeing the first bottle of chloroform ever brought into England. Then came the discovery of ether as an anesthetic, which has become such a benefit to mankind throughout the civilized world. Ether is generally preferred to chloroform on account of its greater safety.

Later on a distinguished German student discovered that agent known as

cocaine by which local anaesthesia may be produced, which of itself has been such a great boon to humanity. Think of a person with a cinder in his eye, which has been there for hours, which has irritated the eye so badly that he or she cannot bear the light of day. The surgeon and the specialist is obliged to remove that substance which now can be done by the aid of cocaine. Think of the wonderful effects produced by cocaine, rendering the eye painless so that the little particle of cinder or foreign substance can be removed by the skilful use of a little instrument. These things and many more have been discovered by those great and eminent men.

In 1822 the immortal Pasteur was born. He lived and spent his life in France, and the result has been a long-continued study resulting in the theory that all disease and all infections consist of germs. Previous to this time every surgical operation was liable to be followed by suppuration. If a limb was amputated a surgeon expected suppuration to follow, and after a long process of suppuration and granulation the wound healed. That condition pertained to all operations. We all know that the operation for the removal of the cataract from the eye is now successfully performed. Every operation for cataract previous to the days of Pasteur was followed or liable to be followed by suppuration and the destruction of the eye. But since the germ theory of disease has been established these conditions have been overcome and suppuration does not follow. Consequently the operation for removal of cataract is successfully performed. One drop of pus forming in the eye after the removal of a cataract is practically fatal to the vision.

After the labors of Pasteur we find his principles extended to many branches of industry. We see it in connection with the milk which is so treated that it remains unchanged. Then that great and celebrated man, Lister, born in Scotland, and who died only recently, saw the advantage of the great discovery of Pasteur, and he began to put that theory into practice.

In the year 1869 I was in the city of

New York spending the winter there in a post-graduate course. I saw the beginning of the so-called antiseptic treatment. At that time the method was coming into operation of disinfecting the parts of the body, the instruments, the surgeons and the nurses themselves who participated in the operation, and they all sterilized their hands and clothing and everything pertaining to the operation. That troublesome method has long since passed away.

I will now mention briefly how a patient is prepared for operation in order to escape the dread consequence of suppuration. The patient is given a bath, the locality in which the operation is to be performed, no matter in what part of the body—and I will say, in passing that every part of the human body is now subject to the treatment of the surgeon. He can enter the brain, and he can enter the chest or he can enter the heart cavity or any part of the abdomen, and the whole organization of the body is subject to the examination and treatment of the surgeon. Why is this? There is just one reason why, and that is because suppuration is depending upon the presence of germs. If you eliminate those germs suppuration could not take place.

I might go on repeating what has been done by the regular medical profession for the benefit of mankind throughout the world, but I think I have said enough. I would refer perhaps to the diseases which are depending upon the mosquito, for instance, yellow fever, and notably in the country bordering on the Equator. You all know and have read of the destruction and death occurring in the regions about Panama. You know what is going on there, today, and why it is possible. It is because yellow fever has been eliminated. The genius of medical men has discovered that the mosquito is the origin and the means of transmission of that disease, yellow fever. A great work has been accomplished in this regard. It became necessary to get rid of the mosquito which was done by a process which I do not need to detail. In the experimental line of

work a great good has been accomplished, and we all know the effect of drugs in the way of meeting and combatting the diseases for which they are administered.

As I have said, Mr. Speaker, I consider this a most important subject; it is a subject that concerns our very best interests. We stand before you as physicians having undertaken a great work in the aid of humanity. Think of what a medical man should be. He should be first above all a clean man; then he should be an honest man. We have the privilege granted to us through necessity of entering into your very lives; we enter your homes and become familiar with you and all members of it, and you all know the great interest we take in that work. I am very much interested in this subject because it interests me. I have been practicing medicine for 50 years, and many things have come up in that time which have been for the honor of the profession. Here is a question before us in regard to the admitting to registration of this body of men called Osteopaths, men and women, and if we do admit them to registration I am afraid we are doing a dangerous thing; you are granting to them a privilege of which you know nothing. They have spoken about their colleges, but we all know the limited extent to which they prevail. The old school can point with pride to laboratories in Europe and in every country of the world. I can point with pride to medical institutions, to the great works of literature in the field of medicine, but if you let these men come into our ranks, I dread the consequences. I leave the question to your own judgment, it is for you and it is not for me to decide.

Mr. IRVING of Caribou: Mr. Speaker, I have waited until I am surprised that no voice has been raised here today in behalf of the people. I yield to no man in my respect, and almost a veneration, for the doctors of medicine. I regard them as the greatest benefactors of the race; I class them among my list of heroes, who, without regard to comfort or personal safety or life minister to the wants of suffering humanity; and I cannot

think it possible that those great men should come to this Legislature and oppose a measure purely because of opposition to them in their everyday pursuits.

I wish to call attention to the fact that the dentists have their special board from whom they receive their certificates of registration entitling them to practice. There are numerous boards before which members of other professions go to receive their qualifications or permission to practice. I know nothing about osteopathy. I simply know that there are cases which have been relieved by those who profess an ability to cure. We want to know something about it, and for that reason I am opposed to the motion of the gentleman from Lewiston (Mr. Donovan).

Mr. PLUMMER of Lisbon: Mr. Speaker, I do not wish to be understood in opposing this bill as having any antipathy towards the osteopaths; such is not the case. I am convinced, as I understood the gentleman from Caribou (Mr. Irving) to state, that the final answer to the question of the treatment of diseases has not yet been made. In the absence of a final and definite answer I welcome any proposition, or any method of treatment, which offers any improvement. The question before us, it seems to me, presents itself in two heads. There is first the question of the advisability of any regulation of osteopathy, or any other branch of the practice of medicine, if it may be so called; and the second, in granting the advisability of a board regulation. I have heretofore stated before this House, and I do not propose to repeat any of those arguments, that I am opposed to any regulation of these matters whatever, and will only say in that connection that I think if some of these things could be left alone that they would virtually work themselves out about as rapidly and successfully as can be done by any assistance which can be rendered by even so able a body as the 76th Legislature of Maine. But, I say, granting that it is advisable to regulate the practice of medicine, or the treatment of dis-

ease, it does not necessarily follow that it is advisable to have more than one board for such regulation. The original purpose of the board was two-fold. One was, perhaps, or said to be at least, as all these things are said to be, for the protection of the dear people at home who are not competent, perhaps, to choose their own physician, or their own dentist, or perhaps even their own stallion. The other was that certain individuals were quacks; they were not properly equipped to practice medicine. Now undoubtedly that may be true, and it is probably true, today; but as rapidly as we find that one branch is regulated, or a board is appointed to examine applicants, such as the regular board or the board of registration, so-called, there then comes up people such as Osteopaths, Christian Scientists, and any others there may be, who have been termed quacks by the regular profession, and who wish a board of their own for the reason that, as they say, there are certain quacks outside of them imposing on the public under the name, for instance, of osteopaths. Now, as I remember it, two years ago certain arguments were made, either in private or before the House publicly, I won't say which, that there were certain individuals who had not received a proper education in osteopathy, and that for the protection of the public these certain individuals should be precluded from using the term osteopath or from representing themselves as qualified to practice osteopathy.

Now, gentlemen, if you will but pause to think I am satisfied that you will see that the minute that certain of these individuals cannot get in or can not get by this board, should it be passed, they will then form a new school perhaps of mechano-therapy or something of that kind; and after a little there will be certain quacks who are practicing mechano-therapy, and the mechano-therapys will then want a beard to cut out quacks from them; and so on. The limit cannot be foretold by any man.

Now, if the State is to regulate the practice of medicine and the treatment

of disease, it seems to me that it should go about it something in this way, and I am inclined to think that within a comparatively few years that it will do so; there should be a board composed, perhaps about as the present board is composed, of men who so far as possible can be supposed to be unprejudiced, who should examine every applicant who chooses to come before them in certain things which are recognized at the present time to be scientifically established facts; that is, for instance, in the anatomy of the body, that there are about so many bones in the body,—about 200 or some more, as I remember it—that there are certain muscles in the body which have certain actions, and that the brain, the heart, the liver, kidneys, and the like, are inserted in certain locations, generally speaking. It might also examine in physiology; as to whether a man had made investigation or had received training as to the process of digestion, and such like. It might also properly examine in chemistry in which, as I understand it, the rules or laws of nature have been pretty well apprehended. They might also be examined in the diagnosis of disease. It might also examine in mythology, as to the condition which exists in the body in certain diseases. I do not mean by this that I have perhaps taken up every branch they should be examined in; but all of those things that I have mentioned are pretty well established facts. Now having examined in those things, that is as far as any examination should go. The treatment of disease at the present time is not, as I have stated before, on any such scientific basis that any man should be kept from practicing merely because he does not agree with another one as to the proper treatment of a particular condition, for I apprehend that among some seven or eight members of the medical profession who are members of this House, that perhaps in a particular case hardly any two of us might agree as to just what should be done.

There is one other point in connection with this case that relates to the question of the general regulation. Two years ago there were, I think, some 18

or 20 Osteopaths in the State. Now manifestly if we passed this bill, as I have understood it, we legislate those 18 or 20 to be regular practitioners—not regular practitioners, but to be competent to practice. Now I do not know whether they are any more competent to practice than some others these 18 or 20 say are quacks, and I do not consider that this Legislature is competent to examine them to determine that fact; but if it is to determine that fact it should certainly bring them before it for examination before it delegates to any of them the power to examine other people, because manifestly if they are not competent to pass the examination themselves they cannot be competent to examine other people. For these reasons, gentlemen, and not, as I stated at the outset, that I have any prejudice whatever against Osteopaths or against anybody else who is practicing medicine, I trust that the motion of the gentleman from Lewiston will prevail.

Mr. THOMPSON of Standish: Mr. Speaker, we are asked, this morning, to establish a board of commissioners for a school that numbers about 30 in the entire State. Now, gentlemen, I do not want to speak in the interest of any method or school of any name, neither do I want to speak in the interest of any medical society, State, county or national, and it is my pleasure to belong to them all; but, gentlemen, I would like to ask a question—if we fully understand what it means to establish a board of medical examiners? Now it seems to me that more responsibility rests upon each individual member of the board of medical examiners than can possibly rest upon any teacher or body of teachers in any medical school of any name in this wide world, because in the first place I believe that that board is the safety-valve between all unscrupulous persons and the people. In the second place I believe that medical board is the lever that regulates the practice of surgery and medicine with or without drugs. I want to say right here that in our courses of study in medicine, whether it is four, five or six years, a very short space of time is given to the study of drugs.

Now, when this school of Osteopaths, numbering about 30 in the State, have so established themselves in the minds of the people, when they have satisfied them that they have taken a course of study in the fundamental branches of medicine—I mean anatomy, physiology, mythology of the human body, the chemical actions and reactions which take place in the body. It is necessary, also, never mind what form we may refer to in treating disease, for us to have a knowledge of the circulatory system, the life blood of the body; we must know the nervous system, the brain, the spine from which every nerve that supplies every part of the body comes—I believe it is necessary for us to understand that. Now, gentlemen, when this body have satisfied the people that they have taken a course that will enable them to understand these conditions in a way to cope with disease, then I would hold up both hands to grant them—not an independent board of examiners, but a representative on the existing board. I hope that Dr. Donovan's motion will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Donovan, that the minority report of the committee on judiciary, reporting "ought not to pass" be accepted in concurrence with the Senate.

A viva voce vote being doubted,

A division was had and the motion was lost by a vote of 36 to 76.

On motion by Mr. Smith of Presque Isle the majority report of the committee reporting bill, An Act to regulate the practice of the system and Osteopathy, creating a board of examination and registration for those desiring to practice the same and providing penalties for the violation of this act, was accepted, and on further motion by Mr. Smith the bill received its two readings and was assigned for tomorrow morning for its third reading.

From the Senate: Message from the Governor, accompanied by resolve and order, the message having been in the Senate read and ordered placed on file.

In the House the message was read and placed on file in concurrence.

The resolve being resolve in favor of the adoption of an address to the Governor for the removal of Lewis W. Moulton, sheriff for the county of Cumberland, having been in the Senate read and adopted.

On motion by Mr. Kehoe of Portland the resolve was laid upon the table for printing and specially assigned for consideration, tomorrow morning.

The order accompanying the message, came from the Senate, in that branch read and passed.

On motion by Mr. Kehoe of Portland the order was laid upon the table for printing, pending its passage in concurrence with the Senate, and specially assigned for consideration, tomorrow morning.

On motion by Mr. Dunton of Belfast the message from the Governor, together with the documents accompanying the same, were ordered printed.

From the Senate: An Act relative to the compensation of employees for personal injuries suffered in the course of their employment and to the prevention of such injuries.

In the Senate this bill was amended by Senate Amendments B, C, F, H, I, J, K, L, M and N.

The amendments were adopted in concurrence.

The SPEAKER: Under the order passed by the House, a few days ago, the time for the reception of amendments to this bill in the House is limited to the session of this morning. Are there any amendments to be offered?

Mr. Butler of Farmington moved that the bill be tabled and the time further extended for offering amendments.

The SPEAKER: In reference to the matter of changing the time for the introduction of amendments the Chair will state that an order was passed by the House limiting that time to the session of this morning. The Chair sees no way in which that can be changed except by a reconsideration of the vote whereby the order was passed. A reconsideration of that vote under the rules can only be had by a two-thirds vote.

Mr. Butler of Farmington then withdrew his motion.

Mr. Irving of Caribou then offered House Amendment A to Senate Document No. 575, to amend Clause 2 of Section 1 by adding thereto the following words: "E. Laborers employed in the cutting, hauling, yarding or driving of logs or lumber, or any laborer in the woods or on the drives."

On motion by Mr. Smith of Auburn the amendment was tabled for printing and specially assigned for consideration, tomorrow.

Mr. Butler of Farmington offered House Amendment B, to Senate Document No. 575, by providing that if such a bill were passed, that one-third of the expense of injuries should be borne by the State, one-third by the employer and one-third by the employee.

On motion by Mr. Smith of Auburn the amendment was tabled for printing and specially assigned for consideration, tomorrow.

Mr. Plummer of Lisbon offered House Amendment C to Senate Document No. 575, to amend paragraph three of Section 13 by adding at the end of said paragraph the following: "If such deposit be in cash, interest thereon shall be paid to the depositor from the State treasury at the rate of four per centum per annum, if securities any interest accruing shall likewise be returned to the owner of such securities."

On motion by Mr. Smith of Auburn the amendment was tabled for printing and specially assigned for consideration, tomorrow.

Mr. Plummer of Lisbon then offered House Amendment D to Senate Document No. 575, to amend Section 13 by striking out the following words at the beginning of Line 55, "may in its discretion," and inserting in place thereof the word "shall."

On motion by Mr. Smith of Auburn the amendment was tabled for printing and specially assigned for consideration, tomorrow.

Mr. Butler of Farmington then offered House Amendment E to Senate Document No. 575, to provide that this commission be made a commission to be appointed by the Governor and Council.

On motion by Mr. Smith of Auburn the amendment was tabled for printing and specially assigned for consideration, tomorrow.

On further motion by Mr. Smith of Auburn the bill was laid upon the table and specially assigned for consideration, tomorrow.

From the Senate: Majority and minority reports of the committee on legal affairs on bill, an Act to abolish the Belfast municipal court and to establish a police court for the city of Belfast, majority reporting "ought to pass," and minority reporting "ought not to pass."

In the Senate the majority report of the committee was accepted.

On motion by Mr. Thombs of Lincoln both reports were laid upon the table unassigned, pending the acceptance of either report.

Senate Bills on First Reading.

An Act to incorporate the York County Power Company. (Tabled pending its first reading on motion by Mr. Sanderson of Greene.)

Resolve relating to the payment of fees to town clerks for reporting in relation to inheritance taxes.

From the Senate: Majority and minority reports of the committee on State lands and forest preservation on bill, an Act to amend Section 1 of Chapter 7 of the Revised Statutes, relating to the appointment of land agent, majority reporting in a new draft under same title and "ought to pass"; minority reporting "ought not to pass."

In the Senate the majority report was accepted.

Mr. Marston of Skowhegan moved that the majority report be accepted in concurrence with the Senate.

Mr. DUNTON of Belfast: Mr. Speaker, this bill, as I understand it, provides for a tenure of office of three years for the land agent and forest commissioner. Previously the land agent and forest commissioner has been appointed for a term of four years. His commission, as I understand it, under seal of the State, bears an appointment for four years; but the statute provides in words to this effect: "unless sooner removed by the

Governor and Council." Now it has been the practice, I think, for these commissioners to be "sooner removed," and this was the case of the land agent, Mr. Mace, who served up to January 28th, if my memory serves me correctly, when he received notice that a new agent was appointed by a circular posted in the corridor, or something to that effect. Now I am not criticising the action of the Governor in removing Mr. Mace from office, or doing it in this way; but it seems to me that it is inopportune now, immediately on the heels of that removal in that way, to ask for a fixed tenure extending for a period of three years from this time for a new man who has yet to be tried. It seems to me we had better wait two years more before fixing any particular tenure of office for that official.

As I understand it, no fault has been found with the conduct of the office by the former commissioner. So far as I know there is no expectation that the present incumbent of that office will not perform his duties properly; but it seems to me that it is advisable for us to wait until the official is tried. If it had been thought best to introduce a bill of that sort at the beginning of the session, to apply to the then incumbent of the office, I certainly should not have objected, and I should not object in two years from now, if the official had performed his duties wisely and well, to extending the tenure; but it seems to me that any matters of that sort should be considered by the people who are being served, rather than by the servant. Those offices were not created for the benefit of those who happen to hold them; but for the benefit of the people for whom the service is performed, and logically it seems to me that any change in the tenure of that office should proceed from the people. Now I may be misinformed; but as I understand it this is a bill of the commissioner himself; not introduced by him, because he could not do that, or under his name; but everybody knows it is admitted—I won't use the term admitted, because that might carry with it an implication uncomplimentary to somebody. I do not mean it in that sense; but it was a bill prepared and brought before us at the behest of the commissioner immediately after he entered upon the duties of his office. Now without criticising

him, without forecasting at all as to the effect of it, it seems to me that on the whole we are not called upon to take any action at this time, and I move the indefinite postponement of all action on the matter.

Mr. MARSTON of Skowhegan: Mr. Speaker, I merely wish to state the position of your committee, and the reason they reported that this bill "ought to pass." Evidence was brought to your committee that this office, in the first place, is somewhat different from the other offices in the State House. It is shown that about nine-tenths of the labor of the forest commissioner and land agent is in connection with the so-called forestry district. Now that forestry district, as most of you probably know, was created at the behest of the land owners of Maine in order to afford them protection from fire to the wild lands. They asked the State to form this district because the State is the only agency that can compel all land owners to contribute toward the cost of fire protection. You know somewhere between \$70,000 and \$80,000 a year is levied as a special tax upon the land owners within this so-called forestry district. Now the land owners—the people concerned—requested the State to appoint a man who should administer the expenditure of this \$70,000 or \$80,000 for the best interests of themselves. The State as a whole, of course, are interested in the protection of the forests from fire; but directly interested, of course, and most interested, are the owners of the land. It has been shown, as I said, that 9-10 of the labor of the forest commissioner is in the handling of this forestry district, consequently the matter of policy of the Governor who happens to be in control, his politics has little if anything to do with the administration of this office.

There are certainly some offices in the State House that are directly affected by the policy of the Governor, and it might be embarrassing for the Governor to have a man of the opposite party in them; but in this office this man is largely concerned with something which might be considered a purely business proposition. At the

beginning of this session, when this matter was under consideration there were several meetings of the land owners here to consider the measures which were to be introduced, and at that time they were unanimous in favor of putting this office out of politics if possible. The bill was drawn at the suggestion of the land owners. As a land owner, and as a member of the committee, I asked the land commissioner's office to draw the bill, and the land commissioner employed a lawyer to draw the bill. Now the bill as reported by your committee simply struck out the words "at the pleasure of the governor"—to be removed at the pleasure of the Governor, or something to that effect; I don't remember exactly. The old law was to the effect that the land agent and forest commissioner held office for four years unless removed at the pleasure of the Governor. At that time I do not think there was any land owner or any member of the committee that realized the political significance of the bill. When the hearing came there was very able opposition to the bill, and purely and simply on the ground that this bill was unfair; that by making the tenure of office four years it would make it impossible for the successor of the present governor to appoint a man during his administration. If the next Governor should be a Democrat it would provide that the present incumbent would hold through the next Governor's administration. We at once realized that that was unfair, and at the suggestion of a member of our committee we moved to make the tenure three years, so that in the accident of a Democratic Governor to succeed Governor Haines the Democratic Governor would have the appointment of a land agent and forest commissioner in the middle of his term. We appointed a committee—a Democrat and a Republican—to consult the leaders of the House, and the opponents of the bill, as to the fairness of it, and they reported that the bill was eminently fair. The principal opponent to the original draft said he had no objection to the bill. With that in view your committee voted upon

the question, and all but two of the committee agreed to sign the majority report. Afterwards, circumstances arose that one other member of the committee felt that he could not sign the majority report, and the circumstances were such that your committee was very glad to relieve him from responsibility.

The point I wish to make to you is, that it is impossible for a man in two years, or may be a shorter time, as it was in the case of Mr. Mace, to become qualified to administer the very strenuous duties of this office. There are, in round numbers, nearly 10,000,000 acres of land that he must be acquainted with. He has also during the dry season a force of from 200 to 300 men patrolling the woods; he has under his supervision mountain fire watchers, and he has the appointment of these mountain fire watchers and of the patrol. Now it is impossible for a man in a very short time, with a short tenure of office, to become acquainted with this vast area of land, to know what the demands of the different localities may be, and to become acquainted with the people who live in those communities. It is necessary that he be able to get around and learn who are the best men to appoint for patrol and mountain fire watchers. This is a business. The lumber industry demands that the State administer this special levy of \$70,000 to \$80,000 which they pay into the State in a businesslike and proper method; and I think that you gentlemen will agree with me that it is only fair that this money which is paid into the State by the land owners should be properly administered, and that they should have some say in how it shall be done.

I think the most of you know that Mr. Viles was not a candidate for the office, and did not seek the office; but he was considered by the land owners the most capable man whom the Governor could appoint.

I want to say here again what I said in the committee, that it is just such situations as occurred in the case of Mr. Mace that the land owners are desirous of making improvements. When a good man is in office we do not want it to be up to the Governor to remove him. We

all know Governors are human, and they are going to remove every man that they can and appoint their friends. The best men in the world would probably do it. Now the lumbermen, and your committee, ask that that be prevented if possible. Give us a permanent tenure of office, or an office during good behavior, so we can expect a better and more businesslike administration of the office.

Mr. COOK of Vassalboro: Mr. Speaker, the gentleman from Skowhegan (Mr. Marston) has covered about the whole ground so that I need not detain the House but for a very few moments. There is one matter which I wanted to emphasize from my own experience, that this is a measure that is very much desired by the land owners. The gentleman from Belfast (Mr. Dunton) thinks it came only from the land office but I can state that I have been approached here in the last few days by men who are very vitally interested in the wild lands of this State, owners of very large tracts, and they wanted me to say for them that they thought this was very important to the wild land owners of this State.

When the next administration comes in the Governor will be very anxious to appoint a Progressive to that office, but still it would be better to wait a little while and see how things are running, and give the present land agent a little more time in which to complete the work which he has on hand; and to make it more effective, whether he should be a Progressive or a Democrat, he should have the opportunity to appoint the land agent, and he can then appoint whom he chooses.

Mr. MATHIESON of Rangeley: Mr. Speaker, there is one part of this subject which has not yet been touched upon. The land agent is obliged owing to the nature of his office to act as part of the fish and game commission. The other two members of the commission have a tenure of three years and for one I would like to see the third member of the commission also have the same tenure of office. I know that Mr. Viles was not very anxious to accept the position of land agent. He was very much interested,

and is at the present time very much interested in the fish and game matters of this State, and I think it was only when pressure was brought to bear upon him that he would accept this office. He has been a very efficient commissioner, and I would like to see his tenure of office lengthened so that he can serve as long on the commission as the other members of that commission.

Mr. SCATES of Westbrook: Mr. Speaker, I must confess that I was somewhat surprised to hear it stated before this House that the present land agent was not a candidate for that office. In fact, I may say that I am very glad to know it. I must say that I am opposed to a fixed tenure of office, that is, an appointive office, and as I read this bill I find that the land commissioner cannot be removed for any cause except by impeachment or address proceedings such as have been presented at this session. If I am wrong in that conclusion I am willing to be corrected.

Ordinarily my experience has been with office holders that they will work their finger ends off for the sake of getting an office and then when they are once in that office they will work equally hard to get an increase of the salary, or to have the office nailed down so that it cannot be taken away from them. I think that is the experience most everyone has had with people who are seeking office.

Now, gentlemen, I am not opposed to this bill for political reasons, and as I have reviewed my political legislative history I may say that I have been working most of my time to create offices for Republicans. Away back in 1907, when three-quarters of the members of the Legislature were Republicans, I did all that I could to have the salaries of the members increased from \$150 to \$300, so that they would be enabled to get one dinner a day down at the Augusta House. More than that, I spent a great deal of time and money in working for the creation of the office of State auditor, when there was not a Republican in the Legislature who had the temerity or who dared to do it for the very reason that he thought the people

would say they were creating new offices; and for the last five or six months about all I have done has been to work on a bill which is aimed towards the abolishment of an office which is now held by a Democrat; and so, as I say, for political reasons, I am not opposed to this bill.

Mr. AUSTIN of Phillips: Mr. Speaker, I wish to submit a few thoughts which have occurred to me in connection with this matter. The gentleman who has just preceded me (Mr. Scates) has spoken of bills preventing the removal of the incumbent of this office for any cause, and asked to be corrected if he was wrong. My answer to that is that the commission signed by the Governor and given to any appointive officer expressly and explicitly provides that he shall no longer retain that office only such time as he behaved properly in its administration, or words to that effect. I think every commission given and signed by the Governor from the office of justice of the peace to the head of any of the great State's departments bears the same words, that the office continues only as long as good behavior continues.

I think that no Republican here wants to speak in criticism of the very able administration of this important department under its late incumbent, Mr. Mace. I certainly do not wish to offer any, nor do I think any Republican member of this Legislature wishes to offer any such criticism; and I will say frankly that had this matter come up two years ago, during the 75th Legislature, I think that this legislation is so much in line with the present method and the present thought, that it would have received very little opposition from the Republican members of that Legislature.

It is important that you must all admit that it is important that an Executive who has charge of these important offices, and the spending of so many thousands of dollars for the forestry department, should be qualified by experience in the office, and we considered very unfortunately that this, one of the more important administrative offices of the government, has been left so long as a political football. What is the provision as regards the other important

appointive executive officers) The railroad commissioners have a fixed tenure of office for three years; the other two members of the fish and game commission, of which the land agent is ex-officio a member, have a tenure of office for three years; the State assessors have a four-year tenure of office; the State Board of Conciliation and Arbitration have a tenure of three years; and I think it would add very much to the executive efficiency of any administration if every appointive officer at the head of the important departments of this State should have a tenure of office holding for at least three years.

I submit that a bill carrying a tenure of office for four years in the present instance would have been unjust, it would have been political bait, and unjust to the great party which is not at present in power. We have asked that the tenure of office shall be for three years, and that will expire in 1916 under the present bill. It would give, in the event of a change of administration, the Governor of that administration an opportunity to appoint a member of his own party if he saw fit to this important office. Now I submit, are these good arguments why we should fix a tenure of office in this important matter so that it can no longer become a political football? I have no criticism to offer to Governor Plaisted for putting Mr. Mace in charge of the office, nor have I any criticism for Governor Haines for removing Mr. Mace and putting Mr. Viles in the office.

I submit to you that I think the tenure of office would have been fixed long ago by the Legislature had it not been for the fact that one party was for many years continuously in power, and the men who were occupying those offices were kept in office for periods ranging from three to 10 years, and thus became experts in their departments. Under the frequent changing of administration it would seem that this was a safeguard for the efficiency of the office, in line with modern thought, and putting our executive administration under, as it were, a civil service rule, and I cannot see where it does any injustice to any other political party.

Mr. NEWBERT of Augusta: Mr. Speaker, evidently the land owners are not a unit in this matter. I have in my hand a letter from the Great Northern Paper Co., and among other things the company writes this: "We are opposed to having the land agent and forest commissioner's appointment changed, and believe there is no good reason why the land agent and forest commissioner should hold office beyond the time of good and efficient service or the change of administration." I also have a letter, which I have mislaid, but I will give it to you in substance, from John Cassidy & Sons of Bangor, who own, I am told, 360,000 acres of timberland, and John Cassidy & Sons, Bangor, oppose the creation of a tenure of office for the present land agent.

Now I cannot see anything in this bill looking towards the betterment of public service. I think I would be willing to support some comprehensive measure in the Legislature putting all our State officers under a tenure of office; but we know the situation today, gentlemen, and we have nothing of the kind. I remember some things—not with prejudice; but I remember them—that on the day of the inauguration of our Governor the most efficient librarian was called into the office and practically dismissed after a few months of holding office; that the pension clerk suffered the same fate the same day; one of the most efficient superintendents of building I have seen in Augusta was called in the same day and told he must get out, while flowers were still fresh upon the Governor's desk following his inauguration to the high office; and I notice lately that the warden of the State Prison suffered the same fate; that the inspectors of jails and prisons have suffered the same fate; and others will follow. I have no criticism of all this; but in the face of all this it seems to me strange that now, gentlemen, that the administration should come to us and ask us to create a tenure of office for one man appointed by the Governor. Now I hold in my hand the commission from the Governor of this State appointing Frank A. Mace land

agent. It reads, "We therefore do hereby authorize and empower him to fulfill the duties of that office according to law for the term of four years if he shall so long behave himself while in said office unless sooner removed by the Governor and Council for the time being." Now the present statute is a four year term. Mr. Mace, the land agent preceding the present appointment, served 22 months. He was summarily removed within a few weeks after Governor Haines inauguration, and Mr. Blaine Viles appointed in his place. This is a prerogative of the Governor, and I do not stand here to criticise him, or to criticise the present incumbent. Mr. Blaine Viles is a friend of mine; he is one of the best fellows in the world, a man well acquainted with the duties of the office, and yet my friend, Mr. Blaine Viles, like myself is a pretty strong partisan. He is a good Republican, and he plays the game; and under him as land agent, and sitting on the fish and game commission, I understand, if I am correctly informed, that he will have part in the appointment of 200 or 300 men in this State as fire wardens and game wardens. I claim this is a great political asset, and back of it all, gentlemen, in my estimation, is the game of politics. I further understand, without criticising Mr. Viles, that he did sign a petition, a few months ago, while he was a candidate for another office, a petition for Mr. Curtis to be appointed land agent, thus petitioning the removal of Mr. Mace indirectly. Now that Mr. Viles has this office under the present statute it seems to me a little strange that now he wants to go in and padlock the outer door. What for? I leave it to the imagination and the judgment of this House. I am opposed to this. I am opposed to all kinds of legislation like it; and shall so vote. The Democrats, two years ago, were satisfied with the situation. Mr. Ring and his friends previously were satisfied with the situation. Why shouldn't our friends now be satisfied with the situation? Why now fix the tenure of office three years? I leave it, gentlemen, to your imagination, and to your judgment.

Mr. MARSTON of Skowhegan: Mr. Speaker, it seems to me that the argument of the gentleman from Augusta (Mr. Newbert) is a strong argument for the passage of this bill. It is not the man himself that I ask you to protect; it is not because I believe as a land owner, or it is not because as a business proposition, I believe that Mr. Viles is a most capable man for that office; he is a graduate from a forestry school, and he has had large experience in that business; it is not on his account at all, and I believe that my friend from Augusta (Mr. Newbert), will give me credit of believing that I do not ask it for any political reason, for I would welcome a Democratic appointment, a man whom I considered a better man than Mr. Viles.

I want to impress upon you this fact, that the land owners are not asking this so that a Republican may remain in office, but so that we can remain assured that an efficient man will remain in office. I wish to say also that the lumbermen of Aroostook, Somerset, Piscataquis, Washington and Hancock counties join in asking that this Legislature take this office out of politics and insure the passage of this bill.

Mr. Kehoe of Portland moved that when the vote is taken on this question it be taken by the yeas and nays.

Mr. TAYLOR of Topsfield: Mr. Speaker and gentlemen of the House as one of your committee on this bill granting a tenure of office to the State land agent, I wish to corroborate the remarks made by Mr. Marston of Skowhegan. Your committee regarded the taking of this office out of politics a much needed reform and a step in the right direction to my mind this is one of the most important offices held by any State official.

I have here, Mr. Speaker, a list showing the tenure of office of the various officials of this State, which is as follows:

Judges of supreme judicial court 7 years.

Judges of superior courts 7 years.

Justices of the peace and notary public, 7 years "if they so long behave, etc."

Judges of municipal and police courts, 4 years.

Sea and shore fisheries commissioner, 3 years and until successor is appointed and qualifies.

Trustees of State Normal schools, not more than 3 years.

State Board of Health, 6 years.

Library Commission, 4 years.

Commissioners of Pharmacy, 3 years (can be removed for cause).

Board of Examiners to regulate practice of embalming, 3 years.

State Board of Registration of Medicine, 6 years. May be removed for cause.

Railroad commissioners, 3 years.

Inland fish and game commissioner, (chairman and one member) 3 years.

Board of Dental Examiners, 3 years, until successor is appointed and qualifies.

Board of legal examiners, 5 years.

Board of registration, 4 years.

State Assessors, 4 years, tenure of office under general procedure.

Public Administrators, 4 years, tenure of office under general procedure.

Trial justices, 7 years.

Medical examiners, 4 years.

Trustees of juvenile institutions, 6 years.

Board of Registration of Optometry, 3 years, may be removed for cause.

Veterinary examiners, 3 years, may be removed for cause.

State Board of Arbitration and Conciliation, 3 years.

Licensed detectives, 4 years, unless sooner removed for cause.

Terms "During Pleasure of Governor and Council," or "Unless sooner removed."

Superintendent of schools, 3 years, or during the pleasure of the Governor.

Insurance commissioner, 3 years, unless sooner removed.

Bank commissioner, 3 years, subject to removal at any time.

Librarian, 3 years, unless sooner removed.

Probation officers, 4 years, or during the pleasure of the Governor.

Land agent and forest commissioner, 4 years removable.

Hospital trustees, 4 years, may be removed at any time by the Governor and Council.

Now, I believe you will all agree with me that the office of State land agent is of much more importance office than any of the above mentioned.

I believe you will agree with the majority report on calm and careful consideration of the great importance of the official to all of the great interests of our State at large.

The SPEAKER: The question is on the motion of the gentleman from Skowhegan, Mr. Marston, that the majority report be accepted. The Chair understands that the gentleman from Belfast, Mr. Dunton, made some suggestion about a motion to indefinitely postpone, but the same result of course can be accomplished by a motion to accept or otherwise the report to the committee.

Mr. DUNTON: Mr. Speaker, my motion was to indefinitely postpone.

The SPEAKER: The motion of the gentleman from Belfast, Mr. Dunton, to indefinitely postpone takes precedence of the motion of the gentleman from Skowhegan, Mr. Marston, that the majority report be accepted. On that motion the gentleman from Portland, Mr. Kehoe, has demanded the yeas and nays.

The yeas and nays were ordered.

The SPEAKER: All those in favor of the indefinite postponement of the bill on the calling of their names will say yes: those opposed will say no. The clerk will call the roll.

YEA:—Benn, Bither, Boland, Boman, Brennan, Brown, Bucklin, Chadbourne, Churchill, Clark of Portland, Clark of New Portland, Cochran, Connors, Crowell, Currier, Cyr, Davis, Descoteaux, Doherty, Donovan, Dresser, Dunbar, Dunton, Eaton, Eldridge, Elliott, Estes, Farnham, Gallagher, Gamache, Gardner, Goodwin, Gordon, Harman, Harriman, Haskell, Hodsdon, Hogan, Kehoe, Kelleher of Portland, Kelleher of Waterville, Lawry, Leary, LeBel, Leveille, Libby, Mason, Maxwell, Maybury, Mildon, Mooers, Morgan, Morneau, Newbert, Packard, Pitcher, Plummer, Price, Putnam, Quinn, Reynolds, Richardson, Robinson, Rolfe, Sanderson, Scates, Sherman, Smith of Presque Isle, Snow, Sprague, Stanley, Stetson, Swett, Wheeler, Winchenbaugh, Yeaton—76.

NAY:—Allen, Austin, Bass, Benton, Bowler, Bragdon of Sullivan, Bragdon of York, Butler, Chick, Cook, Durgin, Eastman, Emerson, Folsom, Greenleaf of Auburn, Greenleaf of Otisfield, Haines,

Harper, Higgins, Irving, Jenkins, Johnson, Jones, Kimball, Marston, Mathieson, McBride, McFadden, Merrill, Metcalf, Mitchell of Newport, Morrison, Morse, Nute, Peacock, Peaks, Pendleton, Peterson, Ricker, Rousseau, Skelton, Skillin, Smith of Auburn, Smith of Patten, Smith of Pittsfield, Spencer, Stevens, Stuart, Sturgis, Swift, Taylor, Thombs, Thompson, Tobey, Trimble, Tryon, Twombly, Umphrey, Violett, Washburn, Waterhouse, Wise—62.

ABSENT:—Farrar, Franck, Hancock, Hutchins, Jennings, Leader, Mitchell of Kittery, O'Connell, Ramsay, Roberts, Sanborn, Sargent—12.

The SPEAKER: Seventy-six having voted in the affirmative and 62 in the negative, the motion prevails and the bill is indefinitely postponed.

On motion by Mr. Boland of Biddeford, tomorrow was assigned as the date for special consideration of bill, An Act to incorporate the York County Power Company, which was tabled on motion by Mr. Sanderson of Greene.

Senate Bill on First Reading.

Resolve in favor of the Maine Insane hospital for the erection of piazzas on the Harlow and Sanborn wings.

On motion by Mr. Irving of Caribou the House voted to take a recess until half past two o'clock, this afternoon.

After Recess.

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

Placed on File.

By Mr. Sanborn of South Portland: Petition of Edward G. Churchill and 19 others of Augusta in favor of the Massachusetts Ballot Bill; also petition of John E. Warren and 26 others for same; also petition of H. M. Donnelly and 19 others for same.

Reports of Committees.

Mr. Clark of New Portland from the committee on interior waters, on bill, An Act to amend section 15 of chapter 54 of the Revised Statutes, relating to provisions for safety on inland steamers, reported legislation thereon inexpedient. (Tabled pending the acceptance of the report on motion by Mr. Peacock of Readfield.)

Mr. Marston from the committee on State lands and forest preservation reported "ought not to pass" on bill, An

Act to establish a State Forestry Commission.

Mr. Folsom from the committee on public buildings and grounds reported "ought not to pass" on resolve toward the erection of a statue of James G. Blaine on the capitol grounds.

Mr. Bowler from the committee on salaries and fees on bill, An Act to amend paragraph 11 of section one of chapter 119 of the Public Laws of 1905, relative to the salary of the county attorney of Penobscot County, reported legislation thereon inexpedient as the subject matter has been referred to a special committee.

Same gentleman from same committee on bill, An Act to amend paragraph 11, section one, chapter 118 of the Public Laws of 1905, relative to the salary and clerk hire of the clerk of courts of Penobscot County reported legislation thereon inexpedient as the subject matter has been referred to a special committee.

Same gentleman from same committee on bill, An Act relating to the salary of the judge of the Superior court for the county of Cumberland, reported legislation thereon inexpedient as the subject matter has been referred to a special committee.

The reports were accepted.

Mr. Mitchell of Kittery from the committee on appropriations and financial affairs reported "ought to pass" on resolve in favor of the secretary of the committee on Indian affairs for the expenses of the committee in visiting the Penobscot reservation at Old Town.

Mr. Kimball from the committee on agriculture on bill, An Act to amend sections two, nine and twelve of chapter 195 of the Public Laws of 1911, in relation to the control of contagious diseases among cattle, sheep and swine, as amended by House Amendment A, reported that the same "ought to pass," as amended. (Tabled pending acceptance of the report on motion by Mr. Peacock of Readfield.)

Mr. Scates from the committee on ways and bridges reported in a new draft and "ought to pass" on bill, An Act to provide for the preservation of highways and bridges.

Same gentleman from same committee reported in a new draft and "ought to pass" bill, An Act in relation to safety and improvement of highways.

Mr. Goodwin from the committee on State lands and forest preservation reported in a new draft and "ought to pass" resolve waiving a forfeiture of the public lots in the north half of Township No. 27, Washington County, Eastern Division.

The reports were accepted and the several bills and resolves tabled for printing under the joint rules.

First Reading of Printed Bills and Resolves.

An Act to amend chapter 120 of the Private and Special Laws of 1899, relating to the establishment of a municipal court in the town of East Livermore.

An Act to amend section 51 of chapter 51 of the Revised Statutes, in relation to certificates of safety granted by the railroad commissioners.

An Act to regulate the size and construction of caboose cars.

An Act to enable the county of Sagadahoc to rebuild Merrymeeting Bay Bridge.

An Act relating to the fee and the registration of physicians and surgeons.

Passed to Be Engrossed.

An Act relating to the Payment of funds to minors under any Decree of Court.

An Act to create the office of Assistant Attorney General.

An Act to establish the Lincoln Municipal Court.

Resolve in favor of the Old Town-Orono Anti-Tuberculosis Association of Old Town, for the treatment of tuberculosis among the Penobscot Indians.

Resolve in favor of a Survey for a road in the towns of Amherst and Clifton. (Tabled pending second reading on motion by Mr. Quinn of Millinocket.)

Resolve for the revision and consolidation of the Public Laws. (Tabled pending second reading on motion by Mr. Smith of Presque Isle.)

An Act granting to the Knox County Power Company the right to generate

and sell electricity in the municipalities of Thomaston and Rockland, together with pole rights therein.

An Act to incorporate the Kingman Telephone Company, as amended by House Amendment A.

An Act to incorporate the Hampden Water Company.

An Act relating to the disbursement of appropriations to institutions receiving State Aid.

Resolve in favor of the Commission on enlargement of State House. (Tabled pending second reading on motion by Mr. Trimble of Calais.)

Report in favor of the Children's Protective Society, Portland.

Resolve in favor of Waldo County General Hospital, Belfast.

Resolve in favor of Saint Elizabeth's Roman Catholic Orphan Asylum of Portland.

Resolve in favor of York County Children's Aid Society, Saco.

Resolve in favor of the Bar Harbor Medical and Surgical Hospital, located at Bar Harbor, Maine.

Passed to Be Enacted.

An Act to repeal chapter 315 of the Private and Special Laws of 1903 entitled "An Act to incorporate the Madunkeunk Dam and Improvement Company."

An Act to amend Chapter 217 of the Private and Special Laws of 1911, increasing the corporate limits of the Porter-Kezar Falls Village Corporation of Porter.

An Act to amend Section 51 of Chapter 28 of the Revised Statutes, relating to the investigations of fires and inspection of buildings.

An Act relating to the protection of deer in the town of Isle au Haut in Hancock County.

An Act to amend Section three of Chapter 229 of the Public Laws of 1909, relating to the State Board of Arbitration and Conciliation.

An Act to incorporate the Sandy Stream Log Driving Company.

An Act in relation to the title to islands belonging to the State.

An Act requiring dealers to register the sale or other transfer of fire arms.

An Act to prevent the use of the

name of the State by private or semi-public corporations or associations.

An Act relating to inter-insurers and authorizing the business transacted thereby.

An Act to amend section four of chapter 54 of the Revised Statutes, relating to the inspection of power boats and vessels engaged in transporting passengers for hire on inland waters.

An Act additional to chapter 84 of the Revised Statutes, relating to the proceedings in certain civil actions in court.

An Act relating to the fees payable upon an increase in the capital stock of corporations organized under Special Acts or under General Laws for the performance of a public service.

An Act relating to the enforcement of the laws regulating the sale and the analysis of agricultural seeds, commercial feeding stuffs, commercial fertilizers, dairy products, drugs, foods, fungicides and insecticides.

An Act to authorize the Bangor Railway and Electric Company to take water from Chemo Lake and its tributaries.

An Act to provide for the conducting of investigations in animal husbandry by the Maine Agricultural Experiment station.

An Act relating to the election of assessors for the city of Portland.

An Act to amend sections 41, 42, 43 and 44 of chapter 15 of the Revised Statutes, as amended, relating to the employment of superintendents in towns comprising school unions.

An Act additional to section 41 of chapter 49 of the Revised Statutes, relative to the organization of insurance companies.

An Act relating to the protection of moose. (Tabled pending its passage to be enacted on motion by Mr. Austin of Phillips.)

An Act to amend section 67 of chapter 206 of the Public Laws of 1909, relating to re-enlistment in the National Guards.

An Act to provide for the safe keeping of all bonds indemnifying the State.

An Act to amend chapter 122 of the Public Laws of 1911, relating to corrupt practices at elections.

An Act for the abolishment of grade crossings of railroads.

An Act to incorporate the Machias Valley Light and Power Company.

An Act to amend section five of chapter 184 of the Private and Special Laws of 1891, relating to drains and sewers in the city of Portland.

An Act authorizing the city of Bath to levy assessments for street improvements.

An Act to amend section two of chapter 15 of the Revised Statutes, as amended, in relation to the continuance of schools failing to maintain an average attendance of at least eight pupils.

An Act to regulate the practice of professional public accounting, and establishing the Maine Board of Accountancy.

Finally Passed.

Resolve for further public instruction in forestry.

Resolve in favor of the Eastern Maine Insane Hospital for money expended.

Resolve in favor of screening Allen Pond in Greene, in the county of Androscoggin.

Resolve to aid in repairing Springfield Normal Academy building.

Resolve authorizing the compilation and publication of the insurance laws of Maine.

Resolve in favor of the Law Reporting Company for material furnished the State librarian.

Resolve providing for certain repairs and improvements on Capitol building and grounds.

Orders of the Day.

The SPEAKER: The first matter for consideration on the calendar today is resolve in favor of the Maine State Sanatorium Association of Hebron. The pending question is the second reading of the resolve and its passage to be engrossed.

Mr. Mooers of Ashland offered House Amendment A, to amend by striking out all the words in the sixth line the word "used" and striking out all the words in the seventh and eighth lines, and inserting in place thereof the following words: "by the trustees of said association under the

direction of the Governor and Council for free beds and the assistance of needy patients who attend said institution."

The question being on the adoption of the amendment,

Mr. Mitchell of Kittery moved that the amendment be laid upon the table together with the bill for the printing of the amendment.

The motion was agreed to.

The SPEAKER: The next matter in order is bill, An Act to amend section 88 of chapter 15 of the Revised Statutes, as amended, relating to school holidays. The pending question is the adoption of House Amendment A.

Mr. Benn of Hodgdon moved that House Amendment A be adopted.

On motion by Mr. Quinn of Millinocket the amendment was laid upon the table together with the bill, pending the adoption of the amendment.

The SPEAKER: The next matter in order is the report of the committee of conference on Senate Document No. 17, known as the Massachusetts Ballot Bill, reporting that the committee is unable to agree, and the motion of the gentleman from South Portland, Mr. Sanborn, to recede and concur. The point of order was made by the gentleman from Augusta, Mr. Newbert, that the motion of the gentleman from South Portland, Mr. Sanborn, to recede and concur was not in order. The Chair has made some investigation into the history of the bill and also as to the parliamentary status of the motion of the gentleman from South Portland, Mr. Sanborn.

The Chair finds that the bill was presented in the Senate on January 15th and referred to the committee on judiciary; on the next day in the House it was referred to the same committee in concurrence. On January 27th in the Senate the report of the committee, "ought to pass," was accepted. On March 4th in the Senate the bill was read twice under a suspension of the rules and passed to be engrossed; on March 5th in the House the report of the committee on judiciary was read and accepted in concurrence; on the same day the bill

was tabled in the House pending its first reading; March 11th in the House the bill was read twice; on March 12th in the House the bill was read the third time and was passed to be engrossed. On the same day in the House, on motion by Mr. Smith of Presque Isle, the House reconsidered the vote whereby the bill was passed to be engrossed, and the same was tabled pending its passage to be engrossed, and on motion by the same gentleman on the same day the bill was taken from the table and indefinitely postponed in non-concurrence.

The House will note at this point that this is the first diverging action of the two branches. On the next day, March 13th, in the Senate the bill was read and tabled pending consideration of the non-concurrent action of the two branches. On March 18th in the Senate the Senate voted to insist on its former action and ask for a committee of conference, and the committee on the part of the Senate was appointed; on March 19th in the House, on motion by Mr. Dunbar of Jonesport, the House voted to concur with the Senate in asking for a committee of conference, and a committee was appointed on the part of the House; on March 20th the committee reported that they were unable to agree upon any action to be submitted to the Legislature, and that they made no recommendation. This report signed by all the conferees was presented to the Senate, as that body was the one which insisted and asked for the conference. On March 20th the Senate voted to still insist on its former action and asked for another committee of conference; and the President of the Senate appointed as such committee Senators Allen, Murphy and Walker. The matter was then sent to the House on the same day for concurrent action. Upon the same day in the House the motion was made by the gentleman from South Portland, Mr. Sanborn, that the House recede and concur with the Senate. The report of the committee of conference and the motion of the gentleman from South Portland, Mr. Sanborn, were both laid on the table and assigned for consideration on March 25th.

On March 25th the point of order was made by the gentleman from Augusta, Mr. Newbert, that the motion to recede and concur was not in order.

As the Chair understands, the rules relating to concurrent action or otherwise with the Senate has a different basis and is for a different purpose than rules in the House for the trans- action of its separate business. When the Senate passed this bill to be en- grossed, and afterwards when the House in non-concurrence indefinitely postponed it, and when the action of the indefinite postponement came back to the Senate from the House, it would not be questioned probably that the Senate could then have receded and concurred with the House, even if more than one day had elapsed. It cannot be questioned, the Chair takes it, that at that point in the Senate the Senate had the right to do one of four things, either to adhere to its action which would negative any desire to appoint a committee or confer further with the House; it could insist on its action which indicated possibly a willingness to confer, and especially if coupled with a motion to appoint a committee of conference; or it could recede, or recede and concur. If any one of those motions was in order, all the others must be in order under the rules of the House. By the invariable practice of both branches for 90 years and by the practice of the House of Representatives, and as laid down by all the rules and laws of parliamen- tary procedure that the Chair has been able to find, there can be no question but at that point in the Sen- ate the Senate had a perfect right to take any one of these four actions, no matter whether one day or one week or more time had elapsed.

The matter comes into the House after some lapse of time, which may be the cause of some misapprehension in regard to the rule, and the question arises whether or not the House can adopt any one of these four courses of action. No one would question prob- ably that the House at that time, and even now, could vote to adhere to its

non-concurring action, that is, to the action whereby it indefinitely post- poned the bill in non-concurrence with its passage in the Senate. If the House could then or can now adhere, or if it can now or could then insist, certainly it must be able to recede and concur, because under the rules those four courses are open to either branch when non-concurrent action is apparent.

The Chair knows of no rule which modifies the rule in relation to con- current action, providing they have to be made within any certain time after the action is taken which causes a di- vergence of action. It is suggested that subsequent action by the House had been taken, and therefore, that this motion would not be in order. An analysis of the early history of the bill will show that the only subsequent ac- tion taken by the House was to partic- ipate in the request of the Senate to appoint a committee of conference. The gentleman from Augusta, Mr. Newbert, and the Chair immediately the other day supposed the House had insisted upon its action, but that was not the fact; the Senate insisted, and the House could not insist by the parliamentary situation. The matter went back to the Senate as soon as the House had indefinitely postponed the bill, and when the matter went back to the Senate the Senate then, as it had a right to do, insisted upon its ac- tion and asked for a committee of con- ference. The matter then came to the House and the House joined in the appointment of a committee of con- ference, and later received a report from the committee stating that it could not agree, and together with that report received a request from the Senate for the appointment of a new committee.

The suggestion was made that it would be necessary to reconsider the vote whereby the House indefinitely postponed this bill before the motion to recede and concur could be made. It is apparent that if that was neces- sary, if the House were obliged to re- consider the vote whereby it indefi-

nitely postponed this bill, there would be no necessity for the motion to recede and concur because as soon as the House had reconsidered the vote to indefinitely postpone, the Houses were then in accord, and a motion to recede and concur would have no effect, it would not be necessary.

It does not occur to the Chair that there were any other reasons advanced why this motion was not in order, excepting the general one that it was too late. The Chair has found in Mr. Hinds' exhaustive parliamentary treatise a precedent which appears to be exactly in point. It is paragraph 6316, under the heading as follows: "Sometimes one House disregards the request of the other for a conference and recedes from its disagreement, thereby rendering a conference unnecessary." Several citations are given which are very closely in point, and then follows this one: "On March 3d, 1877, after conferees had been unable to agree a message was received from the Senate announcing that they further insisted and asked for a further conference." That is the exact case here. The Senate here has further insisted and asked for a conference, for another committee of conference. And I quote again, "The House instead of agreeing to the conference receded from its disagreement, so passing the bill." The Chair is unable to see any distinction between that condition and the one now before us.

Also in 1903 in this State a parallel case occurred, but stronger because in that case one House had voted to instruct the committee to adhere to their action. If the House itself had voted to adhere there could have been no further committee of conference; but they voted simply to instruct their committee to adhere; and on that point there was some question whether it amounted to adherence by the body. But assuming that it did not, as the President of the Senate then assumed, it developed that after the committee had been appointed and joined by the other House, had been instructed to adhere to their action,

for the purpose of getting a compromise, that then after that the Senate receded and concurred with the previous action of the House which had been taken some months before, at least, many days before, as the Chair understands, being the matter of the St. Louis Exposition Building, and is found on page 21 of these precedents.

Also it appears from the very nature of the case that these rules are made for the purpose of favoring or facilitating an agreement between the two branches. It is the purpose of legislation to get the two branches together if possible, and no construction of law should be had which would tend to prevent the two branches getting together. Evidently if it should be held that the motion to recede and concur was not in order because made too late, and that it could be done by reconsideration, frequently the two branches become non-concurrent in their action; frequently by amendment or otherwise, and if that should happen it almost always is the case that more than one day elapses before the other matter is brought to the attention of the first House; in which case, if it is true as suggested and the two-thirds vote being necessary for reconsideration, the Houses would be apart more than half of the time, and could not get together because it would take two thirds, to do it. And the Chair is of the opinion that the meaning of all rules of this kind is that they are for the purpose of enabling the Houses to get together and facilitate legislation, if they find that they agree. Of course this gives either House the opportunity to vote upon the question again.

The Chair was about to say that under Reed's Rules of Congress this general citation appears: "To recede. This motion is proper where the House has previously non-concurred and upon the question again coming up desires to recede from that position." It does not say, "coming up the next day," but "upon the question again coming up."

Again, the motion to insist may be

be coupled with a motion to ask for a committee of conference, and always leaving open the question of future action between the two branches. The Chair understands that is the whole purpose of the rule which is the rule affecting joint and concurrent action of the two branches, and must be analyzed and determined as a part of the rules of each House touching the matter of consideration or reconsideration. For these reasons, among others, the Chair rules that the motion to recede and concur made by the gentleman from South Portland, Mr. Sanborn, is in order.

Mr. NEWBERT of Augusta: Mr. Speaker, I am sure the House appreciates, as do I myself, the thoroughness with which the Speaker has gone into this matter. I made the point the other day in absolute good faith. I think the thoroughness of Speaker Peters' research not only is helpful to the House, but convincing to the House. I am personally entirely satisfied, as I have been all winter, with the eminent fairness of the Speaker in all these matters. (Applause.)

The SPEAKER: The matter for consideration, then, is the motion of the gentleman from South Portland that the House recede from its non-concurrent action, and concur with the Senate in the passage of this bill.

Mr. SANBORN of South Portland: Mr. Speaker, on my part I feel that I owe an apology to the Chair and to the House for having, unwillingly certainly, on my part precipitated such a situation as has been before us. I assure you that I was entirely innocent of anything of this sort when I arose to make the motion which I did, and when a point of order was raised upon me I was merely upon my feet to make one brief observation touching the point at issue, which I will now endeavor to make as briefly. It was only to repeat an observation which I think I made earlier in the session, in discussing another matter, in which I said that it seemed to me that in matters particularly of general interest it was probably true that argu-

ments used by members in discussion on the floor had very little influence in determining the votes. I believe that as a general principle, and I believe that it is applicable to the case before us, and I have no disposition to precipitate a line of discussion on the question before us this afternoon, only to emphasize my former position, which is the belief that in deciding this question we should rise above our party feelings and party prejudices. If viewed from a party standpoint it is certainly a most doubtful proposition as to which party may derive benefit from retaining our present ballot, or from making the change. Let us vote upon the matter from the standpoint of what is right, and what is due to our constituents. I certainly am impressed with what has come to me in the way of expressions, through the members and other private sources, of the feelings of the people throughout the State on this matter; and I can only express a conviction—formulate an opinion now grown to a conviction, that if we in this legislature at this time do not grant to the voters the change in the form of ballot which they are asking for, they themselves will attend to it over our head. That is not a threat. I have no authority to make it as a threat. I offer it as a conviction, and it is my feeling that we owe it to ourselves as well as to our constituents, to act for them, rather than to have them act over our heads.

Mr. SMITH of Presque Isle: Mr. Speaker, I have no intention of making any very lengthy remarks at this time because what I said the other day stated my position substantially, which was that the present ballot is a far better ballot for us than the Massachusetts form, and hence I shall not go into any lengthy discussion at this time, because I do not want the members of this House to go home and say Smith of Presque Isle was a fellow on whose boundless sea of incessant gab the golden sunshine of silence never fell. I do not want that reputation.

Since the last debate we had here in the House I have undergone no new birth. I may have been on the road

to Damascus, but if so, no new light has shown down upon me. I stand precisely where I stood ten days ago; where I have always stood on this Massachusetts ballot proposition. I have heard from some of my constituents, and from them I have received no protest on account of the position I had taken here in fighting the adoption of the Massachusetts form of the ballot; and I have a constituency that if it was opposed I should hear from them both by letter and by wire, and in every other way; and I am going to venture the assertion that nine-tenths of my constituents are utterly opposed to any change in the ballot law. Also since this controversy began I have received a letter from a gentleman in Aroostook county, well known to some of you, Hon. Nicholas Fessenden of Fort Fairfield, now Judge of Probate for the county of Aroostook, and who for several years—six years I think—was Secretary of State, and some years, I think, was deputy secretary of State, and who had much to do with the formation and building up of the present ballot law. Now I am a pretty poor reader; but I am going to undertake to read the material portion of his letter in relation to this proposed change in the ballot law.

"The newspapers report Hersey as declaring in his speech in the Senate, advocating his proposed change of the form of State or official ballot, that the present ballot form was adopted 'to make Republicans vote straight.'"

That is not true. The present form of the ballot was not adopted in order to "make" any Republican, any Democrat, or any other voter vote "straight" or vote any other way. It was adopted from no purpose whatever, in any way to control any voter's vote or right to vote. It had its origin entirely from other considerations as I know because I originated the present form of ballot myself, drew the law myself, presented it to the Judiciary Committee myself and it was accepted by the Judiciary Committee and the Legislature and the reasons were two.

1st. Experience under the law as first drawn with its form of ballot as it

was therein—substantially the same as Hersey now desires it to be—proved that over 95 per cent of the voters of this State desired to vote a Straight ticket at that time. The very last election proves that the same condition of mind exists now. It seemed reasonable and righteous that the form of the ballot should be made responsive to the sentiment of 95 per cent. of the voters for whose use the ballot was devised, rather than responsive to the sentiment of the five per cent. who might prefer something different.

It seemed that the present form of ballot was more convenient, took less time, was easier to be understood, and therefore better adapted to use in this State than the original form which was patterned after the Massachusetts ballot form. It is of course true that the present form of ballot is not designed in the interest, or to suit the convenience of the five per cent. who may be styled "independent voters." Why should it be? There's no more reason why the tail should wag the dog in this matter than in any other. The convenience of the majority is to be preferred in this, as in all other matters, to the convenience of a small minority.

2nd. Under the original ballot form the number of "defective" ballots was something tremendous, partly due, no doubt, to a new and untried system and it seemed then, as I think it must seem to any reasonable practical man now that the single cross in the square over the party group, tends to secure ballots that are countable, tends to prevent "defectives." places the burden of correct marking where it should be placed, on the five per cent. who are too independent to act in political parties; is easy to understand.

Now it is obvious that there is nothing political in these two reasons; nothing Republican, nothing Democratic, nothing Progressive in any party or political sense, nothing unfair.

Under this ballot form the number of "defective ballots" have steadily decreased, as naturally would be the case. The convenience of majority and minority have full consideration. Simplicity is more easily afforded by

providing for one cross in marking, than would be provided for by requiring many crosses; Results better, on the whole. These were the reasons, and the only reasons which led me to suggest the present form of ballot. These were the only reasons that I presented to the Judiciary Committee, and the change was made, so far as I can remember, upon these grounds and no others, at my suggestion. There was absolutely no political or party reason underlying this change. I had no consultation with anybody regarding it. I was, as Secretary of State, charged with the responsibility of inaugurating the new system, and of course was deeply interested in its practical working out in this State, and among our voters there in Maine, and it seemed to me then, as it does now, that the present ballot form and system of marking the ballot was better for us in this State, our vote being as it is, so largely a straight party vote, than the Massachusetts system could be.

This is the whole story. I have no special interest now in the matter. Any ballot form will answer my purpose, and personally I do not care what changes are made in the system of marking or the form of the ballot, but I cannot see what is to be gained, so far as the mass of voters are concerned, by now instituting a new system to be learned all over again. It will be confusing, it will increase defective ballots; it will satisfy a few men, like Hersey. It will not satisfy the great mass of voters who have political opinions and who act as members of one or the other of the political parties existing from time to time.

I believe now, as I believed when I suggested the present form and marking system, and I had before that Judiciary Committee, I think, the ballots of 20 states, that our present form is more simple, less confusing, more direct, productive of fewer defective ballots, better adapted to the most of our voters, and their needs and use on election days, than either the Massachusetts ballot and system or any other which I have seen.

The only sound reason for changing our present ballot form and marking

system, would be because only five per cent. of our vote was "straight" and 95 per cent. was independent. When that time comes, if it ever does come, there would be a good reason to change, but that time has not yet come.

There is no logic in wanting to adopt a measure in the State of Maine, because the Commonwealth of Massachusetts has adopted it. There is a great difference between our people and the people of the Commonwealth, and I have frequently observed that in Massachusetts the individual voter gets so tired of making crosses opposite names on the ballot, that the candidate of a party standing at the foot of the list, receives very many less votes than the candidate at the head of the list. Such a result does not happen under our system. The location of a name on the ballot, under our system, does not reduce the vote for that name. Under our method a party candidate gets the party vote, no matter where on the ticket his name appears, and that is right. Under the Massachusetts method, he most frequently gets fewer votes than the head of the ticket; the lower down his name, the fewer the votes. That is wrong."

Now those are the views of the gentlemen who built the present ballot law, the present form of ballot that we now use; and you will notice that he still adheres to his original ideas that the ballot form as used in Maine is simpler and better for us than the Massachusetts system. I agree with him in what he says, and I stand, as I always have, that ballots should so be arranged that when the voter wants to vote the party ticket straight he can do it by making one cross. As I stated the other day, it is a comparatively easy matter if a man wants to split his ticket, under the broadening out which has been given the law under the Pattangall amendment, so-called, and the decisions of the court.

Now, gentlemen, personally it does not make any difference to me what form of ballot we have, because if you adopt this Massachusetts system I have no doubt that I shall get into the booth and mark the ballot so it will

be counted, and perhaps counted for every candidate for whom I intend to vote. Furthermore, it makes no difference to me in any way, because while I have been on the ballot, first and last, several times, yet I suppose that in the election held last September it is the last time my name will ever appear on the ballot of any political party for any political office. So, as I say, to me personally it makes no difference what you do; but in behalf of the tens of thousands of voters all over this State I ask you to retain the present form, which we have been using for the last fifteen or twenty years. (Applause).

Mr. DURGIN of Milo: Mr. Speaker, I have no intention at this time of saying more than to supplement, for a moment or two, what I said a few days ago. After I voted as I did, I was mildly censured by some of my party associates for taking that position, and I did not know but that I had done something that was wrong. I did not understand that it was a party question, and therefore I was thrown upon my own responsibility, to exercise my best and most careful judgment. After the vote was taken I returned to my home, and on the evening of the day that I returned there, there was a meeting of a certain society—corporation—where some of the most interested people in my town meet. I may say that every man present, and they were all men of responsibility, was a Republican except one. I took with me a sample Massachusetts ballot; I explained it to them, and asked their advice as to whether they thought I had acted wrong in voting against it. They instructed me to come back here, if I desired it, and keep right on voting that way. I talked with people in other towns of my class. I have found one gentleman, a very intelligent man—lawyer—who takes the opposite view. Now in view of that; in view of the fact that my constituents do not believe in that ballot, what would you do if you were in my place? I do not undertake to control anybody else's judgment. I claim for myself the right to act according to my judgment, as you do according to yours. I have received a letter from a gentleman in Penobscot

County commending me for the action I took, and I have his letter in my hand, which I will not take the time to read. He not only commended me; but he had talked with the Republicans in his town, and he had not found one that desired the Massachusetts ballot. Now in view of that I feel I am justified in taking the position that I do, and in pursuing the same course I took when this matter was up before.

In closing I may say this, I want to leave this thought with you: It is my judgment that a ballot should be made the easiest possible, not for the most intelligent voter, but for the most unlettered voter. Again, when the judiciary committee disbanded, the gentleman from South Portland (Mr. Sanborn) delivered the valedictory address, and he distributed certain presents to the board in accordance with the peculiarities of the different members, and to me he presented a sample Massachusetts ballot as that question, he said, was the nearest my heart; and I want to say to you, and the gentleman from South Portland, that I have been studying that ballot ever since, and I think by this time I might be able to go into a booth and vote a straight ticket. (Applause.)

Mr. AUSTIN of Phillips: Mr. Speaker, I rise to a point of personal privilege, and to make an explanation. Several days ago when this matter was being discussed on the floor of this House I made the statement that the party platform at Bangor approved of some such ballot reform as this. I made that statement in the best of faith, and believing that it was so. Soon afterwards I was very strongly called to account; and not only bad faith but, I must say, dishonesty seemed to be imputed, saying I was trying to mislead the voters of my party. Now to set myself right is the only reason for my standing here. It is known by this time—of course, there is no need of my saying it—that it is not in those words demanded by the party platform of either party. I want to set myself right about that. My only excuse for thinking as I did at that time probably was this,—that being a member of the minority party of the last legislature,

as apparently I am a member of the minority party of this, I participated in several Republican caucuses where the Massachusetts ballot was discussed, and during those caucuses the practically unanimous opinion of that minority party was that we should favor that ballot. That probably, gentlemen, is the way I got that misinformation into my mind. Now I do not want any Republican, or anybody else in the sound of my voice, to be influenced by the idea that this legislation is demanded by our platform as a platform; but I do say that I sincerely believe it is demanded by a very large majority of the Republican party today. (Applause.)

Mr. NEWBERT of Augusta: Mr. Speaker, while this matter has been under debate other days, still I am in doubt as to just who the people are in Maine who are demanding the Massachusetts ballot. Maine has a good ballot. I think we are drifting in the habit of saying off-hand, on this question and upon that, that the people are demanding this, and unless we grant this to the people they will put it over our heads. Well, now, it is my opinion that upon nearly all these questions that come before us here that the people of Maine simply want to be let alone. There may be five per cent. of agitators; but 95 per cent. of our Maine people want to be let alone, satisfied on the whole with the conditions as they now are. Now you believe, and I believe, in a good form of government. A ballot should be simple in the first place, so that the simplest, plainest citizen can vote it. It should be flexible, too, so that the most discriminating voter may select his candidates and express his choice. It should be such a ballot as will insure the absolute secrecy of the vote thrown by every citizen. It should be a ballot, also, that when it is once cast into the ballot box it may be counted.

Now I submit, gentlemen of this House, that our Maine ballot is such a ballot. It embodies all these features. I think you will agree with me that it does; and if you agree with me that it does embody these features then I ask you why exchange it for a ballot

of some other state? And again, we have used this ballot so many years our people have become accustomed to it, and because they are now accustomed to it I ask you again why exchange it for the ballot of the state of Massachusetts? I remember hearing a good deal in the beginning of the use of this ballot in Maine how that the old men—the men of one generation really died out in Maine before they ever learned to vote. Now all these years we have had to have schools of instruction for the great middle class, the people of the mills, and the people of other nationalities, until now the instruction has been given, and the practice has been long enough so that today the old men have gone and the young men have learned, and the newcomers into our State have learned, so that today this ballot of ours is used intelligently.

It seems to me a great shame that Maine should even contemplate exchanging this simple ballot of ours for the complex ballot of the Commonwealth of Massachusetts. I wonder what we could gain by it? If a good Republican sitting here, or a Democrat, will show to me, and convince my reason, that there is any ballot reform in this blanket ballot of Massachusetts, then I will keep still. If my good Progressive brothers on the other side will tell me wherein this ballot of Massachusetts is a Progressive ballot, unless it be progressive alphabetically, from A to Z, then I will join their party and vote for Wheeler for Governor. (Applause.) I may any way.

I have here one of our Maine ballots, and there is a simple ballot embracing all of the State and county officials voted for in Kennebec county. I do not know what you want simpler than that. I believe that 90 per cent of the voters of Maine want a ballot upon which they can vote a straight ticket, and with this ballot they can vote a straight ticket; and under the opinion handed down by the judges of our supreme court this ballot is a flexible ballot, and distinguishing marks do not throw it out unless made for a fraudulent purpose. You can-

not invalidate the ballot as cast by any intelligent citizen. I have here also a sample ballot cast in my own city. You will see how simple it is for any voter to make a cross in the square and go home; that is all there is to it; the simplest man in our State can vote on a ballot like that; he can vote even if he cannot read or write the English language.

A good deal has been said about the use of the primary ballot. In the Massachusetts ballot how many men do you think there are who have ever seen this ballot. They talk about the people demanding the Massachusetts ballot. I say to you, how many men in Maine ever saw it. Talk about their putting it over our heads if we don't give it to them; they will give it to us in the neck if we do give it to them. (Applause.) I ask you to take this great blanket ballot home to your people and tell them this is the ballot you have given to them. Take it to the farmers of Maine, take it to the hard working men of Maine, the old men with their fingers and hands hardened, and ask them to go into a booth with this ballot and pick out their candidates and vote for them in these little squares. I tell you they never can do it. I think of that great class of people in this State, the men who do not speak the English language and who do not write the English language, and who have not learned to read it, loyal men, men who are making splendid citizens, prosperous, frugal and sober men. Take this ballot to them and ask them what they will do with it. They can vote with the ballot which they have now, they are used to it and they like it. The primary ballot was made to be checked down along the side because there was no other way to do it.

I am glad to hear the gentleman from Phillips, Mr. Austin, speak of this matter of the platform. I do not believe that any party platform is in issue here. They may have asked in the Republican platform for ballot reform, but they never asked for the Massachusetts ballot. If you are going to have reform wait a little while and go down to Connecticut and look

over their ballot and compare that with the Massachusetts ballot. I am for the common folks of our State; we have this good thing with us and let us keep it. I hope that the parties will break up in this House on the question of the ballot; I apprehend they will break up on it; it ought to be a matter of individual opinion and conviction. I stand for what I think is a good ballot, simple and flexible, and one which insures absolute secrecy, and one which can be counted, one which will be easily used by the great army of 180,000 voters of the State of Maine; and let us, gentlemen, make no mistake and give to those people something which they do not want. (Applause.)

Mr. SMITH of Presque Isle: Mr. Speaker, when the vote is taken I move that it be taken by the yeas and nays.

Mr. JENKINS of Wales: Mr. Speaker, I am not going to make an extended speech. The people in the little town I represent, town of Wales, have in past years honored me by placing me on their board of assessors, and many I have endeavored at every election to instruct as well as I could how to mark their ballots. Upon the first introduction of this secret ballot there were many ballots spoiled in the town of Wales; but today the people have got so they can vote and vote as they want to, and not spoil many ballots. I agree with my friend Smith, from Presque Isle, any ballot will suit me; I can go into my booth and mark it as I want to; but there are many, perhaps, who cannot, and those who cannot we should look after. Now in my town my people have said to me in these words, "For God's sake, Thomas, don't change the ballot. We have just got so we can vote it." (Applause.)

The SPEAKER: The question is on the demand for the yeas and nays. As many as are in favor of the yeas and nays being called will please rise and stand until counted.

A sufficient number having risen, the yeas and nays were ordered.

The SPEAKER: The question before the House is whether or not the House will recede from its action and concur

with the Senate in the passage of the bill. Consequently, a vote yes will be for the Massachusetts ballow law; a vote no will be against the same. The clerk will call the roll.

YEAS—Allen, Austin, Bass, Benn, Benton, Bither, Bowler, Bragdon of Sullivan, Bragdon of York, Butler, Chick, Cochran, Cook, Eastman, Emerson, Farrar, Folsom, Greenleaf of Auburn, Greenleaf of Otisfield, Harper, Higgins, Irving, Johnson, Kimball, Marston, Mathieson, McBride, McFadden, Merrill, Metcalf, Mitchell of Newport, Morrison, Morse, Nute, Peacock, Peaks, Pendleton, Peters, Peterson, Plummer, Richardson, Ricker, Roberts, Rousseau, Sanborn, Sanderson, Skelton, Skillin, Smith of Auburn, Smith of Patten, Smith of Pittsfield, Stuart, Sturgis, Swift, Taylor, Thombs, Thompson, Tobey, Trimble, Tryon, Twombly, Violette, Washburn, Waterhouse, Wheeler.—65.

NAY—Boland, Boman, Brennan, Brown, Bucklin, Chadbourne, Churchill, Clark of Portland, Connors, Crowell, Currier, Cyr, Davis, Descoteaux, Doherty, Donovan, Dresser, Dunbar, Durgin, Eaton, Eldridge, Elliott, Estes, Farnham, Gallagher, Gamache, Gardner, Goodwin, Gordon, Haines, Harman, Harriman, Haskell, Hodsdon, Hogan, Hutchins, Jenkins, Jones, Kehoe, Kelleher of Portland, Kelleher of Waterville, Lawry, Leader, Leary, LeBel, Leveille, Libby, Mason, Maxwell, Maybury, Meldon, Mitchell of Kittery, Mooers, Morgan, Morneau, Newbert, Packard, Fitcher, Putnam, Quinn, Reynolds, Robinson, Rolfe, Scates, Sherman, Smith of Presque Isle, Snow, Spencer, Sprague, Stetson, Stevens, Swett, Umphrey, Winchenbaugh, Yeaton.—75.

ABSENT—Clark of New Portland, Franck, Hancock, Jennings, O'Connell, Price, Ramsay, Sargent, Wise.—9.

Parried: Dunton, yes; Stanley, no.

The SPEAKER: Sixty-five having voted in the affirmative and 75 in the negative, the motion is lost.

Mr. Scates of Westbrook moved that the House adhere to its former action in indefinitely postponing the bill.

A viva voce vote being taken,

The motion was agreed to.

Mr. Newbert moved that the House reconsider its vote whereby it voted to adhere to its former action.

The motion was lost.

The SPEAKER: The next matter for consideration is resolve in favor of the Androscoggin Anti-Tuberculosis Association. The pending question is the second reading of the resolve and its passage to be engrossed.

On Motion by Mr. Sturgis of Auburn the resolve was tabled pending its sec-

ond reading and specially assigned for consideration tomorrow.

The SPEAKER: The next matter for consideration is bill, An Act to amend Section sixty-nine of the Revised Statutes, as amended by Chapter forty-one of the Public Laws of 1905, relating to non-feasance of duty by sheriffs, deputy sheriffs, and county attorneys. The pending question is the third reading of the bill.

On motion by Mr. Bowler of Bethel the bill received its third reading and was passed to be engrossed.

The SPEAKER: The next matter for consideration is the report of the committee on legal affairs to which was referred Resolve granting the T. M. Chapman Son's company permission to sue the State of Maine, reporting "ought to pass," in new draft, "An Act to provide for the determination and payment of damages in the building of State bridge between city of Old Town and the city of Milford and the grading of the highway and approaches thereto. The pending question is the acceptance of the report of the committee.

On motion by Mr. Davis of Oldtown, the report of the committee was accepted, and on further motion by Mr. Davis the resolve received its first reading and was assigned for tomorrow morning for its second reading.

The SPEAKER: The next matter for consideration is majority and minority reports of the committee on ways and bridges in relation to bill, An Act requiring certain vehicles to carry lights at night on public highways, majority reporting "ought to pass," minority reporting "ought not to pass." The pending question is acceptance of either report.

Mr. Eastman of Benton moved that the minority report be substituted for the majority report.

Mr. SCATES of Westbrook: Mr. Speaker, I wish the House would vote for the majority report, for this reason, I have an amendment which I would like to offer to the bill, which I think will overcome the objections to the present bill; but this amendment cannot be offered unless we vote for the majority report. If the House will

vote for the majority report I will then offer the amendment, have it printed, and we can then take the matter up and discuss it on its merits. It cannot be recommitted to the committee on highways because the committee on highways have made their final report.

The SPEAKER: Possibly the gentleman from Benton will withdraw his motion.

Mr. EASTMAN: I don't think I will withdraw my motion.

Mr. MORRISON of Corinth: Mr. Speaker, This question was the only one in which the committee saw fit to submit a divided report. On this question there is an honest difference of opinion among the members of the committee. It was the opinion of the majority that in order to safeguard the traveling public all vehicles on wheels, whether propelled by motor power or drawn by horses, should be required to carry lights in the night time. The objections raised came from such parties as are engaged in heavy teaming, chiefly in the transportation of potatoes in certain seasons of the year, and they claim that it would be a great inconvenience to these people to arrange suitable lights on their wagons at such times as lighting might be required; but I believe that the life and limbs of the traveling public are of more importance than the inconvenience that might be thrust upon these people if they were obliged to carry the lights. For that reason I hope the motion of the gentleman from Benton will not prevail.

Mr. MILDON of Eastport: Mr. Speaker, and gentlemen of the House, there is no member of this House that is more opposed to this bill in its present form than I am. At the same time I realize that the bill has some merits, and I believe it would be better to accept the report of the majority committee today, and then when the amendment is before us, and printed, and we can get thoroughly acquainted with it, we will find out whether it does away with the objectionable features of this bill. If it does not, we can easily stop the passage of the bill a little later.

Mr. Eastman then withdrew his motion to substitute the minority report for the majority report.

Mr. Scates then moved the adoption of the majority report.

The motion was agreed to, and the majority report was accepted.

Mr. Scates then offered House Amendment A, and on further motion of Mr. Scates the amendment together with the bill was laid upon the table for printing.

The SPEAKER: The next matter for consideration is resolve in favor of the Central Maine Hospital at Lewiston. The pending question is the second reading of the resolve.

Mr. Donovan of Lewiston offered House Amendment A, to amend by adding after the word "maintenance" in the fifth line the words "and the sum of \$10,000 for the year 1913, and the sum of \$15,000 for the year 1914, to aid in completing the new central building the foundation and basement of which is now finished."

Mr. DONOVAN: Mr. Speaker, this institution was conceived in poverty and has been in want ever since 1892. Perhaps many of you are already familiar with this institution. It is located in the central part of the state and is doing a class of work a little different from the ordinary general hospital. In the first place the people of Lewiston and vicinity are rather poor. Frequently hospitals are aided by the donation of a large amount of money, but in this case not a dollar was donated until a year after its establishment. Fourteen physicians of Lewiston and Auburn saw the necessity of a general hospital in their vicinity, and raised a sufficient sum to buy an old dwelling house. Subsequently another building, or two other buildings were bought and a little more land. The hospital lot today is located in the central part of the city of Lewiston, conveniently located to do its emergency work. The present capacity of that hospital is about 70. For the last three years it has been crowded, but still it has been doing a class of work which may be termed largely emerg-

ency work. It is located very convenient for the large corporations and mills.

At the present time the buildings consist of one large building and the old house spoken of which is serving as an administration building. At the present time there is a large basement entirely finished in every respect and ready to receive the superstructure, but under the circumstances it cannot be built without the aid of which I speak. No compensation has been received for about 25 per cent of the patrons of the hospital. Those who patronize the hospital I think are convinced, and I think you may be convinced that this institution is serving a very beneficial purpose. I trust that my amendment will be adopted.

Mr. MITCHELL of Kittery: Mr. Speaker, to place the committee on appropriations before the House right, I want to say that this matter was heard before that committee, and it was the policy of the committee in every case, because of the financial condition of the State, not to grant any appropriation for new construction. This amendment calls for \$25,000 for the next two years for new construction. It appeared before the committee, as the doctor has said, that the foundations for this addition were in. I have in mind a hospital that was entirely built in my own county, where nearly \$100,000 had been expended, and they came to the State and asked for \$35,000 or \$40,000 for construction, or to repay them for construction. We denied them that appropriation, and gave them for maintenance just in the same proportion as we have given this hospital. Before the members of this House vote for \$25,000 for new construction for this hospital I hope they will investigate the matter closely, and also investigate where we are going to land in our finances if we begin to give all of these institutions what they ask for construction during the next two years.

The question being on the motion that House Amendment A be adopted,

A viva voce vote being taken,

The motion was lost, and the amendment was not adopted.

Mr. Donovan then offered House

Amendment B, to amend by adding after the word "thousand" in the first line the words "five hundred," and after the word "thousand" in the fourth line the words "five hundred."

The question being on the adoption of House Amendment B,

Mr. MITCHELL of Kittery: Mr. Speaker, I have to oppose this amendment, because the committee on appropriations and finances pursued the same course in regard to this hospital that they did in regard to all the hospitals in the State. We gave them, I think, a little more than they showed had been expended for charitable purposes.

Mr. WHEELER of Paris; Mr. Speaker, like every other member of the House, I very much dislike to appear on the floor in apparent opposition to the decision of this House; but in this particular matter I have a deep interest in the amendment offered by the gentleman from Lewiston. I want to remind the members of this House that here is an institution which has to care for patients from a large section of the State of Maine; a section of the State where the population is increasing rapidly, and owing to the character of the increase there are additional burdens being rapidly placed on these hospitals in the city of Lewiston. I hope this amendment will prevail.

I want to remind the members of the House, especially the gentleman who has just spoken at my left (Mr. Mitchell), that the financial problem and the financial policy of this legislature has been somewhat disturbed. We have made one or two important changes, one or two important economies. We have saved a few thousand dollars upon the floor of this House; and I ask for the gentleman from Lewiston that he be given the benefit of that in this amendment, and that they have the increase of \$500 as provided in this amendment.

Mr. MITCHELL of Kittery: Mr. Speaker, I want to say in reply to the gentleman from Paris (Mr. Wheeler) that where we have saved \$1000, we have put in \$100,000 in bridges and other matters; and I want to reiterate what I said before, that this hos-

pital was used by the committee on appropriations the same as all other hospitals in the State had been used. The members of the committee on appropriations from that city did not object to the amount that the committee gave this institution; and I hope the members of the House will not increase this proposition. If you begin with one you must follow them through the 50 or 60 other resolves which have been reported from this committee. I say again, if the members of the House will investigate carefully they will find there is quite as much money going to the city of Lewiston as to any other city in the State in proportion to the amount of work done by those charitable institutions.

The question being on the motion that House Amendment B be adopted, A viva voce vote being taken,

The motion was lost, and the amendment was not adopted.

The resolve then received its second reading and was passed to be engrossed.

The SPEAKER: The next matter for consideration is bill, An Act to provide for the election of officers in cities by plurality vote. The pending question is the second reading of the bill.

On motion by Mr. Quinn of Millinocket the bill received its second reading and was assigned for to-morrow morning for its third reading.

The SPEAKER: The next matter for consideration is the report of the committee on sea and shore fisheries to which was referred bill, entitled "An Act establishing a close time on lobsters in certain waters in Hancock county, reporting "ought to pass." The pending question is the acceptance of the report.

Mr. McBride of Mount Desert moved that the bill be indefinitely postponed.

The motion was agreed to.

The SPEAKER: The next matter for consideration is bill, An Act to amend section 4 of chapter 61 of the Revised Statutes, as amended relating to Marriage and the Registration of Vital Statistics. The pending question

is the passage of the bill to be engrossed.

Mr. MITCHELL of Kittery: Mr. Speaker, I made the motion yesterday afternoon, as I understood it, that this bill be indefinitely postponed. As I understand it this bill was passed two years ago. It has only been in effect a few months, and it has not had a fair trial. I have had several letters from the clergymen in my town, wanting me to oppose the bill on the ground that it interfered with their business, and I feel like following a minister wherever he asks me to go, that is, if he is not a reform minister. We are encouraging almost every industry in the State, and I don't see why this law should not remain as it is. I hope my motion to indefinitely postpone will prevail.

A viva voce vote being doubted,

A division was had, and the motion was lost by a vote of 40 to 43.

The pending question being the passage of the bill to be engrossed,

Mr. Mitchell of Kittery moved that the bill be laid upon the table.

A viva voce vote being taken,

The motion was lost.

On motion by Mr. Smith of Auburn the bill then received its third reading and was passed to be engrossed.

Mr. Wheeler of Paris moved that the vote be reconsidered whereby this bill was passed to be engrossed.

A viva voce vote being taken,

The motion was lost.

Mr. Smith of Auburn moved that the vote be reconsidered whereby the House assigned for consideration to-morrow the workmen's compensation bill.

The motion was agreed to.

On further motion by Mr. Smith the bill was specially assigned for consideration on Tuesday morning of next week.

On motion by Mr. Thombs of Lincoln bill, An Act to abolish the Belfast Municipal Court and to establish a police court for the city of Belfast, was taken from the table.

Mr. THOMBS of Lincoln: Mr. Speaker, at the time this bill was be-

fore the legal affairs committee they were allowed to assume certain things in their consideration of the matter. Since then they have been informed that they were not warranted in the assumption, and as it is purely a local matter, and they made their recommendation I think solely upon that assumption, it seems the best solution of the question might be to indefinitely postpone the two reports, leaving the matter in exactly the same status in which it is at the present time so far as the existing court is concerned. I am very glad to do this in view of the further evidence that has come to me today of a certain very sad event that has happened in that city. I therefore move the indefinite postponement of the two reports.

The question being on the motion to indefinitely postpone the bill,

A viva voce vote being taken,

The motion was agreed to, and the bill was indefinitely postponed.

On motion by Mr. Cochran of Edgecomb the vote was reconsidered whereby bill, An Act to establish the Lincoln Municipal Court in Lincoln county, was passed to be engrossed, and on further motion by Mr. Cochran the bill was tabled and specially assigned for consideration on Tuesday of next week.

On motion by Mr. Butler of Farmington, that gentleman was permitted to withdraw House Amendment B to Senate Document No. 575, which amendment was offered by Mr. Butler at the session this morning.

On motion by Mr. Marston of Skowhegan,

Adjourned.