

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Seventh Legislature

OF THE

STATE OF MAINE

1915

HOUSE

Thursday, March 18th, 1915.

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

Prayer by the Rev. Mr. Livingston of Hallowell.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills on First Reading

Senate 295: An Act to amend Section 115 of Chapter 15 of the Revised Statutes, as amended by Chapter 106 of the Public Laws of 1909, as further amended by Chapter 186 of the Public Laws of 1911, and as further amended by Chapter 45 of the Public Laws of 1913, relating to the appropriation for the support of the state normal and training schools.

From the Senate: Reports A and B from the committee on judiciary, on bill, An Act to amend Chapter six of the Revised Statutes, relating to the regulation and conduct of elections, report A, reporting "ought to pass," signed by Messrs. Cole, Durgin, Sanborn, Campbell and Waterhouse; report B, reporting "ought not to pass," signed by Messrs. Connors, Connellan, McCarty, Butler and Pierce.

On motion by Mr. Pierce of Houlton the two reports were tabled, pending the acceptance of either, and specially assigned for consideration on Tuesday of next week.

Senate 340: An Act to promote the industry of horse breeding in Maine, and provide for the registration of stallions.

Senate 341: Resolve in favor of the town of Otisfield.

Senate 342: Resolve in favor of the town of Orneville, in the county of Piscataquis.

Senate 345: An Act extending the charter of the Penobscot Valley Gas Company.

Senate 347: An Act to authorize the Maine Central Railroad Company to retire a portion of its common stock

and to issue bonds, notes or preferred stock in place thereof.

Senate 348: An Act to provide for the permanent improvement of land within the limit of any highway or town way adjoining any land not known as wild land.

Senate 349: Resolve in favor of constructing bridge across the Taunton River between the towns of Sullivan and Hancock, in the county of Hancock.

Senate 351: An Act authorizing the municipal officers of cities, towns and plantations to purchase, take over and hold land and material for highway purposes.

Mr. Greenleaf of Portland presented bill, An Act to amend Section 10 of Chapter 96 of the Revised Statutes, relative to leases.

The SPEAKER: The Chair wishes to state that because the committees have been ordered to report finally on the sixteenth, no bills are now being referred to committees, however, on this matter the Chair awaits the pleasure of the House.

Mr. GREENLEAF: Mr. Speaker, this bill was agreed to be sent to me some time ago. I am not the author or framer of the bill, and I suggested to the attorney who presented it to me that it might be too late to be received and referred to a committee, but I said that I would present the matter before the House and the responsibility will lay with the House and not with me.

The question being whether the rules would be suspended and the bill be received out of order at this time.

Mr. Hanson of Sanford moved that the House decline to receive the bill.

Mr. Greenleaf seconded the motion.

Mr. PIERCE of Houlton: Mr. Speaker, as I understand the matter, I do not think the House has any right to take such action in this matter. It seems to me that the matter may be received and referred to the next legislature, which is the customary procedure, although this is another way of arriving at the same result.

Mr. HIGGINS of Brewer: Mr. Speaker, I do not agree with the gentle-

man from Houlton, Mr. Pierce, that we should refer this matter to the next legislature. It seems to me we are amply able to take care of all matters that are presented before this legislature, and let us dispose of this matter here and now.

The SPEAKER: Does the Chair understand that the gentleman from Houlton, Mr. Pierce, raises the point of order that the House can not refuse to receive a bill at this time?

Mr. PIERCE: Mr. Speaker, I would be perfectly willing to take the suggestion of the gentleman from Brewer, Mr. Higgins, to the effect that we receive the measure and vote to indefinitely postpone it.

Mr. HIGGINS: Mr. Speaker, that suggestion is entirely agreeable to me, as long as we attend to it at this time.

Mr. THOMBS of Lincoln: Mr. Speaker, I only wish to say that in view of the fact that the matter of salaries and fees relating to clerk hire, is being temporarily held up and its final passage is somewhat in doubt, it becomes incumbent upon me to ask this House to receive three or four public resolves relating to clerk hire in our county; and I understood last night from some gentleman who had served on that committee that unless that act does finally pass this legislature it will necessitate something like eighty of such measures being considered here. I merely suggest that I would not like to have any action taken upon this matter this morning which would preclude me from presenting these matters of which I speak to the House at a later date.

The SPEAKER: The Chair will state that no action which we take on any particular matter can be construed as any precedent on any other matter. The Chair will rule pro forma that the point of order raised by the gentleman from Houlton, Mr. Pierce, is well taken.

Mr. Hanson of Sanford withdrew his motion to the effect that the House decline to receive this bill.

On further motion by Mr. Hanson the bill was indefinitely postponed.

The SPEAKER: The Chair lays before

the House another matter, being bill, An Act in relation to boards of registration of voters, the same having been presented by the gentleman from Ellsworth, Mr. Lord. The Chair will state again in regard to this matter that the committee on reference of bills has taken no action upon this measure. The Chair awaits the pleasure of the House.

On motion by Mr. Higgins of Brewer the House voted to indefinitely postpone the bill.

The SPEAKER: The Chair lays before the House Resolve in favor of the physician at the Maine State prison, the same having been presented by the gentleman from Portland, Mr. Fossett. This apparently is a matter that should be referred to the committee on appropriations and financial affairs.

Mr. Higgins of Brewer moved that the resolve be indefinitely postponed.

Mr. FOSSETT of Portland: Mr. Speaker, I would like to state in regard to that measure that the salary of the prison physician is established by law at the sum of \$250 per year. The former physicians at the prison have been receiving \$500 a year for the last 15 or 20 years, and that amount has been allowed. The present physician was appointed February first with the understanding that the salary was \$500, and there has been a bill introduced and passed here making the salary of the prison physician \$500, to take effect on the first day of July. It seems to me it is only justice to this man who was appointed with the expectation of receiving \$500 a year, that this amount should be made up to him from the time of his appointment. They have 162 prisoners there at the present time, and the duties require a great deal of the physician's time. There has been one case of appendicitis operated upon there since this present gentleman became prison physician, and if that case had been operated upon anywhere else he would have received more money than this bill for his salary amounts to. I hope that this bill will not be indefinitely postponed.

Mr. HIGGINS: Mr. Speaker, I do not see any reason for the passage of this resolve at this time. The sum of \$115, or whatever the amount is that is called for in the resolve, can be taken care of, as

has been the case heretofore; and in view of the fact that we have shut the door to the reception of new bills in two or three previous cases this morning, it would seem to me only fair that we call a halt unless this is an emergency matter, and it does not appear to me from the statement of the gentleman on the other side (Mr. Fossett) that an emergency exists in this case, an emergency which cannot be taken care of if this resolve was indefinitely postponed; and therefore I trust that the motion to indefinitely postpone will prevail.

MR. FOSSETT: Mr. Speaker, this bill was put in with an emergency clause by the advice of people whom I supposed knew what they were doing; and I surely hope that the gentlemen of this House will not take advantage of the opportunity and deprive this man of the paltry sum of the difference between \$20 a year and \$500 a year, when you hire a man with the understanding that he was to get \$500 a year, and it is only for that difference that this resolve provides.

The question being on the motion of Mr. Higgins of Brewer that the resolve be indefinitely postponed.

A viva voce being doubted,

A division was had and the motion prevailed by a vote of 70 to 40.

So the resolve was indefinitely postponed.

On motion by Mr. Perham of Woodstock the rules were suspended and that gentleman presented out of order Resolve in favor of Fred S. Rand.

On motion by Mr. Higgins of Brewer the resolve was referred to the committee on appropriations and financial affairs.

On motion by Mr. Perkins of Augusta the rules were suspended and that gentleman presented out of order Resolve in favor of the committee on insane hospitals.

On further motion by the same gentleman the resolve was referred to the committee on appropriations and financial affairs.

Reports of Committees

Mr. Ward from the committee on banks and banking, reported in new

draft and "ought to pass" on bill, An Act to amend Section five, Chapter 244, Public Laws 1913, entitled "An Act to regulate the business of dealing in securities."

Mr. Woodman from the committee on claims, reported "ought to pass" on Resolve in favor of the city of Biddeford.

Same gentleman from same committee, on Resolve in favor of the city of Biddeford, reported same in a new draft under same title and that it "ought to pass".

Mr. Conners from the committee on judiciary, reported "ought to pass" on bill, An Act to increase the powers of the county commissioners of Penobscot county in regard to making temporary loans additional to Chapter 80 of the Revised Statutes of 1903.

Mr. Campbell from same committee, reported "ought to pass" on bill, An Act to amend Section 75 of Chapter four of the Revised Statutes, relating to loans in anticipation of issue of bonds or notes.

Mr. Pierce from same committee, reported bill, An Act to authorize the Norway and Paris Street Railway to purchase or lease the property and franchise of the Mechanic Falls Electric Light Company.

Mr. Conners from same committee, reported "ought to pass" on bill, An Act to amend Section 35 of Chapter 114 of the Revised Statutes, relating to the relief of poor debtors.

Same gentleman from same committee reported "ought to pass" on bill, An Act to amend Section 19 of Chapter 16 of the Revised Statutes so as to create the Trustees of the Local Methodist Episcopal Churches a corporation.

Mr. Pierce from same committee, reported "ought to pass" on bill, An Act to amend Chapter 31 of the Private and Special Laws of 1905, entitled "An Act to authorize the Houlton Water Company to generate, sell and distribute electricity as amended by Chapter 103 of the Private and Special Laws of 1907."

Mr. Hanson from the committee on legal affairs, reported "ought to pass" on bill, An Act relating to the accounts of the various State examining boards and to provide for the bonding of all

officials and clerks who handle public moneys.

Mr. Clifford from the same committee, on bill, An Act to provide for publicity respecting the membership of mercantile partnerships and for identification of individual merchants in certain cases, reported same in new draft under same title and that it "ought to pass".

Mr. Thombs from same committee, on bill, An Act to amend Section two of Chapter 267 of the Private and Special Laws of 1907, relating to the Fort Kent Village Corporation, reported same in a new draft under same title and that it "ought to pass".

Mr. Thibodeau from the committee on library, reported "ought to pass" on Resolve in favor of the Maine State Library.

Same gentleman from same committee, on bill, An Act in favor of an appropriation to restore the early records in the office of the clerk of courts for York County, reported same in a new draft under same title and that it "ought to pass".

Mr. Dutton from the committee on mercantile affairs and insurance, on bill, An Act to regulate the sale of lightning rods, reported same in new draft under same title and that it "ought to pass".

Mr. Holt of Skowhegan from the committee on military affairs, on Resolve in favor of Fort William Henry at Pemaquid, in the town of Bristol, reported same in new draft under title of "Resolve appropriating money for the care and maintenance of Fort William Henry in the town of Bristol and that it "ought to pass".

Mr. Small from the committee on pensions, on Resolve in favor of Rena Cooley of Augusta, reported same in a new draft under same title and that it "ought to pass".

Same gentleman from same committee, reported "ought to pass" on Resolve in favor of Mary A. Moulton of Cushing, Maine.

Same gentleman from same committee, reported "ought to pass" on Resolve in favor of Mary J. D. Arkett of Woodstock.

Mr. Michaud from the committee on public health, on bill, An Act relating to the inspection of hotels, inns and rooming houses, reported same in a

new draft under same title and that it "ought to pass."

Mr. Conners from the committee on revision of the statutes, reported "ought to pass" on bill, An Act to repeal Section 9 of Chapter 73 of the Revised Statutes, requiring the consent of the overseer of the poor to sales of real estate by guardians in certain cases.

Mr. Danforth from the committee on school for feeble-minded, on Resolve in favor of Ozias M. Goff of Gray, Maine, reported same in a new draft under same title and that it "ought to pass."

Mr. Jameson from the committee on sea and shore fisheries, on bill, An Act to regulate the shipment of lobsters by shippers with an established place of business, reported same in a new draft under same title and that it "ought to pass." (Tabled pending acceptance of the report and specially assigned for consideration on Tuesday of next week on motion by Mr. Jameson of Friendship.)

Mr. Goldthwait from same committee, on bill, An Act to provide for the destruction of dog fish and other members of the shark species, reported same in a new draft under same title and that it "ought to pass."

Mr. Goldthwait from same committee, on bill, An Act to provide for licensing lobster fishermen and the better protection of the lobster fisheries, reported same in a new draft under title of "An Act to provide for the granting of lobster licenses and giving State-wide jurisdiction to wardens," and that it "ought to pass."

Mr. Daigle from the committee on State lands and forest preservation, on bill, An Act relating to scaling round timber and marking the contents on same, reported same in new draft under same title and that it "ought to pass."

Mr. Cobb from the committee on ways and bridges, on Resolve in favor of State aid for the support of the Eastport bridge, reported same in a new draft under title of "Resolve in favor of aid in repairing the bridge between Eastport and Perry," and that it "ought to pass."

Same gentleman from same committee, on Resolve in favor of the town of Cushing for the improvement of the Back Bay road, so-called, reported same in a new draft under title of "Resolve in favor of aid in repairing road in the town of Cushing" and that it "ought to pass."

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

Mr. Woodman from the committee on claims, reported "ought not to pass" on Resolve in favor of John A. McDonald.

Mr. Gerrish from the committee on inland fisheries and game, on petition of Charles F. Stevens and 7 others to prohibit the throwing of sawdust into Concord river or any of its tributaries, reported that the petitioners have leave to withdraw.

Mr. Hanson from the committee on legal affairs, reported "ought not to pass" on bill, An Act to amend Section 57 of Chapter 27 of the Public Laws of 1911, relating to the punishment for intoxication.

Mr. Thibodeau from the committee on library, on Report of the State Historian for the years 1913 and 1914, reported that the same be placed on file.

Mr. Dutton from the committee on mercantile affairs and insurance, reported "ought not to pass" on, bill, An Act to repeal Chapter 131 of the Public Laws of 1911, as amended by Chapter 114 of the Laws of 1912, relating to taxing insurance companies not authorized to do business in Maine.

Mr. Small from the committee on pensions, on Resolve in favor of John French of Lewiston, Maine, reported that legislation is inexpedient as pension can be cared for under general law.

Mr. Michaud from the committee on public health, on extract from report of the joint standing committee on Governor's Message, reported that the same be placed on file.

Same gentleman from same committee on annual report upon the births, marriages, divorces and deaths in the State of Maine for the year ending December 31, 1913, reported that the same be placed on file.

Same gentleman from same committee

on Seventeenth report of State Board of Health, reported that the same be placed on file.

Mr. Danforth from the committee on school for feeble-minded, reported "ought not to pass" on bill, An Act to provide for the care, support and maintenance of the State poor.

Mr. Jameson from the committee on sea and shore fisheries, reported "ought not to pass" on bill, An Act to provide for plugging lobsters.

Mr. Small from same committee, reported "ought not to pass" on bill, An Act to amend Section 33 of Chapter 41 of the Revised Statutes of Maine, as amended by Chapter 143 of the Public Laws of 1905, relative to seines.

Mr. Cobb from the committee on ways and bridges, reported "ought not to pass" on bill, An Act to amend various charters granted the proprietors of the Eastport Bridge and the City of Eastport, relating to the erection and maintenance of a bridge between Eastport and Perry.

Same gentleman from same committee reported "ought not to pass" on Resolve in favor of a road in the towns of Amherst and Clifton in the counties of Hancock and Penobscot, respectively.

The reports were accepted.

Reports A and B of the committee on sea and shore fisheries, on bill, An Act to amend Sections 17 and 20 of Chapter 41 of the Revised Statutes of 1903, as amended, relating to the measurement of lobsters and to add thereto Section 29 as hereinafter set forth; report A, reporting "ought not to pass" being signed by Messrs. Peacock, Scammon, Mulligan, Hodgkins, McCurdy and Small; report B, reporting in a new draft under title of "An Act to amend Sections 17 and 20 of Chapter 41 of the Revised Statutes of 1903, as amended, relating to the measurement of lobsters" and that it "ought to pass", being signed by Messrs. Chatto, Jameson, Ames and Goldthwait.

On motion by Mr. Goldthwait of Biddeford, both reports were tabled pending the acceptance of either, and specially assigned for consideration on Tuesday of next week, the new draft to be printed.

Reports A and B of the committee on inland fisheries and game, on bill, An

Act to provide for a resident hunter's license, with petitions for and remonstrances against the same; report A, reporting the same in new draft under title of bill, "An Act to provide for a resident hunter's license", and that it "ought to pass", signed by Messrs. Allen, Herrick, Colby, Gerrish, and Drummond; report B, reporting that the same "ought not to pass", signed by Messrs. Goodwin, Mcally, Greateon, Wheeler and Wyman.

On motion by Mr. Goodwin of Mexico, both reports were tabled pending the acceptance for consideration on Tuesday of next week.

First Reading of Printed Bills and Resolves

House 640: An Act to amend Section 47 of Chapter 32 of the Revised Statutes, as amended by Chapter 205 of the Public Laws of 1913, relating to the use of motor boats in hunting sea birds, duck or water fowl.

Mr. Gerrish of Greenville offered House Amendment A, to amend by striking out all of said bill after the enacting clause and inserting in place thereof the following:

"Section 47 of Chapter 32 of the Revised Statutes, as amended by Chapter 205 of the Public Laws of 1913, is hereby amended by inserting after the word 'inland' in the fifth line thereof, the words 'or tidal.' "

The question being on the adoption of House Amendment A,

The amendment was adopted.

The bill received its first and second reading, as amended, and was assigned for tomorrow morning for its third reading.

House 645: An Act to regulate anchorage in waters of Moosehead Lake bordering on Kineo.

House 646: An Act additional to Chapter 41 of the Revised Statutes, as amended, relating to the destruction of fish in tidal waters by means of dynamite or poisonous or stupefying substances.

House 647: An Act amending Chapter 241 of the Private and Special Laws of 1903, entitled "An Act to sup-

ply the town of Lisbon with pure water."

House 755: Resolve in favor of the Great Northern Paper Company.

House 768: Resolve in favor of the Children's Aid Society of Maine.

House 767: Resolve in favor of the Healey Asylum for Lewiston.

House 780: Resolve in favor of aid in repairing highway over Hardscrabble Hill, in the town of Orland.

House 731: Resolve in favor of aid in repairing the highway over Marsh Hill in the town of Stockton Springs.

House 732: Resolve in favor of aid in repairing the road leading from Shin Pond to Mattagamon Post Office, Penobscot County.

House 783: Resolve in favor of the Girl's Orphanage of Lewiston.

House 784: Resolve in favor of the Old Town Hospital.

House 785: Resolve in favor of the W. C. T. U. Temporary Home for Children, Gardiner.

House 786: Resolve in favor of the Maine Children's Home Society.

House 787: Resolve in favor of the Webber Hospital Association, Biddeford.

House 788: Resolve in favor of the Good Samaritan Home Association, Bangor.

House 789: Resolve in favor of the Children's Protective Society of Maine.

House 790: Resolve in favor of the Maine Mission for the Dead.

House 791: Resolve in favor of the York Hospital in the town of York.

House 792: Resolve in favor of the Greenville Junction Y. M. C. A. Hospital for maintenance.

House 793: Resolve in favor of the Daughters of Wisdom, St. Agatha.

House 794: Resolve in favor of the Bar Harbor Medical and Surgical Hospital.

House 795: Resolve in favor of the Eastern Maine General Hospital.

House 796: Resolve in favor of the Temporary Home for Women and Children, for maintenance.

House 797: Resolve in favor of the Children's Heart Work Society of Maine, located at Portland.

House 798: Resolve in favor of the Maine Home for Friendless Boys.

House 799: Resolve in favor of the Waldo County General Hospital, Belfast.

House 802: An Act additional to Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to ice fishing in Whetstone pond, in Piscataquis county.

House 803: An Act to amend Section 2 of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to ice fishing in Kingsbury pond, in Somerset and Piscataquis counties, and in the Bennett ponds, so called, in Guilford, in Piscataquis county.

House 804: An Act to amend Section 2 of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to ice fishing in Barker pond, in Cornville, in Somerset county.

House 805: An Act additional to Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to fishing in the tributaries to Ship Pond stream, in Piscataquis county.

House 806: An Act additional to Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to ice fishing in Pleasant pond, Mud pond, Horseshoe pond and Oxbow pond, situated in the counties of Kennebec and Sagadahoc.

House 807: An Act to amend Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to ice fishing in the Kennebec river in Somerset county.

House 808: An Act additional to Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to fishing in Berry pond and its tributaries, in the town of Winthrop and in the town of Wayne, in the county of Kennebec.

House 809: An Act to amend Section 2 of Chapter 32 of the Revised Statutes, as amended by Section 206 of the Public Laws of 1913, relating to ice fishing in Sand pond, in Denmark, in the county of Oxford.

House 810: An Act additional to Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to fishing in Violette brook,

in Van Buren, in the county of Aroostook, above Hammond's Mill.

House 811: An Act to amend Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to fishing in Davis stream and Monson Pond stream, in the county of Piscataquis.

House 63: Resolve in favor of altering and enlarging the State prison at Thomaston.

House 813: An Act to authorize the construction of a public building at Rumford for municipal and county purposes.

On motion by Mr. Morse of Rumford, the rules were suspended and this bill received its third reading at the present time and was passed to be engrossed.

Passed to Be Engrossed

Senate 130: Resolve in favor of the Madawaska Training School for further improvements and repairs.

Senate 214: Resolve to provide for the construction and equipment of a central school building at the Maine Industrial School for Girls at Halliwell.

Mr. Greeley of Portland moved the indefinite postponement of the resolve.

Mr. HIGGINS of Brewer: Mr. Speaker, before the House takes action upon this motion I think it would be well to know just what is meant if action is taken on this motion to indefinitely postpone. The committee during the vacation have heard arguments in this case, and they have made practically a unanimous report for the building of this central building, and the measure has got along to the point where it is on its passage to be engrossed. I trust the motion will not prevail and that the resolve will receive its second reading and pass to be engrossed; and upon this motion, Mr. Speaker, I ask that when the vote is taken that it be taken by a division of the House.

Mr. GREELEY: Mr. Speaker, I think the gentleman from Brewer, Mr. Higgins, is mistaken somewhat in the fact that this was almost a unanimous report of the committee.

The pending question being on the

motion that the resolve be indefinitely postponed.

A division was had, and the motion was lost by a vote of 55 to 62.

On further motion by Mr. Higgins the resolve was then passed to be engrossed.

Senate 278: Resolve in favor of the Maine Wesleyan Seminary and Woman's College.

Senate 313: An Act to incorporate the Maine Real Estate Title Company.

Senate 314: An Act relating to the amortization of bonds of life insurance companies.

Senate 315: Resolve, making an appropriation for the purpose of obtaining information in regard to wild lands for the purposes of taxation.

Senate 316: Resolve for the appointment of delegates to the conferences of the National Tax Association.

Senate 319: An Act permitting the use of automobiles in the town of Mt. Desert.

Mr. Small of Mt. Desert offered House Amendment A, to amend by adding Section 2, as follows: "This act shall not take effect as to any roads or ways in said town of Mt. Desert lying east of Somes' sound and Doctor's creek, so-called, until January 1, A. D., 1916."

The question being on the adoption of the amendment,

Mr. THOMBS of Lincoln: Mr. Speaker, I rise to a question of parliamentary inquiry.

The SPEAKER: The gentleman from Lincoln, Mr. Thombs, will state his point of inquiry.

Mr. THOMBS: Mr. Speaker, I believe that the amendment as written and offered by the gentleman from Mount Desert, Mr. Small, can not properly be considered by the House in that it is outside of the powers of the House to pass such an amendment in view of the fact that, as I claim, it is in conflict with the Constitution; and very briefly I desire to inform you in regard to my contentions in that respect.

I first desire to call the attention of the House to the constitutional provision relating to the time of the taking effect of public acts or resolves, and I

read from Section 16 of Amendment 10:

"No act or joint resolution of the legislature, except such orders or resolutions as pertain solely to facilitating the performance of the business of the legislature, of either branch, or of any committee or officer thereof, or appropriate money therefor or for the payment of salaries fixed by law,"—those are the exceptions, so that it would read, "no act or joint resolution of the legislature shall take effect until 90 days after the recess of the legislature passing it, unless in case of emergency, (which with the facts constituting the emergency shall be expressed in the preamble of the act) the legislature shall, by a vote of two-thirds of all the members elected to each House otherwise direct."

Now, Mr. Speaker, it seems to me that in view of this constitutional manner of the putting into effect, of the time of putting into effect acts and resolves, that this House can not proceed in any manner contrary to the manner therein defined; and it seems to me that when an amendment like the present one under consideration, which clearly states that this act or a part of it shall not go into effect until January first, 1916,—this House is pretending to put into effect an act contrary to the manner provided by the Constitution, thereby making it defective in substance and a matter properly without our consideration.

I have not had time to look into this matter to any great extent, but I wish to call the attention of the House to one or two provisions of law. I wish to preface what I may say by saying that so far as I know this question has not been judicially determined in the State of Maine. I have been informed that it has been the invariable custom of presiding officers in this legislature since this change in the Constitution to refuse to entertain for the consideration of either branch of the legislature matters of this kind. I wish to read from the *Cyclopedia of Law and Procedure*, under the subject of Statutes, and relating particularly to the time of going into effect:

"In the absence of constitutional restrictions, the legislature is free to fix

in each act the time it shall take effect; and may therefore provide that it shall take effect from its passage or approval, or at a fixed date, which may be either earlier or later than the date fixed by a general statute or upon publication, or upon compliance with other requirements fixed by the act. To the extent that the time fixed in the particular statute differs from that fixed by a prior general law, the particular statute, as the latest expression of the legislative will, prevails over the general law."

Now, mark you, Mr. Speaker and gentlemen, in order for a provision in a particular statute to have the effect of putting a statute into operation at a different time than that fixed by the general rule, such provision must conform to constitutional requirements, and the thing must be clear and explicit; it is not sufficient that certain parts of the act might bear such a construction. While I am free to say that perhaps that case is not to be read as applying exactly to the circumstances here, yet it seems to me, it is a clear exposition of the law relating to the subject matter which we are considering.

In regard to this matter I have also asked a few gentlemen for their opinions concerning this matter, and of course I realize, Mr. Speaker and gentlemen, that that would not have any particular weight with you, but I wish to read to you the opinion of a gentleman living in Augusta, whom I consider to be an authority in this matter, the Hon. Charles L. Andrews, whose opinion is stated as follows:

You have requested an opinion as to whether the legislature has power to provide that an Act shall take effect at some fixed date after ninety days from the adjournment of the session.

The Constitution provides that no act of the legislature shall take effect "until ninety days after the recess of the legislature passing it unless in case of emergency the legislature shall by vote of two-thirds of all the members elected to each House otherwise direct."

This provision undoubtedly had two

purposes; one for convenience of the general public in obtaining information about the law, the other the providing of a uniform time when all acts should go into effect, and these intentions should have some weight in interpreting the law.

We are unable to find any decision in this or other states exactly in point, although almost precisely the same language is in use in a great many states.

In *State vs. Mounts*, 36 West Va., 179, where the language of the Act is precisely the same, while the question did not arise whether an Act could be made to take effect at some date after 90 days, yet on the question of when it did take effect, the court laid down the rule that it took effect on the ninetieth day after the adjournment of the legislature.

"In the absence of any judicial construction after a careful examination of the general principles governing the construction of statutes, we are of the opinion that the statute was intended to be automatic and to be construed as though it read that acts should go into effect on the ninetieth day after adjournment.

We find no case where an Act has otherwise provided under such a provision of the Constitution, and do not believe it would be legal to so provide in any act passed by our legislature."

Now, Mr. Speaker, there is a further objection to this measure in my opinion, and in view of the fact that this amendment attempts to fix two different periods of time for its going into effect. That is to say, if the amendment should prevail the law would go into effect on certain roads, and by that same act other roads would continue to be closed until the expiration of this stated period, which in my opinion makes such a provision illegal. I am sorry that I have not been able to prepare this matter with greater care and present it more intelligently. But to summarize, it seems to me that this matter, in the manner or form in which it is presented to the legislature this morning, is in expressed contradiction to the expressed provisions

of the Constitution, and for this legislature to pass upon it would only give us, in my opinion, an unconstitutional act.

Mr. PIERCE of Houlton. Mr. Speaker, this is an absolutely new proposition to me because acts have been submitted all through this legislature, those in relation to salaries and fees, providing that they should not go into effect until two years. Now, if that point is well taken and all such acts are unconstitutional, we had better examine this matter pretty well and start in and revise a lot of acts, I presume it has not occurred to the gentleman from South Portland, Mr. Sanborn, who was a member of the committee on salaries and fees, or to the gentleman who drew those resolves. I would suggest, unless the Speaker can inform us upon the matter, that we should be given an opportunity to inquire into it.

The SPEAKER: Does the gentleman from Houlton, Mr. Pierce, desire more time in which to consider the matter?

Mr. PIERCE: Mr. Speaker, with all due respect to the gentleman from Lincoln, Mr. Thombs, who undoubtedly knows more law than I do, and who has looked this matter up, it does not strike me if that is true it is a fact that the legislature has been proceeding here in absolute disregard of that principle all the time we have been here.

Mr. SANBORN of South Portland: Mr. Speaker, I did not have any intention to participate in this discussion because the subject matter is one in which I have no interest whatever, but I must say that I was not impressed with the force of the argument presented by the gentleman from Lincoln, Mr. Thombs. The words of the Constitution are that "an act shall not take effect until ninety days after the adjournment of the legislature." I fail to see how those words can be construed to declare that all acts shall take effect and must be made to take effect at that time. I do not care to enter into any extended discussion of the question at this

time, but simply to say that unless my memory is at fault there have numerous acts passed since we had this initiative and referendum in our Constitution which did specify a future date at which they should take effect, subsequent to ninety days after the adjournment of legislature.

I think I can say that the question never entered the minds of any of the members of the committee on salaries and fees in prescribing the date of January first, 1916, or January first, 1917, as the case may be, for the taking effect of acts in regard to the change of salaries. It will occur to you all, undoubtedly, that the Public Utilities Act, as passed two years ago, contained some provisions, that is, that there were two or three dates provided at which different portions of it should take effect, that certain portions should take effect the first of August and other portions six months later. It is no argument to say that that act was passed. I admit that because the question never was raised. It is true, however, that that act was subjected to the scrutiny of the very best legal talent in the State of Maine, and, so far as some of that talent was concerned, it was in a hostile attitude; so that it seems to me if any such matter as this could have been conceived as possible to have taken advantage of, it would have been done so in that case; it therefore seems to me that there can be no possible objection constitutionally to providing that an act shall take effect at some date subsequent to ninety days after the adjournment of the legislature.

Mr. ST. CLAIR of Calais: Mr. Speaker, In my mind it seems evident that the provision of the Constitution meant that where no time is specified for an act to take effect it automatically takes effect ninety days after the adjournment of the legislature. I do not see why it is not constitutional for the legislature to fix a date for an act to take effect.

Mr. THOMBS: Mr. Speaker, I don't know that I can answer the arguments of the gentlemen, because in doing so I would simply be repeating what I have already said, that it seems to me that

the Constitution has provided these two ways. I agree with the gentleman from Calais, Mr. St. Clair, that the act, unless it is an emergency act, if so passed does go into effect ninety days after the recess of the legislature, but I can not see how the Constitution can be made so elastic as to allow acts to go into effect on various dates thereafter. It seems to me that is one thing that was aimed at in making this change in the Constitution, and that was to provide a more uniform time at which all acts should go into effect. It seems to me that is a consistent provision and good business policy on the part of the State.

Mr. SANBORN: Mr. Speaker, the very point raised by the last speaker (Mr. Thombs) is one that I intended to advert to. I can see no reason for assuming that in changing the Constitution any such purpose as this last one was had. What was the purpose of that purpose in the Constitution? Every man of us knows that it was to provide the people with a means of negating legislation that had been enacted; it was the initiative and referendum; it was to enable people to have a time fixed before which legislation should not take effect, so that if they saw fit they could invoke the referendum; and it seems to me it is stretching the point to say that they also had in mind in making that constitutional amendment the purpose of fixing a date at which all legislation must necessarily take effect. There was such a date as that already provided, viz., on the adjournment of the legislature; that was well known and well understood, and there was no need of fixing a date, we had a date already; that legislation should take effect on the adjournment of the legislature. We know that it was competent for the legislature to fix some other time; we could fix a time before the adjournment of the legislature, because sometimes we said, "This act shall take effect when approved"; and again we could make it later than the adjournment of the legislature; but in the absence of any specification in the act all legislation had a definite time when it did take effect, so that there was not any need by constitutional amendment to determine a time, there was a time already provided; and fixing a different

time had only one purpose, viz., the purpose to prevent legislation taking effect by its own terms before that date, so that there could be a referendum.

Mr. PIERCE: Mr. Speaker, I would like to say just one word further. It is a familiar principle of constitutional law, that nothing is to be judged as a contravention or violation of the constitutional provision unless it is plainly, clearly and manifestly so; that you are not to take by intentment or argument or in any other manner something to be in violation of the Constitution when it is not plainly and specifically so. Now, according to that well recognized rule, and I believe it is a rule of judicial procedure all over the United States, that no judge at nisi prius and no single judge holding a term of court will hold an act of the legislature to be unconstitutional; if he is bound to rule he rules in favor of the act, and if the act is declared unconstitutional it is done by the Supreme Court. I do not mean to say that an act might not be so flagrantly, plainly and absolutely unconstitutional that a judge at nisi prius would not be justified in assuming that responsibility, but I do say—and I believe it is the custom, that in all courts of the United States a single judge can not rule the law to be unconstitutional unless it is plainly and manifestly so. I cannot be that the word "until" necessarily means "only" upon the acts; he wants it to be construed as meaning that it shall take effect "only at the expiration of ninety days," and at no other time.

Now, Mr. Speaker, I understand this is a parliamentary question only now. If you wish to shorten the statute of limitations you must prescribe a definite time at which that shortening must take effect. In other words, you have got to give people an intervening time in which to bring their suit before they be forever precluded: it is true that this period can be shortened if the legislature sees fit, but we have to give people a reasonable period of time in which to bring their suits. If the contention of the gentleman from Lincoln, Mr. Thombs, is correct, you could not possibly make that period of time longer than ninety days; I question very much whether that would ever be held to be a reasonable time within which all suits

should be brought. I agree with the gentleman from South Portland, Mr. Sanborn, that I do not believe the people of the State of Maine when they enacted the so-called Initiative and referendum amendment to the Constitution ever intended any such result. I have absolutely nothing to say on the merits or demerits of this amendment, and my remarks are directed wholly to the question of the constitutionality at this time.

The SPEAKER: The Chair desires to reserve consideration of this question until the afternoon session, with the permission of the House.

Senate 320: Resolve in favor of purchasing a portrait of Major General Joshua L. Chamberlain, a former Governor of this State.

Senate 321: Resolve in favor of Maine Central Institute at Pittsfield.

Senate 322: Resolve in favor of the Nason Institute, for maintenance and extension of its work.

Senate 323: Resolve in favor of Anson Academy.

Senate 324: Resolve in favor of the trustees of Freedom Academy.

Senate 325: Resolve in favor of St. Joseph's Academy, Portland, to assist in the payment of the debt and for permanent improvements, and equipment.

On motion by Mr. Holt of Skowhegan, the vote was reconsidered whereby this resolve received its second reading and was passed to be engrossed, and on further motion by Mr. Holt the resolve was tabled, pending its passage to be engrossed and was specially assigned for consideration tomorrow.

The SPEAKER: The Chair wishes to state that the report of the committee on bills in the third reading on Senate Doc. No. 326, bill, An Act to amend Section 1 of Chapter 198 of the Public Laws of 1909 as amended by Chapter 192 of the Public Laws of 1911 and as further amended by Chapter 182 of the Public Laws of 1913, relating to the amount of the school equalization fund, has not been received and the matter is therefore not in order at this time.

On motion by Mr. Higgins of Brewer, the bill was tabled, pending its third reading and specially assigned for consideration tomorrow.

Mr. THOMBS of Lincoln: Mr. Speaker and gentlemen, I desire to ask if we may now return to the matter under discussion a few moments ago, that is to say, House Doc. No. 319. I certainly have no desire to precipitate a debate upon this matter or to embarrass the Speaker and take up any of his valuable time, at this late hour in the session; that was the furthest idea from my mind. The matter seemed so plain to me that I thought possibly we could settle it very quickly, but I find that I am mistaken in that, and I am ready to agree that there may be some merit in the contention of the gentlemen who spoke in opposition to me. I do not wish, as I say, to take the time of this House or the time of the Speaker in looking into the question which seems to me to be a question of so much importance; and I therefore believe it would be better for me to withdraw any objection I have to the amendment and let it go forward in its usual way. I therefore move, Mr. Speaker, that we return to that matter and to proceed to consider it as though we had suffered no interruption.

The motion was agreed to, and the House voted to recur to the consideration of House Doc. No. 319.

Mr. MANSIR of Pittston: Mr. Speaker, I will say that I do not like to have this matter brought up in the absence of the gentleman from Mt. Desert, Mr. Small, as he is absent from the House at this time.

The SPEAKER: In view of the fact that a ruling is requested at this time, the Chair will rule pro forma that the amendment is in order.

Mr. HIGGINS of Brewer: Mr. Speaker, I would suggest that we proceed to consider the matter of business upon which we were engaged at the time of interruption, bills in the third reading.

The SPEAKER: Without objection the House will proceed with these

matters until the return of the gentleman from Mt. Desert, Mr. Small.

Senate 327: Resolve in favor of the Augusta State hospital for full maintenance and support for the years 1915 and 1916.

Senate 328: Resolve in favor of the Augusta State hospital to complete furnishings for third female wing.

Senate 329: Resolve in favor of the Augusta State hospital for renovating the second male wing of the stone building. (Tabled pending its second reading and specially assigned for tomorrow on motion by Mr. Plummer of Lisbon.)

Senate 330: An Act to amend Chapter 211 of the Private and Special Laws of 1911, relating to the Congregational Conference and Missionary Society of Maine.

Senate 331: An Act to regulate and define rights and privileges of newspaper correspondents.

Senate 332: An Act relating to salaries of subordinate officers of the Senate.

Senate 333: An Act authorizing the hospital trustees to dispose of the "Chase Merrill place," so called, owned by the State in connection with the Maine School for Feeble Minded.

Senate 334: An Act to amend Section 5 of Chapter 144 of the Revised Statutes as amended by Section 1 of Chapter 100 of the Public Laws of 1907, relating to the transfer of patients from one insane hospital to the other, and to provide for the transfer of patients from the insane hospitals to the Maine School for Feeble Minded, and for the transfer of inmates from said school to either of said hospitals.

Senate 335: Resolve for the construction, equipment, service connections and furnishings of one brick building for a central kitchen and bakery at the Maine School for Feeble Minded. (Tabled pending its second reading on motion by Mr. Plummer of Lisbon.)

The SPEAKER: The gentleman from Mt. Desert (Mr. Small) having returned, we will now recur to Senate Document 319, bill "An Act permitting the use of automobiles in the town of Mt. Desert." The Chair has ruled pro forma that House Amendment A, offered by the gentleman from Mt. Desert, is in order. The amendment is to add a section which shall read as follows: "Sect. 2. This Act

shall not take effect as to any roads or ways in said town of Mt. Desert lying east of Somes Sound or Doctor's Creek, so called, until January first, 1916."

Mr. SMALL of Mt. Desert: Mr. Speaker, I want to explain that amendment a little and its relation to the bill that is now pending before the Legislature, and I want also to give my reasons for offering that amendment at this time.

Now there are two bills pending here. One opens all roads in the town; the other opens up the roads west of Somes Sound. Of course you all know how the Senate acted on this bill that I wish to have amended. Our reason for this is that we are perfectly willing at this time to submit to everything to the west of Somes Sound going over the roads that make the two trunk lines into Southwest Harbor and Tremont, and the two other towns on the island aside from Mt. Desert and Eden. We are willing that they should have the roads as soon as the law takes effect, but we do ask for the passage of this amendment, and we ask it for what we think are good and sufficient reasons.

Now Mr. Speaker, I do not know that this matter is one of any great importance to the most of the members of this Legislature; but it is of vital importance to these towns, and particularly to the town of Mt. Desert; and, if this amendment is adopted, I feel sure that the bill as amended would be perfectly agreeable to all those people who wish any change in the law in the towns of Tremont and Southwest Harbor. In fact those people have told me that if they could have a road to the west of Somes Sound, that is what they are most desirous of. Now these roads to the east of Somes Sound, which we ask to have closed until January first next, are the roads that lead into our two principal summer resorts in the town. Mr. Speaker, we are situated like this: We are essentially a summer resort, and we have catered to a peculiar class of people, who have come there and who have been in favor of coming to a place

where they would be away from automobiles, and we have done a good business along those lines. Our people have been satisfied too to do without them. But the time has come, evidently, when we are obliged to have automobiles, and we do not desire to antagonize their coming. We do desire, however, to have this eastern road for one more year, and we desire this for several reasons. The first reason I am going to mention is this: Our cottages are now very well rented, practically all rented, for the coming season. We have assured the people to whom we have rented those cottages in these villages that there would be no automobiles this summer; and, of course, our reason for so assuring them was our local sentiment down there. Now the local sentiment there has been strongly opposed to the admission of automobiles, and that is why we have promised these people that there would be no automobiles there this summer. Likewise, some of our hotel men have assured their guests in the same way. Indeed, in some of the leases of these cottages are provisions that should automobiles be admitted, the lease becomes invalid; and we think it would be a hardship to those people to admit them this season, and we think that they should have this season to lease their houses.

There is another strong point why we should have one more year, and that is this: In these two villages there are between 300 and 400 horses that are used for livery business. Now I think that the most ardent automobile enthusiast who has been opposed to this proposition of exclusion will admit that the coming of the automobiles is going to hurt the livery business. These men with between three and four hundred horses have kept those horses since sometime last September, have wintered them until now, with the idea that they would get the coming summer's business. It has been a matter of great expense to them to do this, and if they could have this year to use those horses and do their business,

another fall they would not go to the expense of wintering them, and they would have a chance to unload them and get rid of them. So that when the time comes next January that the automobile shall come, we will be ready and glad to have them. We want to impress upon this Legislature that from the first of January next our antagonism to automobiles is over. We will be willing then to admit them, and we are going to be glad to have them; but we do ask, and we think it only fair to ask, that we should have the privilege of this one year in those two places to adjust our business to the coming of the automobile. Mr. Speaker, we ask for a few months in which to adjust our business for eternity, for all time. If you will grant us those few months, then you can come there with your automobiles and we will be glad to have you.

Another reason we have for asking for this amendment relates to our roads. We have got a large mileage of roads that we keep in good repair. Our roads are a pride with us down there, are one of our advertisements, and we get a lot of compliments in regard to them; but they are not all automobile roads. Now in the spring of the year we have all we can do to get those roads ready, from the time the frost gets out of the ground and the ground becomes settled and the commencement of the summer travel. We have not the time to widen them and get them ready for this coming season for automobiles; but, if you will give us this year, so that we can have another fall in which to start our widening, our strengthening and our fixing, we will then be ready another season for the coming of the automobiles on any route and without any restrictions.

We are not trying to get this amendment through, Mr. Speaker, just to stave off the matter for another year; that is not the purpose at all. If we were prepared for them, we might just as well surrender now as next year; but we do hope that the members of this House will grant us this one request of these few

months in which to get ready, and then when they come we will be glad to see them. Gentlemen, I do hope that for the business interests of this town, having an assessed valuation of over one million and three-quarters, considering that we have no other business than the summer business, that you will give us the privilege of this extension of time in which to get ready. That is all we ask for, and I hope that this amendment will be adopted. I am going to ask that when the vote is taken it be by a yeas and nays vote.

Mr. RICKER of Castine: Mr. Speaker, I have listened to the gentleman from Mt. Desert, Mr. Small, and I hardly think that all of the arguments that have been presented by him are as he would like to have you believe them. For instance, two years ago the Legislature opened Bar Harbor to automobiles. At the same time they passed an act entitled "An Act relating to the use of automobiles in the town of Mt. Desert, in Hancock county." It seemed to us at that time—and as a member of that Legislature I was mixed up in that fight—that it was a fair warning to the town of Mt. Desert that at the next session of the Legislature, legislation would be asked for to open the whole town to automobiles. We deemed that it was no more than fair, just and right to the people who come to the State of Maine each year that they should have the use of our roads if they wish it, and they do wish it. You would gather from the argument that horses in this section had never seen or heard an automobile. Why, gentlemen, when these people in this restricted territory wish to go to Bar Harbor, they have to drive; they always have driven. In the summer there are boat connections, and I believe some in the winter, but as a general rule they use a team. Those horses are accustomed to automobiles and accustomed to seeing them on the street; and it does not seem to me that that is a very good argument against the admission of automobiles. This amendment is just a subterfuge to kill the bill. It is not presented in the interests of the whole island nor of the inhabitants of the whole island. It is done for just a few people, possibly five or six, who care nothing

about the rest of the people of the State of Maine or the business that comes to it. I think if you will look beneath the surface, you will find the master hand of John D. Rockefeller, and a few of his associates, steering things. And how do they go about it! Why, by having one of the most extensive and expensive lobbies we have ever seen in the State of Maine, composed of some of the leading attorneys of the State, asking you to grant these few people special privileges. Now, gentlemen, the roads in the State of Maine are public property; they are constructed with your money and mine. It makes no difference where you live in the State,—your money is distributed over these roads and the roads are for the public use of public vehicles. Now what is a public vehicle? Webster's dictionary says that "it is that in or on which any person or thing is or may be carried." The same dictionary also says that "an automobile is a self-propelled vehicle suitable for street or road wagon." You will see that the last definition works in conjunction with the first. The automobile is recognized as a public vehicle all over the world. I doubt very much if anybody, even if they have the legal right, have the moral right to say that the great mass of people coming to Maine shall not use any road in the State of Maine. It is not a just proposition. I will not go into this matter very fully for it would take up your time unnecessarily. I am going to ask you, however, when you vote on this matter to remember that we are dependent on summer visitors who come to this State, and we have no right to close our roads to their use.

Mr. MORRISON of Eden: Mr. Speaker and gentlemen: I have taken a great interest in this matter, and I most seriously object to this amendment. We all know very well that there have been a great many amendments offered to bills at this session, some for the purpose of killing them. You are well aware that the gentlemen here have called those amendments jokes. Now, gentlemen, this amendment is no joke; it is a "nigger in the woodpile," and if this amendment passes that "nigger" will pop right out; but, gentlemen, I am going to tell you that when the vote is taken the "nigger" will have to back out.

My friend from Mt. Desert, Mr. Small, says that the cottages in Mt. Desert are rented with the understanding that automobiles will be kept out of there. I say that the understanding of the most of the people when this matter was before them was to open up the whole Island of Mt. Desert to automobiles. Also the gentleman speaks about the roads. Now I was traveling over the roads there last year, and I saw the assistant road commissioner cutting out and bushing out the roads, and he told me that the Maine road commissioner had said that undoubtedly automobiles would be admitted, and he wanted to repair the roads for their admission. He said they are liable at any time to call a meeting and vote to open up the roads of the town. He said that it was a peculiar class of people who asked for the exclusion of automobiles, and I certainly agree with him that it is.

Another thing in regard to this bill! If we are going to have an amendment, let us have one that we can all understand. This amendment calls for roads and ways east of Somes Sound. Now, gentlemen, we have logging roads there; and is there any reason why it should exclude one of those log-haulers from hauling logs there. Is there any reason for saying that a man who owns a private way there shall not use automobiles? Mr. Roberts of Bar Harbor has built a private road along the side of Eagle Lake, and has extended it into the town of Mt. Desert. Is there any reason why, if he uses that private road, he shall be fined twenty-five dollars? I say no; this amendment is not right. If there is to be an amendment to this bill, let us make one that is just and right, one that we can all understand, and one that the majority of this House believe in; and let us make an amendment that all roads west of the Atlantic Ocean, state, county and town ways, be opened up to automobiles. That is the proper amendment, and then we can understand what is meant.

Gentlemen, this matter was thoroughly threshed out before the Judiciary Committee, a committee that is one of the most painstaking and honest of any that we have here this winter, and the vote there was six to three in favor of opening up the entire town of Mt. Desert. One gentleman did not vote, but I understand that had he been there he

would have voted in favor of it. This matter was discussed very ably in the Senate, and the vote there was 21 to 8 in favor of opening up this island. Now, gentlemen, you are well aware, every one of you, as my friend from Castine, Mr. Ricker, has said, that there was a lobby. I think I saw signs of it once or twice myself; and, gentlemen, I believe that inasmuch as we have expended \$40,000 in building a State road to connect with the town of Mt. Desert, inasmuch as they charge twenty-five cents each way for crossing that toll bridge 1,600 feet long, and inasmuch as we have twelve or thirteen miles of macadam road connecting with this main turnpike, that we should not say to the people going there that they cannot take the most charming and beautiful drive that there is in the State of Maine—the 22-mile ocean drive, that goes through Seal Harbor and Mt. Desert. Let me tell you one thing, gentlemen, that that is a most beautiful drive, and three or four in the town of Mt. Desert are attempting to say to 200 in the town of Eden,—“you shall not take this drive.” I believe it is not right for these selfish people down there to say to the people of the town of Eden that they shall not take that drive. For instance, the milkmen have Ford delivery carts, and they work from four in the morning until nine at night; they work Sundays until twelve or one. Is there any reason why, if they want to take their families in their delivery truck Sunday afternoons for a trip across Mt. Desert bridge, and pay fifty cents to go back and forth,—is there any reason why they should not go to Jordan's pond, or anywhere else that they desire, and have a picnic dinner? Gentlemen, the best breeze that we get down there is the sea breeze, and I assure you that this 22-mile drive is in a class by itself for scenery and ocean breezes. For instance, on this road leading from Seal Harbor to North East Harbor, where you look down into that beautiful little village of Seal Harbor, you see the most charming and beautiful view imaginable. You can look out and see Cranberry Island, Baker's Island Light, Bear Island Light, you can also see the broad Atlantic Ocean. One gentleman here today says that three times a week he has brought people over there to get that wonderful

view. In fact, five minutes looking down upon that view, and breathing that fresh air, I assure you is more stimulating and invigorating than a good, cool, glass of champagne. (Applause) You will not be obliged to take it because you will not need it.

Now, gentlemen, understand the position that I take. I was elected from the town of Eden to represent the best interests of that town. I was also elected, gentlemen, to represent the best interests of Mt. Desert Island, Hancock county, and the State of Maine, and to do everything in my power for the benefit of the interests of this good and glorious State; and I feel it my duty to get up here and stick to my belief.

And, gentlemen, another thing! You understand that two years ago the automobile was forced upon the town of Eden by this Legislature; and there are 200 rich people there who have asked me, begged of me, to come here and open up this road if I possibly could in order that they might enjoy that 22-mile drive—the famous old drive that they have taken for fifty years. Now is there any reason why, when the town of Eden pays one-third of the entire Hancock county tax, that she should not have some rights? Is there any reason, why the poor people up here in this State of Maine should not have the right to pay fifty cents for crossing that toll bridge and go anywhere they choose on that island? Is there any reason why the poor man, the traveling man, traveling in his Ford delivery car all over the State of Maine, the salesman, when he gets to Bar Harbor should have to buy a team or walk to his destination? I say no. I believe in using the rich people right; I believe in catering to the rich people and to the people who come to our State in the summer; but I believe the poor man should have some rights. I thank you, gentlemen. (Applause.)

MR. WASGATT of Deer Isle: Mr. Speaker, I think perhaps I can speak on this question as well from the standpoint of being interested as anyone except the gentleman from Mt. Desert, Mr. Small, and the gentleman from Bar Harbor, Mr. Morrison, because it is my native home and I still own real estate in the town of Mt.

Desert. I came here fully intending to vote to open the town of Mt. Desert to automobiles, and I have not changed my mind on the question; but there are other questions to be considered than the mere fact that that town ought to be opened. My principal reason for thinking that we should open that town was that the town of Southwest Harbor and the town of Tremont were shut out from the rest of the roads of the State by what seemed to me unjust laws controlling Mt. Desert. But if you pass this law, the bill which is before you with the amendment which my friend Small offers, it will give Tremont and Southwest Harbor all that they are asking for. They simply want a chance to get out uninterrupted and unobstructed. I think it may be well to give you a little geography of that island, which probably many of you do not understand. It is practically a round island, and from the south there is what is called Some Sound going half way through the island. Mt. Desert cuts through the middle, and this Sound almost cuts Mt. Desert in two. Now the only interest that Southwest Harbor and Tremont can have is in this western part where the roads are that they want to use. Over in the eastern part is a range of mountains, and Northeast Harbor and Seal Harbor are at the eastward of those mountains. Nobody has occasion to go there unless his business strictly relates to Northeast Harbor and the people there. Nobody need go there for any other purpose except to communicate with those people. Now I say that it will be no hardship to the rest of the State to be shut out for the next six months from going there in automobiles, while it will be a great hardship to the people there if you let everybody in when they are unprepared.

One gentleman has spoken of the Ethiopian beneath the wood. Now it seems to me that this amendment is so plain that no one can mistake its meaning. It seems to be absolutely plain with nothing covered up whatever. The only colored gentleman I think I see there is that one of the gentleman who has spoken is a dealer in automobiles, and, of course, he is in a hurry to get into Northeast Harbor. The other gen-

tleman represents a place that is already prepared with an abundance of automobiles; the people of Northeast Harbor have nothing but horses. Now you know and I know that just as soon as a place is opened to automobiles, nineteenth of the people there want to use them, and it is only a short run by automobile from Northeast Harbor to Bar Harbor, and they would run down in the morning, and attend to their business in that way, and the people who have gone to the expense of wintering their horses, with the expectation of using them this summer in their business would be entirely shut out. They would not only lose the keeping of those horses this winter, but they would lose the greater part of the value of the horses by being obliged to dispose of them in a hurry. I think, gentlemen, there can be nothing fairer than to adopt this amendment and then pass the bill. It seems to me that in that way everybody interested will have all that is coming to them, and we will do injustice to nobody. If you do not adopt the amendment and then pass this bill, you will do a great injustice and a great injury to the people of Northeast Harbor.

Mr. ROBERTS of Portland: Mr. Speaker, I have been interested in this discussion. I think that the report of three-fourths of the committee who heard the evidence should have some weight with us. There never was a law passed on any subject that did not work a hardship to a few. If you wait a year it would be the same. Now horses are growing higher in price every year. They can be sold at a higher price this year than they were last; so I do not think that the horse question enters into it at all. I think that this amendment should not have a passage. The roads in that section of our State are no more sacred and no better to the average man than any other section, and we should all have a chance to pass over them in any way that we see fit. I hope that the amendment will not prevail.

Mr. WESCOTT of Bluehill: Mr. Speaker and Gentlemen: I do not arise to wax eloquent over the discussion of this matter, and, unlike my friend from Bar Harbor, I cannot see the "nigger in the woodpile," because I have not looked for

him. I do not dodge the responsibility of voting on this proposition. I am going to vote against the amendment for two reasons, stated in about two sentences. First, because a majority of the committee having the matter under consideration felt it wise, and, secondly, because I look at the matter in this way: The automobile is here; it has come to stay; it is no longer an experiment; it might just as well go down there now as later on.

Mr. DUTTON of Bingham: Mr. Speaker, I wish to state my position upon this question. I am not directly interested in that section of the State; but I object to any road in the State of Maine, built by Maine money and Maine taxes, being closed to the use of the people of the State of Maine and the people who wish to come here to visit. I understood from the lobbyists that there was a "nigger in the woodpile," so to speak, that there were special reasons why the automobile should be excluded from Mt. Desert; but I did not believe that any man would have the "crust" to come in here and ask the State of Maine to exclude automobiles from Mt. Desert in order that a livery stable might reap a profit there during the summer. I think that is the most preposterous argument that has been "put up" to this Legislature. I understand there is another special reason. We all know who sells us our gasoline that we burn all over the State of Maine, and we all have to suffer from the obnoxious fumes which come from automobiles. That man who has reaped that profit, who has grown rich beyond the conception of man, comes here and asks us to maintain a little nook in the State of Maine where he can come and be exempt from the fumes of the gasoline on which he has made his money. (Applause). I will just ask you legislators to take into consideration what would be the result should a millionaire come into your own home town, build for himself a mansion, and decide that it would be very distasteful to him if you came into the town with your automobile; that then you started for home in your machine, and came to a limit where a line was drawn within two or three miles of your home, and you had to hitch your automobile to the fence and walk home. You may say that perhaps I am a little radical in my state-

ments; but these are the facts as they exist. There is another thing in regard to the lobby situation which applies as truly to this bill as it does to all others. I object, gentlemen, to the attitude which legislative machinery has or assumes in regard to the sound of the rustle of a dollar, and that legislative machinery should hear the sound of that rustle long before they hear the demands of their constituents. Now I do not believe that this Legislature is going on record here today as being influenced by the rich in opposition to the rights and just demands of the poor.

Mr. GREELEY of Portland: Mr. Speaker and Gentlemen: I do not intend to take up much of your time. I have been requested by the Automobile association, of which I am a member, to say a few words in behalf of this bill. Private interests have been recognized altogether too much by the Legislatures of this State in the past. I can only say that the Legislatures in the past have given away about every right that the citizens of this State had, in the way of lands, forests, and other things. Now "for the love of Mike" do not give them the highways. I think, gentlemen, this covers about all I have to say. (Applause.)

Mr. ST. CLAIR of Calais: Mr. Speaker, there is another good reason to add to those already given why this amendment should not prevail. We are getting near the end of the session, and, if this amendment prevails, this bill has got to go back to the Senate and they will have to work over it there again. There is no need of wasting any time on this amendment. It is the sense of this House, I have no doubt, almost as strong as in the Senate, to open up Mt. Desert to automobiles; and I hope that the members of the House will vote to turn this amendment down, and then get at the meat of the matter, the original bill.

Mr. THOMBS of Lincoln: Mr. Speaker and gentlemen of the House: I do not know but I have already used up all the time I ought to have in the discussion of this matter in my previous remarks this morning; but just a word! I am interested in this matter as a citizen of the State of Maine, and, of course, interested with the rest of you

here today. There is one thing I want to call to your attention in answer, as I think, to the argument of the gentleman from Mt. Desert, Mr. Small. Those of us who were here two years ago will remember that we were asked to open up the town of Eden to the use of automobiles, and I remember very distinctly when the question was first put to me, and I thought it was right and proper, and I acquiesced in it. Then the further question was put to me as to whether or not in my opinion the emergency clause should be added to that law, and I felt that it ought not to be, and so I stated; but I was persuaded by gentlemen whom I felt were conversant with conditions in Bar Harbor that there was such an emergency and that it was proper to attach this clause. It was attached and it had my vote. Now, gentlemen, I want to say to you that, so far as I know, and I have watched the matter with some interest, there has no serious trouble come to any man, woman or child in Bar Harbor, or any interests therein, because that law went into effect immediately. Now I want to say to you here this morning, too, along that line—and I think the gentleman from Houlton (Mr. Pierce) and the gentleman from South Portland (Mr. Sanborn) will agree with me, to this extent at least—that this law, if passed without the amendment, will not go into effect for ninety days at least; so that there is only a short time following the ninety days in which it would be closed in any respect. It seems to me, gentlemen, that we had better take hold of this. If you believe in opening up the highways of the State of Maine, if you do not believe in extending special privileges to any special man, then I believe you had better take hold of this thing and do a good, thorough, clean job here today. This is the old question that comes up to us so often in this Legislature between the demands, needs and requests of the summer residents who come to us and the demands, needs and requests of the permanent or all-the-year-around residents. There is not a man in this House who is not glad, the whole State of Maine is glad, to welcome this great influx of summer visitors. We want them; we want their sociability; we want the business that they create and

make here. We enjoy them, and we would not do a single thing to keep them out; but I want to say to you that it does not seem to me proper and right—when we go into the places where they live for the other eight months of the year, and go up and down the thoroughfares in front of their brown-stone houses in any kind of a vehicle, and in almost any manner we please,—now is it right for the people of the State of Maine, when these people come here, to deny to them and to other people of the State of Maine the privilege of passing back and forth in the highways in any manner they choose? Why, gentlemen, it seems to me we make a mistake whenever we close a single road in the State of Maine to any class. Now if that is a mistake, let us rectify it as soon as we can, and say to all citizens of the United States, and to our own citizens, "we are glad to have you come to Maine; we want you here; we need you; we like you. But there is one thing which we consider higher than even your presence here, and that is that upon the great highways of Maine, every man, woman and child shall enjoy exactly the same privileges." (Applause.)

Mr. GREENLEAF of Portland: Mr. Speaker, I had a very long and eloquent speech prepared for this occasion, and I intended to float here a large amount of aerial atmosphere; but inasmuch as so much has already been said, I will move the previous question.

Mr. SMALL of Mt. Desert: Mr. Speaker, I would like to say just a few words in explanation of some of the remarks that have been made by these other gentlemen, as I think I know the local conditions there. I want to assure the members of the Legislature that there is no "nigger in the woodpile"; and as to the expensive lobby, this idea of an amendment originated in my own head. I do not think I can be called an expensive lobby, as I only get \$300.

The gentleman from Castine, Mr. Ricker, says that the Legislature, last year, served a notice that we were liable to have automobiles come in at any time. Now, Mr. Speaker, I do not consider that we did get a notice the same as other town on the island; they had a notice. There was an exclusion act for the whole island of Mt. Desert, and the towns

were given the right to vote in town meeting whether they would accept or not, and the first time they voted all the others voted to keep the roads closed except Southwest Harbor, which always admitted automobiles. Automobiles were not allowed in the town of Trenton until that town in town meeting voted by a overwhelming majority that they should be admitted. Neither were they admitted in the town of Eden two years ago until the town indicated by an overwhelming majority that they wanted them. Now our local conditions have been different. The last vote ever taken in our town meeting in the town of Mt. Desert. Mr. Speaker, on the automobile question was a secret ballot, taken by yes and no vote. It was taken at the annual town meeting in March when our summer people were not there, and the vote at that meeting was 251 to 58 for exclusion.

The gentleman from Castine, Mr. Ricker, speaks about our horses. We do not contend that our horses are going to be frightened by automobiles. Our horses are the ordinary, average horses; they have all seen automobiles. We are not looking for catastrophies or runaways. We expect our horses to meet automobiles, the same as any horses do.

Another matter mentioned is that of a fine. Now I intended to state that in my first remarks and I omitted to do so. I want to explain to the members of the Legislature about this fine business. It was brought out in evidence before the committee that we were fining people for going over the line. Now what is the truth about that? We have had regular automobile constables appointed at town meetings. Those automobile constables have been publicly instructed as to the enforcement of the law. If a man came over our line, and they caught him, and they were convinced that he was not a wilful violator of the law, they were instructed to turn him around and send him back. But if a man came over our town line, and they were convinced that he did it maliciously, he was taken to the Bar Harbor municipal court and fined twenty dollars, the same as other transgressors of the law. We have not tried to make it any harder for the motorists than we possibly could.

It has been said here that this was an effort to kill this bill. Now, gentlemen, I assure you that is not the idea at all. The only object of this amendment is to give us the time which I have asked for. If this amendment is adopted by the House, and goes over to the Senate, we will use every means in our power to have the Senate pass this bill as amended. There is no "nigger in the woodpile." We want this bill passed as amended; we want automobiles after another year. We are not trying to close our roads to automobiles. All this amendment asks, as I have said before, is the privilege of getting ready.

Dr. Morrison has spoken about this 22-mile drive which is so beautiful; but I will say that in going over the 22-mile drive you cannot see the Atlantic Ocean in any place on the county road until you get almost to Seal Harbor, and then I will take my oath that you are a mile and a half from the water and you have got to see through a valley and over a hill. This pretty part you cannot see from any county or State road.

The SPEAKER: The gentleman from Portland, Mr. Greenleaf, has asked for the previous question, which requires the consent of one-third of the members of this House. As many as desire the previous question will rise.

A sufficient number having arisen, the previous question was ordered.

The SPEAKER: The question before the House is, shall the main question be now put? As many as are in favor of that motion will say aye; opposed no.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The question before the House is the adoption of Amendment A, offered by the gentleman from Mt. Desert, Mr. Small, to Senate Document 319, bill, "An Act permitting the use of automobiles in the town of Mt. Desert." And the gentleman from Mt. Desert, Mr. Small, asks that the yeas and nays be taken on this question.

Mr. HIGGINS: Mr. Speaker, I would suggest to the gentleman from Mt. Desert, Mr. Small, that he withdraw that motion and substitute a division of the House.

Mr. SMALL: That is perfectly agreeable to me, Mr. Speaker.

The SPEAKER: The gentleman from Mt. Desert, Mr. Small, waives his request for a ye and nay vote, and asks for a division of the House. All those in favor of the motion will rise and stand in their places until counted.

A sufficient number having arisen, a division was ordered.

A division of the House being had, 37 voted yes and 80 voted no, and the amendment offered by the gentleman from Mt. Desert, Mr. Small, was lost.

The bill then received its third reading and was passed to be engrossed.

Senate 336: An Act requiring the disposition of inflammable material along the railroads and highways of the State.

Senate 337: Resolve authorizing the Land Agent to lease Indian Ledge in Matinicus Harbor in Knox County.

House 741: An Act to amend Section 65 of Chapter 4 of the Revised Statutes, as amended by Chapter 10 of the Public Laws of 1913, relating to burial expenses of war veterans.

House 742: An Act to incorporate the South Berwick Sewer Company.

House 743: An Act providing for the setting off of debts of legatees and distributees against legacies and distributive shares in estates of deceased persons.

House 744: An Act to amend Chapter 481 of the Private and Special Laws of 1901, entitled "An Act to incorporate York Harbor Village Corporation." (On motion by Mr. Waterhouse of Kennebunk, tabled pending its third reading, and specially assigned for consideration on Tuesday, Mar. 23.)

House 745: An Act to authorize the Clark Power Company to increase its capital stock.

House 746: Resolve in aid of navigation on Sebago lake, Songo river, Bay of Naples and Long lake.

House 747: Resolve in favor of Van Buren College for maintenance and equipment.

House 748: Resolve making an appropriation for general maintenance

and support of the University of Maine.

House 749: An Act to amend Section 81 of Chapter 15 of the Revised Statutes relating to academies.

House 7450: An Act to amend Section 15 of Chapter 145 of the Revised Statutes, as amended by Section two of Chapter 48 of the Public Laws of 1905, and Chapter 122 of the Public Laws of 1913, in relation to accounting for and expenditure of school funds.

Mr. RICKER of Castine: Mr. Speaker, as I stated yesterday, there is a mistake in several lines in the re-draft, for which I will take the blame. I have here a new draft of bill as it should have been; and in order not to delay the House in its work, I will ask that this new draft, which is correct, be substituted for the present draft and the bill go along through its various readings.

The SPEAKER: The gentleman from Castine, Mr. Ricker, suggests making the changes in this bill to correct the clerical error in printing, and this will be done with the consent of the House. Hearing no objection, the Clerk is ordered to substitute the draft presented for the bill for the purpose of correcting the clerical errors.

On motion by Mr. Snow of Mars Hill,

Recess was taken until 4 P. M.

Afternoon Session

The SPEAKER: The House will now recur to the business before the House at the time of taking recess, viz., bills in the third reading.

House 751: An Act to amend Chapter 182 of the Public Laws of 1907, providing that flags shall be furnished to schools.

House 752: Resolve to provide for a celebration of the one hundredth anniversary of the State of Maine and the three hundredth anniversary of the Landing of the Pilgrims.

House 753: Resolve in favor of The Forks Plantation.

House 757: An Act to protect agricultural and horticultural societies against fraud.

Mr. Plummer of Lisbon moved that

this bill be indefinitely postponed.

Mr. Higgins of Brewer moved that the bill be laid upon the table and specially assigned for consideration tomorrow morning.

The motion was agreed to.

House 758: Resolve in favor of Leo Shay, Representative of Penobscot Tribe of Indians.

House 759: Resolve in favor of York County Children's Aid Society, Saco.

House 760: Resolve in favor of Maine Institution for the Blind.

House 761: Resolve in favor of the Rumford Hospital Association, for maintenance.

House 762: Resolve in favor of the Bath City Hospital, of Bath, Maine.

House 763: Resolve in favor of the Trull Hospital Aid Association of Biddeford.

House 764: Resolve in favor of the Augusta General Hospital.

House 765: Resolve in favor of the Presque Isle General Hospital, for maintenance.

House 770: Resolve in favor of the Lewiston and Auburn Children's Home.

House 771: Resolve in favor of the Somerset Hospital.

House 772: An Act additional to chapter thirty-two of the Revised Statutes, as amended by Chapter two hundred and six of the Public Laws of nineteen and thirteen, relating to ice fishing in Ross Lake and in Cary Lake, in Littleton, in Aroostook County.

House 773: An Act additional to chapter 32 of the Revised Statutes, as amended by chapter 206 of the Public Laws of 1913, relating to fishing in Dead Cambridge river and other waters in Oxford County.

House 774: An Act to authorize the Maine & New Brunswick Electrical Power Company, Limited, to exercise certain powers within the State of Maine.

House 775: An Act relating to the appointment of Non-Resident Guardians.

Passed to Be Enacted

An Act to amend Section 41 of Chapter 41 of the Revised Statutes.

as amended, relating to the taking of smelts in tide waters.

An Act to create a Crop Pest Commission.

An Act providing for a close time on bull moose.

An Act relating to the fees received by clerks of courts in naturalization proceedings.

An Act to repeal Chapter 288 of the Private and Special Laws of 1895 entitled "An Act relating to the use of purse and drag seines in the Georges River."

An Act to amend Section 69 of Chapter 29 of the Revised Statutes, as amended, relating to the remuneration of deputy sheriffs.

An Act providing for the union of the towns of Dover and Foxcroft as one municipality.

An Act to change the name of the Maine Industrial School for Girls and to change the title of the principal thereof to that of superintendent.

An Act to enable the State of Maine to balance and settle its accounts with the various municipalities of Maine on the first day of December in each year.

An Act to amend Section eight of Chapter 188 of the Public Laws of 1911, as amended by Section two of Chapter 37 of the Public Laws of 1913, relating to the appropriation for the encouragement of industrial education.

An Act to equalize the salaries of judges of probate. (Tabled pending its passage to be enacted and specially assigned for consideration tomorrow on motion by Mr. Pierce of Houlton.)

Finally Passed

Resolve appropriating money to aid in repairing Mill Cove bridge in the town of Robbinston.

Resolve appropriating money to aid in repairing the bridge across the Penobscot River between the towns of Enfield and Howland.

Resolve appropriating money to aid in building a bridge in the town of Merrill.

Resolve appropriating money to aid in repairing Sebobeis bridge in the town of Howland.

Resolve appropriating money to aid in repairing a bridge across the Pis-

cataquis River in the town of Howland.

Resolve appropriating money to aid in repairing a road in the town of Abbott and providing for the future maintenance thereof.

Resolve appropriating money to aid in repairing the international bridge between the towns of Van Buren, Maine, and St. Leonards, New Brunswick.

Resolve appropriating money to aid in repairing a road in the town of Columbia and providing for the future maintenance thereof.

Resolve appropriating money to aid in constructing a road in the plantation of New Canada and providing for the future maintenance thereof.

Resolve appropriating money to aid in repairing the main highway leading from the town of Franklin, in Hancock county, to the town of Cherryfield, in Washington county, and providing for the future maintenance thereof.

Resolve appropriating money to aid in the repairing of highway in the town of Solon.

Resolve appropriating money to aid in the repairing of the Aroostook River bridge in the town of Ashland.

Resolve appropriating money to aid in building a bridge in the town of Crystal and providing for the future maintenance thereof.

Resolve appropriating money to aid in building a bridge across the Carra-basset River in the town of Kingfield and providing for the future maintenance thereof.

Resolve appropriating money to aid in repairing a highway in the towns of Greenwood and Woodstock and providing for the future maintenance thereof.

Resolve appropriating money for the maintenance of lights along the Narrows connecting the Upper and Lower Richardson Lakes.

Resolve appropriating money to aid in the navigation of Sebago Lake.

Resolve appropriating money to aid in building a road around Cook Hill in the town of Jackson and providing for the future maintenance thereof.

Resolve in favor of the Madawaska Training School for the construction

and furnishing of a suitable dormitory building.

Resolve appropriating money to aid in rebuilding a bridge in the town of Cutler.

Resolve appropriating money to aid in building a bridge across Sourdabcook Stream in the town of Hampden and providing for the future maintenance thereof.

Resolve appropriating money for the repair of roads and bridges in Indian Township, in the county of Washington.

Mr. Pierce of Houlton moved that this resolve be tabled pending its final passage and be specially assigned for consideration on Wednesday of next week.

The motion was agreed to.

Mr. St. Clair of Calais moved that the vote be reconsidered whereby this resolve was tabled and assigned for Wednesday of next week.

The question being on the motion to reconsider,

A viva voce vote being taken,
The motion was lost.

Orders of the Day

On motion by Mr. Holt of Skowhegan the rules were suspended and that gentleman presented out of order the following order:

Ordered, That a message be sent to His Excellency, the Governor, requesting him to return to the House bill, An Act entitled "An Act to establish a reformatory for women," for its further consideration.

The order received a passage.

Mr. GREENLEAF of Portland: Mr. Speaker, I notice by the Legislative Record in the proceedings under date of March 16th, on page 731, that I am given credit for a very fine speech made by my colleague from Portland, Mr. Greeley. One of us is unfortunate owing to the fact that our names are spelled with the same beginning. On this page of the Record near the top it says "Mr. Greenleaf of Portland," and it should be "Mr. Greeley of Portland." I hardly know, Mr. Speaker, what action should be taken to correct this Record, but if it is in order I would move that 300 copies, if that is the number ordinarily printed, be recalled and that the correction be made in the Record, and that my friend, the gentleman from Portland, Mr. Gree-

ley, may be credited for making the speech which he actually did make.

Mr. GREELEY of Portland: Mr. Speaker. I feel just as bad about it as my colleague from Portland.

The question being on the motion of Mr. Greenleaf,

A viva voce vote being taken,
The motion was lost.

Mr. HIGGINS of Brewer: Mr. Speaker, it seems that both of the distinguished gentlemen from Portland make mighty fine speeches, according to this record, and it would be quite an expense to have 300 copies of this record reprinted; and as both of the gentlemen are willing to call it off, I would suggest that we forget it.

The SPEAKER: The Chair will state that the official record of the House may be corrected on suggestion, and the Chair will order that that be so done.

Mr. GREENLEAF: Mr. Speaker, I simply did not want to go on record as talking upon both sides of the same question at the same time.

On motion by Mr. Mulligan of Nobleboro unanimous consent was given and that gentleman presented under a suspension of the rules and our of order bill, An Act to provide for the destruction of dog fish and other members of the shark specie in the waters of Maine.

Mr. Mulligan then moved that the bill be received and considered without reference to a committee.

Objection was made to receiving the bill by Mr. Ward of Augusta, that gentleman calling for a division of the House on the question of receiving the bill.

Mr. MULLIGAN: Mr. Speaker, I wish to say that this is a matter of great importance and should be carefully considered by this House. This matter was before the committee a long time and was considered very thoroughly; we considered it to be a very important matter, and for that reason we have asked that it be received at this time. I will say that this bill did not reach us in its natural way through the House, and when we closed our work in the committee this bill was reported "ought not to pass" by Mr. Jameson from that committee.

But when the matter came up it was discovered that that could not be done. so we have resorted to this course, and this bill has never been acted upon in the House.

The SPEAKER: The Chair understands that this is a new bill which is just introduced here on the recommendation of the committee on sea and shore fisheries. The House has heard the explanation offered by the gentleman from Nobleboro, Mr. Mulligan. The question before the House is on the suspension of the rules and receiving the bill out of order at this time. Upon that question a division of the House has been called. All those in favor of suspending the rules and receiving the bill at this time will rise and stand until counted and the monitors have returned the count. This requires a two-thirds vote.

A division being had, 64 voted in favor and 26 against.

A division being had, 64 voted in favor and 26 against.

So the House voted to suspend the rules and receive the bill at this time.

On further motion by Mr. Mulligan the bill was tabled for printing.

Mr. CLIFFORD of Lewiston: Mr. Speaker, I have an act of a public nature that I wish to introduce under a suspension of the rules. I will state that material needed by me in preparing this bill was not accessible to me until very recently, and it is a bill which is of considerable importance in my judgment; for that reason I trust the House will allow me the privilege of introducing it at this time.

Mr. Clifford then presented bill, An Act to define, regulate and control the business of making loans or advancements of money in sums of three hundred dollars or less in amount, and to regulate the assigning of wages when given as security for any such loan or advancement.

No objection being made, the bill was received.

On further motion by Mr. Clifford the bill was tabled for printing without reference to a committee.

Mr. THOMBS of Lincoln: Mr. Speaker and gentlemen, in view of

the fact that the gentlemen seem to have had pretty good luck with their measures, I would ask the privilege of introducing three measures at this time. These are resolves of a public nature, providing for clerk hire for the county offices of the county of Penobscot. I am introducing these measures in order that they may be acted upon, if necessary, if the general salary bill should fail of a passage. That bill is now on the table and it is uncertain what may become of it, and in view of that fact I ask that these bills be received and that they lie upon the table without printing.

No objection being made, the rules were suspended and Mr. Thombs presented out of order the following bills:

An Act relating to the compensation of register of deeds.

An Act relating to the compensation of clerks of courts.

An Act relating to the compensation of registers of probate.

On further motion by Mr. Thombs the bills were then laid upon the table without being printed.

Mr. CLIFFORD of Lewiston: Mr. Speaker, I would ask the permission of the House that the bill just introduced by me in regard to defining and regarding the business of making loans, etc., be referred to the committee on legal affairs.

The SPEAKER: The Chair will state that all the committees have been ordered to make their final reports, and it would be somewhat out of order to refer matters to committees now. However, the Chair will entertain a motion to that effect if the gentleman from Lewiston, Mr. Clifford, wishes to make it.

On further motion by Mr. Clifford the bill just introduced by him, being bill, An Act to define, regulate and control the business of making loans or advancements of money in sums of three hundred dollars or less, and to regulate the assigning of wages when given as security for any such loan or advancement, was re-

ferred to the committee on legal affairs.

The SPEAKER: The Chair lays before the House, Resolve appropriating money for the reconstruction of Lord bridge in Frankfort, tabled pending its final passage on motion by the gentleman from Lisbon, Mr. Plummer.

On motion by Mr. Plummer the resolve was finally passed.

The SPEAKER: The Chair lays before the House, Resolve appropriating money to aid in repairing highway in Otisfield, tabled pending its final passage on motion by the gentleman from Lisbon, Mr. Plummer.

On motion by Mr. Plummer, the resolve was finally passed.

The SPEAKER: The Chair lays before the House, Resolve appropriating money to aid in construction of bridge across Sebec river, in the town of Milo, tabled pending its final passage on motion by the gentleman from Lisbon, Mr. Plummer.

On motion by Mr. Plummer, the resolve was finally passed.

The SPEAKER: The Chair lays before the House, Resolve appropriating money to aid in reconstruction of bridge in Montville, tabled pending its final passage on motion by the gentleman from Lisbon, Mr. Plummer.

On motion by Mr. Plummer, the resolve was finally passed.

The SPEAKER: The Chair lays before the House, Resolve appropriating money to aid in rebuilding a road through Lowell's Woods in the town of Penobscot, tabled pending its final passage by the gentleman from Houlton, Mr. Pierce.

On motion by Mr. Pierce, the resolve was finally passed.

The SPEAKER: The Chair lays before the House, Resolve appropriating money to aid in building a bridge across Mattagoodus Stream in the plantation of Webster, in Penobscot County, tabled pending its final pas-

sage by the gentleman from Houlton, Mr. Pierce.

On motion by Mr. Pierce, the resolve was finally passed.

The SPEAKER: The Chair lays before the House, Resolve appropriating money to aid in repairing the New Kenduskeag Road in the town of Glenburn and providing for its future maintenance, tabled pending its final passage by the gentleman from Houlton, Mr. Pierce.

On motion by Mr. Pierce, the resolve was finally passed.

The SPEAKER: The Chair lays before the House Resolve appropriating money to aid in building a bridge across Kenduskeag Stream in the town of Corinth, tabled pending its final passage by the gentleman from Houlton, Mr. Pierce.

On motion by Mr. Pierce, the resolve was finally passed.

The SPEAKER: The Chair lays before the House Resolve appropriating money to aid the town of Forest City in repairing and reconstructing a bridge, tabled pending its final passage by the gentleman from Houlton, Mr. Pierce.

On motion by Mr. Pierce, the resolve was finally passed.

The SPEAKER: The Chair lays before the House Resolve appropriating money to aid in repairing the Machiasport and East Machias bridge, tabled pending its final passage by the gentleman from Houlton, Mr. Pierce.

On motion by Mr. Pierce, the resolve was finally passed.

The SPEAKER: The Chair lays before the House Resolve appropriating money to aid in the repair and maintenance of the Gardiner and Randolph bridge, tabled pending its final passage by the gentleman from Houlton, Mr. Pierce.

On motion by Mr. Pierce, the resolve was finally passed.

The SPEAKER: The Chair lays before the House Senate Doc. No. 310, bill, An Act relating to the Clark Power Company, tabled pending its third

reading by the gentleman from Biddeford, Mr. Descoteaux.

On motion by Mr. Descoteaux, the bill was again tabled and specially assigned for consideration on Wednesday of next week.

The SPEAKER: The Chair lays before the House House Doc. No. 666, bill, An Act to amend Section four of Chapter 73 of the Public Laws of 1909, relating to the examination of pupils entering school after absence on account of sickness, tabled pending its third reading by the gentleman from Winthrop, Mr. Brann.

On motion by Mr. Brann, the bill received its third reading and was passed to be engrossed.

The SPEAKER: The Chair lays before the House House Doc. No. 675, Resolve providing for permanent outside service extension to present and proposed new buildings at the Maine School for Feeble-Minded, tabled, pending its second reading by the gentleman from Lisbon, Mr. Plummer.

On motion by Mr. Plummer, the resolve was again tabled and specially assigned for consideration tomorrow.

The SPEAKER: The Chair lays before the House House Doc. No. 678, Resolve for the construction of a power and central heating plant at the Maine School for Feeble-Minded, tabled pending its second reading by the gentleman from Lisbon, Mr. Plummer.

On motion by Mr. Plummer, the resolve was again tabled and specially assigned for consideration tomorrow.

The SPEAKER: The Chair lays before the House, House Doc. No. 707, bill, An Act to incorporate the Northport Village Corporation, tabled pending the adoption of House Amendment A by the gentleman from Belfast, Mr. Millett.

Mr. Millett then moved that House Amendment A be indefinitely postponed.

Mr. MULLIN of Lincolnville: Mr. Speaker, I want to say just a few words in regard to this amendment, and I assure you I will not take very much of the time of the House. I will say, first, that it is neither a joke nor a nigger in

the wood pile. It is a fair proposition, and I want it distinctly understood that anything I may say it not intended in any way to cause any adverse reflection upon the committee on towns, for I know they are ten big men from a crowd of 182 of the best men of the State.

There are two reasons why I propose this amendment, and the first one is on account of the ambiguous language used in the fifth section of this bill. In fact, the proponents of this bill promised faithfully that they would have the language changed in the new bill when it was printed, but through the inadvertence of some one it comes to the House in the very same form as it formerly was in House Bill No. 4, and I will read to you in order that you may see what I am driving at. Section 5 reads as follows:

"The town of Northport shall from time to time as taxes are collected, pay over to the treasurer of said corporation, out of the taxes collected from the inhabitants and estates within the territory of the Northport Village Corporation aforesaid, a sum equal to sixty per centum of all the town taxes, exclusive of the State and County tax collected from said inhabitants and estates."

Now, I think it would be a practical impossibility to pay over out of the taxes that they pay a sum equal to sixty per centum of all the town tax, exclusive of what this corporation pays for State and county taxes; and this amendment is made partly to correct that error.

Another matter is in regard to the amount that they call for. The proponents of this bill called for sixty per centum, and I think now the intention was all right. I do not think they intended to have any more than sixty per cent of the town taxes that they pay, which is exclusive of State and county taxes. In my opinion they are asking too much. I think they should have reversed it and called for forty per cent and give the remainder of the town the sixty per cent; but they call for sixty per cent and it has been allowed so far.

Now, the total taxes of the town of Northport, including the State and county tax, and this was in 1913, is \$7,221; the State and county tax was \$2,661, leaving \$4,560 for town purposes, now

the tax received for the village area, the proposed village area, was \$2,449 and out of that would be taken one-third of the State and county tax, which amounts to \$887.06, leaving for town purposes out of their tax \$1,562.90. Now, they wish to retain or have paid over to them sixty per cent of that amount, or \$937, which would leave the town forty per cent of four-tenths of the whole. The town would have \$4,560 less \$937, or \$3,622 for the whole town expenses. Outside of this village corporation, the proposed village corporation, is an area of about 1-25 of the whole town. The town will have left \$3,622 plus its state school money, which last year amounted to \$1,933, giving them for all purposes, all town purposes, \$4,655, for the 24-25 of the town with all the schools, a large part of the roads and all the other town expenses; and they have got to pay for the assessing and collecting of this sixty per cent that they are going to turn back to the village corporation, that is, sixty per cent net, and all the town expense comes out of the other part.

Now, there have been or are being created some other village corporations at this session of the legislature. There is the North Bridgton corporation which is being or has been formed without a doubt for some specific purpose. They do not relieve the town of any of its duties in the corporation but they have a specific purpose that they have organized for, and they don't ask the town for one cent; they propose to do it on their own taxes. Of course all the bills of the corporation are paid by the town as they have been.

The York Harbor Village matter comes up for incorporation, and I will read to you the way they figure the amount of their taxes. It has been stated that all these village corporations were to have sixty per cent of their town tax back. In this particular instance they say:

"From the annual appropriations raised by the town taxes on the estates within the said corporation for the preceding year shall be deducted said corporation's proportional part of the whole amount, leaving for said preceding year for state, county and school taxes, town officers and for reduction of the town debt existing at the end of the fiscal

year 1915, and interest charges and fifty-five per centum of the sum thus determined, also deducting the corporation's part of the town's obligations for hydrants, street lights, etc., shall be given to this York Village Corporation."

Now, I think you will see, gentlemen, that for all these reasons that amendment should be adopted. The first reason is because we want the thing so that it can be understood. It is now very ambiguous, and on the other ground that they are asking too much, and we make it fifty per cent rather than sixty per cent. We consider that that is too much, but we are willing to do what we can, and I think the members of the committee on towns will support me in this amendment.

Mr. HIGGINS of Brewer: Mr. Speaker, I rise to second the motion of the gentleman from Belfast, Mr. Millett, in the indefinite postponement of this amendment. I am very much surprised that the gentleman from Lincolnville, Mr. Mullin, should come here at this late date in the session and introduce this amendment in view of the fact that this matter was thoroughly discussed before the committee on towns. This is not a division of a town in the sense as we understand it. At that hearing not one single person raised the question but what sixty per cent was entirely satisfactory. There was one man present at the hearing by the name of Greenlaw, and he did not object to the rate of sixty per cent of the tax. There has not been to my knowledge prior to this session of the legislature, and I am not convinced even at this session where anybody figured that this sixty per cent was used, except in the case of Squirrel Island where the per centum is 75 per cent. This proposition is one in which I am deeply interested because the town has given the people within the area to be incorporated as a village corporation the paltry sum of \$300 for years and years; and now they come before you and ask for the purpose of developing their roads and their sewerage system and their water system,—they ask sixty per cent of their taxes, which amounts to about \$600 more than they are getting at the present time. I hope the motion to indefinitely postpone the amendment will prevail.

Mr. SMITH of Hampden: Mr. Speaker, as a member of the committee on towns I have only a word to say in regard to this matter, and that in line with the statement made by the gentleman from Brewer, Mr. Higgins, and I will say that the one person who appeared before this committee for the town was asked the question directly if sixty per cent, in case a division occurred, if sixty per cent would be satisfactory and he said that he deemed it quite fair, and he raised no objection to that division. At the present time, as I understand, Capitol Island, Bayville and Isle of Springs receive sixty per centum of their taxes, while Squirrel Island receive 75 per centum. I think if you had heard this matter as your committee on towns heard it you would deem the amount asked the just amount and would not vote at this time to accept the amendment.

Mr. GREELEY of Portland: Mr. Speaker, I would like to say just a word in behalf of the committee and bearing out the statement of the gentleman from Brewer, Mr. Higgins, that at the time of the hearing there was argument both for and against, but during all that argument not one word of protest was made regarding the sixty per cent. In fact, it was generally accepted by both sides as being fair and reasonable; the committee so understood it and rendered their verdict accordingly, and I trust the House will not sustain this amendment.

The question being on the motion of the gentleman, Mr. Millett, that House Amendment A be indefinitely postponed, The motion was agreed to.

On motion by Mr. Higgins of Brewer, the bill then received its third reading and was passed to be engrossed.

Mr. WESCOTT of Bluehill: Mr. Speaker, if I am not out of order, and simply as a matter of courtesy to the gentleman from Portland, Mr. Fossett, I move that we reconsider the vote whereby this morning we voted to indefinitely postpone the resolve asking for an appropriation to pay the present physician at the State prison the difference between the salary of \$250 per annum and \$500 from February until July.

Mr. ST. CLAIR of Calais: Mr. Speaker,

I take pleasure in seconding that motion.

The SPEAKER: It is moved and seconded that the House reconsider its vote whereby this morning it voted to indefinitely postpone the resolve presented by the gentleman from Portland, Mr. Fossett.

The motion was agreed to.

Mr. FOSSETT of Portland: Mr. Speaker and gentlemen of the House: I am sorry to come before you again on this matter; but it is a matter that I think is absolutely right. I do not think that, if the members of the House understood the matter thoroughly, there would be a man here who would vote against this proposition. For the last fifteen years, starting with Warden Smith, whose son was the prison physician, he himself out of the appropriation from the Legislature for the prison paid his son \$500 per year. Every prison physician since that time has received that amount. When this prison physician was appointed in February, he understood that the salary was \$500, and he went there with that understanding. I have received a letter from him by this afternoon's mail in which he says that since the first day of February, that is, a month and a half, he has treated 150 patients—not different patients, but 150 patients in that prison, one an operation for appendicitis. Well, now, he would receive at \$250, the munificent sum of \$31.50 for doing that. I do not think, gentlemen, that you understood the question this morning when you voted to indefinitely postpone. I understand that the gentleman from Brewer, Mr. Higgins, who put the motion, did not want to open the door for putting in other bills at the present time; but, as there have been several put in this afternoon, I ask to have this vote reconsidered. I hope, gentlemen, that you will do as you would do in your own business. If you hired a man, and he understood and you understood that you were to pay him \$42 a month, and there was a technicality where you could get rid of paying but \$21, I do not think there is a man in this House who would take advantage of it. I hope that this resolve will pass.

Mr. HIGGINS of Brewer: Mr. Speaker, I want to state for the information of the House that I misunderstood the purport of the gentleman's remarks this morning, and, on explanation of the matter to me, he has satisfied me that the bill is right and correct. Therefore, I want to square myself with the House by stating that I have no objection to the bill in its present form. I did object this morning to opening the door.

Mr. WESCOTT of Bluehill: Mr. Speaker, I simply rise to say that I am willing to reverse my vote this morning, and I feel that the resolve ought to pass.

Mr. FOSSETT: I move that when the vote is taken on the resolve it be done by a division of the House.

The SPEAKER: The Chair wishes to state that this can only be acted on under suspension of the rules.

On motion by Mr. Pierce of Houlton the rules were suspended, the resolve was given its first and second readings and was passed to be engrossed.

Mr. PIERCE of Houlton: Mr. Speaker, I desire to take from the table House Document 406, bill, "An Act to create the office of commissioner of inland fish and game," tabled by me pending its second reading.

On motion by Mr. Pierce the bill was given its second reading.

Mr. PIERCE: I now desire to offer the following amendment:

"Amendment A to House Document 406.
"Said bill is hereby amended by striking out the seventh section thereof."

Mr. HIGGINS of Brewer: Mr. Speaker, I would like to look into that bill, and I move that it lie on the table pending the acceptance of the amendment, and be specially assigned for tomorrow morning.

The motion was agreed to.

Mr. HIGGINS of Brewer: Mr. Speaker, owing to the fact that I was busily engaged on some other matter, I would move you that we reconsider the vote whereby an order introduced by the gentleman from Skowhegan, Mr. Holt, received a passage.

The SPEAKER: The gentleman from Brewer, Mr. Higgins, moves that the

House reconsider its vote whereby the order presented by the gentleman from Skowhegan, Mr. Holt, received a passage. The Chair will read the order for the information of the House.

"Ordered, that a message be sent to His Excellency, the Governor, requesting him to return to the House an act entitled 'An Act to establish a reformatory for women,' for its further consideration." The question is on the motion by the gentleman from Brewer, Mr. Higgins, that the vote whereby this order received a passage be reconsidered.

Mr. PIERCE of Houlton: I would like, Mr. Speaker, to very briefly state the purpose for which it was introduced. The purpose of the order is to bring back before the House the bill for the creation of a Woman's Reformatory for the reason that certain provisions in it appear objectionable, namely: They make this a different body than any other Board of Trustees I have been able to find. Their acts are in no way subject to the approval of the Governor and Council, and they are in no way removable by the Governor and Council. In other words, during their term of office, they are absolutely a law unto themselves. For that reason, I introduced the order that it might be brought back here and amended in one way or another, personally I care not which; but either to make their acts subject to the approval of the Governor and Council, or to make them removable by the Governor and Council. The reason why I did not yield to the request of my friend, the gentleman from Brewer, as ordinarily I would be very glad to do, is this: It seems to me that that would delay the thing until tomorrow, and all I am asking is simply to get this back here in the House so that we may consider something which has never been brought to the special attention of the House, or to anyone except those who are familiar with the bill. That is the only reason why I object to my friend, the gentleman from Brewer's motion; I trust he will appreciate that. Under ordinary circumstances, were this a question of actually voting upon the merits, I would not have the slightest objection to having it reconsidered and tabled for such reasonable time as the gentle-

man might suggest; but it seems to me that, under the circumstances, bringing the bill back here so we can act on it cannot do any real harm to it or to anyone concerned in it. Therefore I object to its reconsideration.

Mr. HIGGINS: Mr. Speaker and Gentlemen of the House: I simply want to say that, so far as I am personally concerned, I would like to go over this bill and satisfy myself about it. There are approximately 140 members of the House present, and it would seem to me that they would want to do the same thing. Therefore I ask for a reconsideration of this vote, and that it be tabled until tomorrow morning.

Mr. PLUMMER of Lisbon: Mr. Speaker, it occurs to me that nothing can be gained by tabling this order until tomorrow morning. If the gentleman from Brewer wishes to look over the bill, he can do so equally well whether this order is tabled or not. This will be the situation if the order is tabled: We will not get the bill back here for action until Saturday morning, and that will be one day later than will be the case if this order is passed now. If we pass the order at the present time, and the bill is brought in here tomorrow morning, and it is decided by the House that it is not advisable to amend it, it can be immediately sent along on its passage as I understand it—sent back to the Governor; whereas, as I said, if we do not pass the order, we could not get it on its way back to the Governor short of Saturday. Therefore, whether we amend it or do not amend it, one day's time would be gained.

Mr. HIGGINS: I ask the consent of the Chair to speak again, and to simply say that this bill would not be returned until next week anyway. We have all given up the idea of leaving here on the 27th: we have decided that we will stay here and finish the State's business if it takes another week; so I fail to see why a day is going to make any difference at this time.

Mr. PLUMMER: I would inquire of the gentleman from Brewer, Mr. Speaker, why we cannot get this bill back here until next week?

Mr. HIGGINS: I would say, Mr.

Speaker, that it has been suggested that it is on account of the war. It would seem to me that my previous point was well taken that the matter of a day will not make any great difference. I think, Mr. Speaker, I will ask for a division of the House on this question.

Mr. PIERCE: I move that the vote be taken by the yeas and nays.

The SPEAKER: The question is on the motion of the gentleman from Brewer, Mr. Higgins, that the vote of this House whereby this order received a passage be reconsidered. The yeas and nays have been ordered. All those in favor of reconsidering the motion of the House whereby this order received a passage when their names are called will vote yes; all those opposed to reconsidering when their names are called will vote no. The clerk will call the roll.

YEA—Albert Allen, Ames, Averill, Beal, Benn, Besse, Blake of Oakland, Bonney, Bradbury, Bragdon, Brann, Bussey, Carson, Chaplin, Chamberlin, Clement, Cobb, Coffin, Daigle, Danforth, Dilling, Drummond, Dutton, Evans, Fay, Ford, Gould, Grant, Groaton, Greenlaw, Hanson of Saco, Hanson of Sanford, Harper, Hart, Higgins, Libby, Littlefield, Lombard, Mansir, McKinley, McNally, Mitchell, Morrison, Morse, O'Connell, Perham, Peterson, Ranney, Ricker, Russell of Alfred, Ryder, St. Clair of Calais, St. Clair of Rockland, Sanborn, Snow, Thombs, Tobey, Towle, Tuttle, Washburn, Waterhouse, Wescott, Wise—64.

NAY—Ballard, Bernier, Blake of New Gloucester, Bourque, Brawn, Brown of Auburn, Brown of New Sharon, Campbell, Chadbourne, Clifford, Colcord, Connors, Corliss, Currier, Davis, Descoteaux, Douglass, Drapeau, Durgain, Edwards, Fossett, Gallagher, Gerrish, Gilmour, Goldthwait, Gooding, Goodwin, Greeley, Greenleaf, Haraden, Haskell, Hill, Hobbs, Hodgkins, Holt of Skowhegan, Jameson, Lawrence, Lewis, Lord, Maxwell, McCarty, McCorrison, McCurdy, McIntire, Michaud, Millett, Mulligan, Mullin, Neilon, Newell, Noyes, Peabbles, Perkins, Pierce of Farmington, Pierce of Houlton, Plummer, Pollard, Roberts, Robinson, Small, Smith, Tabbutt, Tate, Thibodeau of Fort Kent, Trafton, Turner, Ward, Waggatt, Webb, Welch, Wheeler, Wilkins, Wilson, Woodman, Wyman—75.

ABSENT—Connellan, Ellis, Erskine, Holt of Gouldsboro, Jordan, Leader, Meader, Nicholas, Picher, Russell of Lewiston, Varney, Watts—12.

The SPEAKER: Sixty-four having voted in the affirmative and 75 in the negative, the motion of the gentleman from Brewer, Mr. Higgins, is lost.

Mr. SMITH of Hampden: Mr. Speak-

er, in consideration of the fact that the gentleman from Baileyville, Mr. Jordan, is in the hospital at the present time and will not be able to be with us again during this session, I move that the report of the committee on inland fisheries and game, reporting that the petitioners have leave to withdraw on petitions asking for a law to permit the taking of white perch in certain waters in Washington County be taken from the table.

The motion was agreed to.

The pending question being the acceptance of the report,

On further motion by Mr. Smith, the report of the committee was accepted.

Mr. RICKER of Castine: Mr. Speaker, I would like to ask if the request made yesterday by the House of the Senate has been granted in regard to the return of House Do. No. 513, bill, An Act to require certain vehicles to carry lights at night on public highways and bridges?

The SPEAKER: The Chair will inform the gentleman that the bill is in the hands of the Speaker now.

Mr. Ricker moved that the vote be reconsidered, under a suspension of the rules whereby the bill in the House on March 16th, was indefinitely postponed.

Mr. Brann of Winthrop called for a division of the House upon this motion.

The SPEAKER: The Chair will state that it will require a two-thirds vote to sustain the rules, this action having been taken more than one day ago.

Mr. PLUMMER of Lisbon: Mr. Speaker, I would like to call the attention of the House to this fact, that if I remember it correctly the gentleman from Castine, Mr. Ricker, moved within the time limit to reconsider the vote whereby this bill was indefinitely postponed, but the papers were not in the possession of the clerk, and for that reason it was stated this action could not be taken at that time.

Mr. RICKER: Mr. Speaker, I moved for a reconsideration of the vote and found that the bill had been sent to the Senate. The gentleman from Lincoln, Mr. Thombs, I think, then made a motion that we request

the bill to be returned to the House. It was through no fault on the part of the House that the bill was in the hands of the Senate; and for that reason I can see no reason why it should not be reconsidered at this time.

The SPEAKER: The Chair would inquire of the gentleman from Castine, Mr. Ricker, when the motion to reconsider was made by him?

Mr. RICKER: Mr. Speaker, the bill was indefinitely postponed on Tuesday afternoon, I think, and the request was made yesterday morning, the next day.

The SPEAKER: The Chair will be obliged to rule that the bill being at that time in the possession of the Senate and not in the possession of the House, a motion to reconsider made yesterday morning would not be in order, the bill not then being in the possession of the House.

Mr. RICKER: Mr. Speaker, I would like to inquire if a motion to reconsider would be in order now?

The SPEAKER: A motion to reconsider is in order now. The question now is whether it takes a two-thirds vote to open up the question or not.

Mr. PLUMMER of Lisbon: Mr. Speaker, as I recall it the rules provide that reconsideration may be moved on the same day or the day preceding; and if I remember correctly the rules also state that when any member shall move to reconsider, or shall give notice of his intention to move to reconsider, that the papers relating to the matter shall remain in the hands of the clerk; but of course in the absence of any notice to that effect the clerk would presumably send those papers along to the Senate in the course of his routine business, otherwise it would be necessary for all papers to remain here for one legislative day before being forwarded to the Senate; and it seems to me the intention of the rule is that a member may move to reconsider on the day succeeding the day on which any action was taken, and inasmuch as the gentleman from

Castine, Mr. Ricker, offered to do it at that time, it would seem to be hardly courteous to refuse the gentleman a chance to do it on a majority vote. I would ask the gentleman from Winthrop, Mr. Brann, if he would be willing to withdraw his request for a division provided a majority should vote for reconsideration.

Mr. BRANN: Mr. Speaker, I do not believe I will.

Mr. PLUMMER: Then, Mr. Speaker, I move that the motion of the gentleman to reconsider, be laid upon the table upon tomorrow.

Mr. RICKER: Mr. Speaker, I think under all the circumstances in connection with this bill that I have some rights in the matter which the members of this House should recognize. I will say that I was informed that this bill was to be amended. I asked the gentleman who was to amend it three times if he would show me the amendment, but he had not got it ready, and he moved for the indefinite postponement of the bill. The next morning I asked for the reconsideration of that vote. Those are the facts of the matter, and I think that it is due to those who are interested either for or against the bill for us to hear what is to be said about it.

Mr. PIERCE of Houlton: Mr. Speaker, it seems to me it is only a matter of fairness for the House to yield to the request of the gentleman from Castine, Mr. Ricker. I can not see any reason why that gentleman should not now get the matter before the House and have it specially assigned if he so desires, and have it

acted upon by a majority of the House.

Mr. HIGGINS of Brewer: Mr. Speaker, it seems to me this House can do nothing better than to extend the courtesies of the House to the gentleman from Hancock county. None of us realized what a beautiful county that was until this morning, and I think we have been remiss in our duties, and if it is not too late to repent, I certainly hope this House, after the very able speech by the gentleman from Eden, Mr. Morrison, should give way to the gentlemen who are residents of Hancock county and extend to them every courtesy.

Mr. BRANN of Winthrop: Mr. Speaker, I will withdraw my objection.

Mr. PLUMMER: Mr. Speaker, if so I will withdraw my motion.

The question being on the motion of the gentleman from Castine, Mr. Ricker, that the vote of the House be reconsidered whereby this bill was indefinitely postponed.

A viva voce vote being doubted.

A division was had and the motion prevailed by a vote of 85 to 15.

So the vote was reconsidered.

Mr. Ricker then offered House amendment A to the bill, House Doc. No. 513, to amend by leaving out the word "or" in the eleventh line and inserting after the word "straw" the following: "wood, lumber, stone, machinery or other heavy freight."

On further motion by Mr. Ricker the amendment was adopted.

The bill having received its second reading was then assigned for tomorrow morning for its third reading.

On motion by Mr. Higgins of Brewer, Adjourned until tomorrow morning at nine o'clock.