

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Seventh Legislature

OF THE

STATE OF MAINE

1915

HOUSE.

Thursday March 25, 1915.

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

Prayer by the Rev. Mr. Browning of Littleton, North Carolina.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Senate Doc. No 352, bill, An Act to provide that the live stock sanitary commissioner shall be a veterinary surgeon.

In the Senate the minority report of the committee, reporting "ought to pass" was accepted, and the bill received its two several readings and was passed to be engrossed.

In the House the majority report of the committee, reporting "ought not to pass" was accepted in non-concurrence.

It now comes from the Senate that branch voting to insist upon its action, asking for a committee on conference and with a committee of conference appointed on the part of the Senate.

On motion by Mr. McIntire of Waterford, the House voted to join in the committee of conference.

The Speaker thereupon appointed as such committee of conference on the part of the House Messrs. McIntire of Waterford, Perham of Woodstock and Smith of Hampden.

Senate Bills on First Reading

Senate 292: An Act to correct certain clerical errors in, and to amend, chapter thirty-two of the Revised Statutes, as amended by chapter two hundred and six of the Public Laws of nineteen hundred and thirteen, relating to Inland Fisheries and Game.

Senate 390: An Act to authorize the construction of a weir in the tide waters of Cobscook River in the town of Lubec.

Senate 391: An Act to create the Southern Maine Forest District and providing for protection against fires therein.

Senate 399: An Act additional to Chapter 156 of the Public Laws of

1913 relating to the marking of barrels and boxes to be used in the sale of apples.

Senate 400: An Act to amend Section 7 of Chapter 22 of the Public Laws of 1909, relating to the licensing of dogs.

Senate 402: Resolve in favor of E. W. Murphy, Secretary of the joint special committee appointed by the 76th Legislature on woman's reformatory, State school for boys and industrial school for girls, for certain committee expenses.

Senate 403: Resolve authorizing the State historian to publish historical matter relating to the history of Maine.

Senate 404: An Act to amend Section 80 of Chapter 48 of the Revised Statutes as amended by chapter 15 of the Public Laws of 1905, relating to allowing trust companies to become stock holders in federal and reserve banks.

Senate 405: An Act to incorporate the Mutual Loan Society of Lewiston.

Senate 406: An Act to amend Sections 1 and 2 of Chapter 131 of the Public Laws of 1907 and as further amended by the laws of 1913, relating to taxing of insurance in companies not authorized to do business in Maine.

Senate 407: An Act to enable the cities and towns of the State to appropriate money to aid in the erection of memorial building.

Senate 408: Resolve in favor of the Maine State Prison for certain improvements and repairs.

Senate 409: An Act to provide for the establishment of a board of recreation for the City of Portland.

From the Senate: An Act to provide for granting administration in certain cases without giving bond.

In the Senate this bill was introduced under a suspension of the rules, read twice and passed to be engrossed.

On motion by Mr. Pierce of Houlton, the rules were suspended, the bill received its first and second reading and

was assigned for tomorrow morning for its third reading.

Senate 411: Resolve declaratory of certain amendments of the Constitution of Maine.

Senate 413. An Act to incorporate the Harmony Water Company.

Senate 415. An Act to extend the charter of the Rockland, South Thomaston & St. George Railway.

Senate 417. An Act to amend Section 5 of Chapter 383 of the Private and Special Laws of 1897, relative to the tolls to be charged by the South Branch Improvement Company.

Senate 418. An Act to amend Sections 3 and 4 of Chapter 70 of the Private and Special Laws of 1887, entitled "An Act to incorporate the Spencer Dam Company, as amended by Chapter 195 of the Private and Special Laws of 1911, and in addition thereto."

Senate 419. Resolve appropriating money for the improvement of the State park on the easterly side of State street.

Senate 420. An Act to amend Section 8 of Chapter 130 of the Public Laws of 1913, relating to State aid highways.

From the Senate: Resolve in favor of the town of Pittsfield: House Doc. No. 699.

In the House this resolve was indefinitely postponed, and comes from the Senate read twice in that branch and passed to be engrossed in non-concurrence.

On motion by Mr. Plummer of Lisbon the House voted to insist and ask for a committee of conference.

The Speaker thereupon appointed as such committee on the part of the House Messrs. Plummer of Lisbon, Ricker of Castine and Brown of New Sharon.

An Act to amend Section 21 of Chapter 69 of the Revised Statutes, relating to the compensation of guardians.

From the Senate: An Act relative to the hours of employment of women and minors.

In the House this bill was passed to be enacted.

In the Senate this bill was passed to be engrossed; subsequently the Senate voted to reconsider its action whereby this bill was passed to be engrossed, Senate Amendments A and B were adopted, and

the bill was then passed to be engrossed as amended.

On motion by Mr. Descoteaux of Biddeford the votes were reconsidered whereby this bill was passed to be enacted and passed to be engrossed.

On further motion by Mr. Descoteaux the House voted to concur with the Senate in the adoption of House Amendment A.

Mr. Descoteaux then moved that the bill be laid upon the table until tomorrow morning.

The motion was agreed to.

The following resolves were presented and referred to the committee on appropriations and financial affairs:

By Mr. Perkins of Augusta: Resolve in favor of Edward S. Austin, Document Clerk, for preparing weekly printed index, with statement of facts.

By Mr. Fossett of Portland: Resolve in favor of Ina E. Chadbourne, with statement of facts.

By Mr. Smith of Hampden. Resolve in favor of Arthur C. Smith, secretary of committee on State School for Boys and Industrial School for Girls, with statement of facts.

Orders

On motion by Mr. Greenleaf of Portland, it was

Ordered, That the Senate be requested to return to this House, Senate Bill, No. 310, bill, An Act relating to the Clark Power Company.

Reports of Committees

Mr. McIntire from the committee on agriculture, on bill, An Act to amend Section eight of Chapter 195 of the Public Laws of 1911, as amended by Chapter 74 of the Public Laws of 1913, reported same in a new draft under title of "An Act to amend Sections two and eight of Chapter 195 of the Public Laws of 1911, relating to the extirpation of contagious diseases among cattle, horses, sheep and swine, and that it "ought to pass."

Mr. Higgins from the committee on appropriations and financial affairs, reported "ought to pass" on Resolve in favor of Gardner K. Heath for services in preparing a schedule of all acts and resolves carrying an appro-

priation or expenditure of money.

Same gentleman from same committee, reported "ought to pass" on Resolve in favor of Gardner K. Heath for services performed as assistant to Fortunat Belleau while he was acting clerk pro tempore.

Mr. Holt of Skowhegan from same committee, on bill, An Act entitled "An Act to create a State fund to be known as the State contingent fund," reported same in a new draft under same title and that it "ought to pass."

Mr. Gerrish from the committee on inland fisheries and game, on petition of Weston A. Toothaker and six others in favor of extending the time for fly fishing below the Little Falls on Cupsuptic stream, reported bill, 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 a portion of Cupsuptic stream, in Oxford county.

Mr. Waterhouse from the committee on judiciary reported "ought to pass" on bill, An Act authorizing the secretary of State to prepare and publish lists of corporations delinquent in payment of their franchise taxes.

Mr. Pierce from same committee reported "ought to pass" on Resolve in favor of the county of Kennebec issuing bonds.

Mr. McCarty from same committee, on bill, An Act amending the charter of the city of Lewiston and providing a board of police commissioners, reported same in a new draft under title of "An Act to amend the charter of the city of Lewiston and to provide for a police commission," and that it "ought to pass."

Mr. Connellan from same committee reported "ought to pass" on bill, An Act to amend Chapter 7 of the Private and Special Laws of 1903, relating to the Bar Harbor municipal court.

Mr. Pierce from same committee reported "ought to pass" on bill, An Act to amend Chapter 135 of the Private and Special Laws of 1875, entitled "An Act to establish a municipal court in the city of Auburn," as amended by Chapter 186 of the Private and Special Laws of the same year, Chapter 51 of the Private and Special laws of 1881, and Chapter 152 of the Private and Special Laws of 1891, Chapter 62 of the Private and Special Laws of

1895, and Chapter 229 of the Private and Special Laws of 1903.

Mr. Connors from same committee, on bill, An Act to confer additional rights and powers upon the East Branch Improvement Company, reported same in new draft under same title and that it "ought to pass".

Mr. Sanborn from same committee, reported "ought to pass" on bill, An Act to amend Section 18 of Chapter 65 of the Revised Statutes, relating to judges of probate.

Mr. Connellan from same committee, reported "ought to pass" on bill, An Act to amend Section 35 of Chapter 101 of the Revised Statutes, as amended by Chapter 41 of the Laws of 1907, in relation to bail commissioners.

Mr. Connors from same committee, on bill, An Act amendatory of Section 27 and 28 of Chapter 129 of the Public Laws of 1913, relating to corporations for the operation of telegraphs and telephones and other public utilities, reported same in a new draft under title of "An Act amendatory of Section 27 of Chapter 129 of the Public Laws of 1913, relating to corporations for the operation of telegraphs or telephones and other public utilities" and that it "ought to pass".

Mr. Sanborn from same committee, on bill, An Act in relation to certain rights and liabilities of husband and wife, 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 bill, An Act to amend Section one of Chapter 24 of the Public Laws of 1907, as amended by Chapter 10 of the Public Laws of 1909, in relation to reports of hearings in vacation in law or equity.

Same gentleman from same committee, reported "ought to pass" on bill, An Act relating to procedure in Supreme Judicial and Superior Courts.

Mr. Waterhouse from same committee, reported "ought to pass" on bill, An Act to amend Section 27 of Chapter 83 of the Revised Statutes, relating to the record of attachment of bulky personal property.

Mr. McCarty from same committee, on bill, An Act to incorporate the Maine Indemnity Company, reported same in a new draft under same title and that it "ought to pass."

Mr. Pierce from same committee, re-

ported "ought to pass" on bill, An Act to determine the approximate amount of money necessary to defray the expenses of the public service.

Mr. McCarty from same committee, on bill, An Act additional to the charter of the city of Biddeford, reported same in a new draft under title of "An Act additional to the charter of the city of Biddeford and in effect amendatory of the said charter," and that it "ought to pass."

Mr. St. Clair from the committee on military affairs, on bill, An Act to amend Chapter 4, Section 72 of the Revised Statutes of Maine, relating to Firemen's Memorial Sunday, reported same in a new draft under title of "An Act to amend Section 72 of Chapter 4 of the Revised Statutes of Maine, as amended by Chapter 160 of the Acts and Resolves of 1909, relating to Firemen's Memorial Sunday," and that it "ought to pass."

Mr. Colcord from the committee on ways and bridges, on bill, An Act to provide for the ownership and maintenance of highway bridges by the State and the construction of such bridges by the State, counties and towns, reported same in a new draft under title of "An Act to provide for State and county aid in the construction of highway bridges" and that it "ought to pass."

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

Mr. Gerrish from the committee on inland fisheries and game, on bill, An Act to amend Section 7 of Chapter 206 of the Public Laws of 1913 of the State of Maine relative to the inland fish and game laws, reported that the same be placed on file as the subject matter is covered in another bill.

Mr. Sanborn from the committee on judiciary, reported "ought not to pass" on bill, An Act relative to interrogatories in civil actions.

Mr. Waterhouse from same committee, reported "ought not to pass" on bill, An Act to amend Chapter 175 of the Public Laws of 1911, relating to trustee process.

Mr. Connellan from same committee, reported "ought not to pass" on amendment to the charter of the Portland

Water District. (Recommitted to the committee on motion by Mr. Sanborn of South Portland.)

Mr. McCarty from same committee, on bill, An Act to create a police commissioner and board of examiners for the city of Lewiston, reported "ought not to pass", same subject being covered by another bill.

Mr. Waterhouse from same committee, reported "ought not to pass" on Resolve to prevent the Attorney General from appearing as a counsel before the legislative committees.

Mr. Sanborn from same committee, reported "ought not to pass" on bill, An Act conferring on married women the rights to enter into partnership relations with their husbands.

Mr. Connellan from same committee, reported "ought not to pass" on bill, An Act to amend Section 11 of Chapter 101 of the Private and Special Laws of 1909, relative to the Bangor municipal court.

Mr. Fay from the committee on taxation, on petition of H. D. Collins and eight others in favor of the Bangor & Aroostook Railroad, reported that the petitioners have leave to withdraw.

Mr. Russell from the York county delegation, reported "ought not to pass" on bill, An Act to amend that part of Section 51 of Chapter 70 of the Revised Statutes of the State of Maine relating to the regular sessions of the supreme judicial court held in and for the county of York.

The reports were accepted.

Majority and minority reports of the committee on judiciary on Resolve in favor of Michael Burns, majority report, reporting "ought not to pass" signed by Messrs. Cole, Conners, Sanborn, Waterhouse and Campbell; minority report, reporting "ought to pass" signed by Messrs. McCarty and Pierce. (Tabled pending the acceptance of either report and specially assigned for tomorrow on motion by Mr. Conners of Bangor.)

Report of the committee on conference on the disagreeing action of the two branches of the Legislature on bill, An Act to amend Chapter 47 of the Public Laws of 1911, relating to liens on land, reporting that the Senate recede and con-

cur with the House, the report being signed by Messrs. Campbell, Snow and Conners on the part of the House, and Messrs. Boynton, Cole and Durgin on the part of the Senate.

The report was accepted.

The SPEAKER: The Chair wishes to inform the House that a message has been received from the Senate stating that the bill relating to the Clark Power Company, House Doc. No. 310, is not in the hands of the Senate but has been sent to the engrossing clerk, and therefore the Senate is unable to comply with the order of the House.

First Reading of Printed Bills and Resolves.

House 902: An Act to authorize the Mousam Water Company to increase its capital stock and to contract with the city of Biddeford for hydrant service.

House 903: An Act to amend Section 4 of Chapter 73 of the Revised Statutes, relating to notices upon petition for sale of real estate.

House 904: An Act to amend Section 35 of Chapter 101 of the Revised Statutes, relating to the authority of bail commissioners.

House 905: An Act relating to administering oaths required by law.

House 907: An Act to amend Section seven of Chapter 66 of the Revised Statutes, relating to proofs of wills.

House 908: An Act to amend Section 32 of Chapter 69 of the Revised Statutes, relating to petitions for adoption of children.

House 909: An Act to provide for the binding of original papers filed in probate courts.

House 910: An Act to amend Section nine of Chapter 75 of the Revised Statutes, relating to transcripts of examinations or testimony taken in the probate court.

House 911: An Act to amend Chapter one of the Public Laws of 1907, providing for notice to registers of probate of the names of corporate surety companies qualified to do business in the state.

House 912: An Act to provide for the record in the register of deeds of

notices waiving testamentary provisions for husband or wife.

House 897: An Act to amend Section 13 of Chapter 67 of the Revised Statutes, relating to the return of commissioners on petitions appointed by probate courts.

House 898: An Act to repeal Section 51 of Chapter 40 of the Revised Statutes, relating to the employment of women and children. (Tabled pending its second reading and assigned for tomorrow, on motion by Mr. Bonney of Bowdoinham.)

House 899: An Act to amend Chapter 39 of the Public Laws of 1911, as amended by Chapter 26 of the Public Laws of 1912, relating to the weekly payment of wages.

House 913: An Act relative to the employment of minors.

House 919: An Act to divide the town of Kennebunkport and incorporate the town of North Kennebunkport.

Passed to Be Engrossed

Senate 283: An Act to repeal Chapter 87 of the Private and Special Laws of 1903, relating to the taking of lobsters within three miles of the islands of Matinicus and Criehaven.

Senate 366: An Act to amend Sections 38, 39, 40, 42 and 44 of Chapter 28 of the Revised Statutes, relating to the protection of life in public buildings.

Senate 374: An Act to amend Sections 15 and 16 of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to the adoption of rules and regulations restricting fishing and hunting in cases of emergency.

Senate 382: An Act to amend Section 51 of Chapter 32 of the Revised Statutes, as amended by Chapter 206 of the Public Laws of 1913, relating to non-resident hunting licenses.

Senate 387: An Act to amend Section 16 of Chapter 221 of the Public Laws of 1913, relating to primary elections.

Senate 389: An Act establishing a close time on lobsters in the towns of Cutler, Trescott and Lubec, Washington county.

Senate 392: An Act to amend Sections 54 and 65 of Chapter 8 of the Revised Statutes, as amended by Chapter 49 of the Public Laws of 1909, relative to the taxation of mortgages on real estate in savings banks and trust and banking companies.

Senate 393: Resolve appropriating money to aid in repairing the Middle Dam Carry road, in the county of Oxford.

Senate 394: Resolve appropriating money to aid in the construction of substructure of a highway bridge over the St. John river between the town of Madawaska, Maine, and the city of Edmundston, New Brunswick.

Senate 395: An Act to fix the salary of the clerk of the commissioners of inland fisheries and game.

Senate 403: An Act to fix the salaries of certain public officers.

House 779: An Act relative to the use of cinematographs.

House 781: Resolve to authorize John G. Fleming to bring a suit at law or in equity against the State of Maine for a balance claimed to be due him on a highway cotract.

House 833: An Act to incorporate the Southwest Harbor Water District.

House 884: Resolve providing for steel filing cases in the office of the State treasurer.

House 885: An Act for the temporary licensing of automobiles and motor vehicles.

House 886: An Act amending Chapter 147 of the Public Laws of 1913, relating to the abolishment of grade crossings. (Tabled pending its third reading and specially assigned for consideration tomorrow on motion by Mr. Brann of Winthrop.)

House 887: An Act to provide for the systematic maintenance of the principal thoroughfare in each municipality in the State.

House 888: An Act to amend Section 2 of Chapter 114 of the Revised Statutes of 1903, relating to arrests and disclosures on leaving the State.

House 889: Resolve in favor of the State Highway Commission.

House 890: An Act to provide for the disposition of contraband liquors. (Tabled pending its third reading and specially assigned for consideration tomorrow, on motion by Mr. Greenleaf of Portland.)

House 891: An Act to amend Section 54 of Chapter 125 of the Revised Statutes, relating to appointment of cruelty agents.

House 892: An Act to incorporate the Bath Water District. (Tabled pending

its third reading and assigned for tomorrow morning on motion by Mr. Plummer of Lisbon.)

House 893: An Act to amend Sections 56 and 57 of Chapter 47 of the Revised Statutes of 1903, relating to the rights of minority stockholders.

House 894: An Act amendatory of and additional to Chapter 48 of the Revised Statutes, relating to the annual examinations of savings banks and trust companies and the verification of savings deposits, as amended by Chapter 158 of the Public Laws of 1911.

House 896: An Act to regulate the shipment of lobsters by shippers with an established place of business.

On motion by Mr. Greenleaf of Portland, the vote was reconsidered whereby Senate Doc. No. 392, bill, An Act to amend Sections 54 and 65 of Chapter eight of the Revised Statutes, as amended by Chapter 49 of the Public Laws of 1909, relative to the taxation of mortgages on real estate in savings banks and trust and banking companies, received its third reading, and on further motion by Mr. Greenleaf the bill was tabled pending its third reading and assigned for tomorrow morning.

Finally Passed

Resolve in favor of the State Board of Charities and Corrections for expenses during the years 1915 and 1916, in lieu of the sum provided by Chapter 196 of the Public Laws of 1913. (Tabled by Mr. Pierce of Houlton pending final passage, and specially assigned for consideration tomorrow morning.)

Resolve increasing the retirement pay of Thomas Clark.

Resolve appropriating money for the completion of the purchase of the farm acquired for the purpose of scientific investigation in agriculture in Aroostook county, also for the erection of buildings on said farm. (Tabled by Mr. Plummer of Lisbon pending final passage, and specially assigned for consideration tomorrow morning.)

Resolve appropriating money for, and authorizing the purchasing of, a History of Pemaquid.

Resolve appropriating money to promote and assist the interests of poultry culture. (Tabled by Mr. Plummer of Lisbon pending final passage, and specially assigned for consideration to-morrow morning.)

Resolve providing for the purchase of a certain portrait of Major General Joshua L. Chamberlain, a former governor of this State.

Resolve to provide for the retirement on half pay of Frederick Brown, a former employee of the State.

Resolve providing for the purchase of certain volumes of the Documentary History of Maine.

On motion by Mr. McCarty of Lewiston, Resolve in favor of the Central Maine General Hospital for maintenance, was taken from the table, and on further motion by the same gentleman the resolve was finally passed.

Orders of the Day

On motion by Mr. Greenleaf of Portland, unanimous consent was given and that gentleman presented out of order the following order:

Ordered, That the engrossing clerk be requested to return to this House Senate Bill, No. 310.

The order received a passage.

On motion by Mr. Perham of Woodstock, the vote was reconsidered whereby the House accepted the report of the committee on judiciary, reporting "ought not to pass" on Resolve to prevent the attorney general from appearing as counsel before the legislative committees.

MR. PERHAM: Mr. Speaker and gentlemen of the House, I hope that my friends on the judiciary committee will not feel that I am doing anything against their rights or against their judgment, but this matter is of more than passing interest. Since this measure was first introduced there have been a great many members of this House and of the Senate who have spoken about this matter, and I feel that we should give it more than passing attention. I do not intend to take up the time of this House in any lengthy debate or argument upon this question. I simply wish to call

the attention of the House to a few points in connection with this matter.

The Constitution of Maine provides that the powers of this government shall be divided into three distinct departments, legislative, executive and judicial. Section two of Article three of the Constitution provides that "No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted."

The rules governing the action of members of this House are prescribed, and among others I find that Rule 16 provides as follows: "No member shall act as counsel for any party before a joint committee of the legislature or a committee of this House."

It seems to me that it is only proper that the State of Maine should adopt a rule providing that these sections of the Constitution should be adhered to by the officers elected in the several departments of the State. The office of Attorney General I rank in importance and influence second only to that of Governor of the State, and in many matters even higher than the Governor, as regards the question of influence. Many of us come here from the country entirely unused to the ways of doing business in this legislature; we appoint our several committees and we meet and consider certain matters that are brought to our attention, and we listen with a great deal of respect, and we are looking for enlightenment and we are endeavoring to determine as far as in us lies the right course to pursue in the matters that are brought before us; we are open to conviction, and we are ready to receive suggestions that are made to us. The office of Attorney General of the State of Maine carries a great deal of weight with it.

Now, gentlemen, this matter was not brought up with any idea of curtailing or affecting in any way the present incumbent of that office. Owing to the conditions existing at the time that resolve was introduced, at which time practically all the hearings of this legislature were completed, it was

simply a question of the policy to be pursued by the State of Maine in that matter for the interest of the State of Maine. We might not always be as fortunate as we are this year in the personnel of our Attorney General. I suppose, for instance, such a thing might happen that an unscrupulous man might be elected to that high position, and I suppose that it might be possible that he might be subjected or open to allurements that come at times and which are held up before certain people to oppose or to advocate certain bills. It is possible that the State of Maine might find itself in that position; and in such a case I think the honesty of the State of Maine would be jeopardized, and I think we should adhere strictly to the spirit of the Constitution, that our departments of government should be entirely separate and unhampered by any other department. I do not wish to take up the time of the House upon this question, but I simply wish to move that the resolution be substituted for the report of the committee, and that a division of the House be had upon the question.

Mr. PIERCE of Houlton: Mr. Speaker, I am glad to know that the gentleman from Woodstock, Mr. Perham, does not care to take up the time of the House any longer upon this matter, and I have wondered why the gentleman should have deemed it necessary to take the time of this Legislature in the consideration of a resolve which could have absolutely no effect in any way. This is not a matter which can have any effect; it is not an act; it is not an amendment to the statutes; it is not a resolve appropriating money; it is simply such a resolution as would be passed in an organization when some member of that organization has died and the organization desires to honor his memory, simply so much waste paper which is sought to be passed through this Legislature. This matter was referred to the judiciary committee, a committee composed of four Republicans, one Progressive and five Democrats, so that it was an absolutely non-partisan committee, and they have

made a report here to the effect that this resolve should not pass. There is a statute in this State now prescribing what the Attorney General shall not do, and if we are to try to enact any useful legislation upon this subject it should be by an amendment passed in regular order. Passing this resolution can not amount to anything except expressing our disapproval to a certain condition at a time when it is too late to affect the condition.

Now, as to the fact that the present Attorney General may have any more influence with a committee than the ex-Attorney General, Mr. Wilson has had,—the mere fact that Mr. Wilson's term of office happened to expire does not affect the standing of either of these gentlemen as an attorney. When the present Attorney General says he does not appear for the State, and when he says he appears for private individuals the effect of his statements on any man of ordinary intelligence can not have any more weight than statements made by some other individual. This resolution was undoubtedly framed with the idea that that was the proper method of procedure; it can not accomplish what it was intended to accomplish, even if it were passed through this House and Senate, it would not accomplish anything, and for that reason I trust that the unanimous report of the committee will be accepted and that the resolution will not be substituted for the report of the committee.

Mr. PERHAM: Mr. Speaker, I am glad that we have lawyers with us who can prescribe the grounds upon which we should travel. I do not know as this resolve can be passed in any way that would effect legally the actions of anybody, but I do know that it is the will and the wish of the people, and if the officials of the State are not willing to respect the will of the people I wish to state that they will finally have to go to the people for their authority. I claim that the people of our State do not approve of this method of procedure, and that the members of this House do not approve of it, and neither do the mem-

bers of the Senate approve of it. I am glad that the Attorney General is not dead; we hope that he will live for many years to serve the State. I have a great deal of respect for this judiciary committee. I have many friends on that committee; they are lawyers and we expect them to stand together in this matter. I expected nothing else but a unanimous report against the passage of this resolve. I am not at all surprised, but I shall be surprised if the members of this House do not stand up and be counted for what they believe to be right in this matter.

Mr. Fossett of Portland moved that the resolve be indefinitely postponed.

Mr. Perham of Woodstock moved that the previous question be ordered.

The SPEAKER: The question is on the motion of the gentleman from Woodstock that the resolve be substituted for the report of the committee. On this motion a division of the House has been called for. All those in favor of substituting the resolve for the report will rise and stand until counted.

A division was had.

The SPEAKER: Evidently the motion is lost, and unless the House requests, the count will not be returned.

On motion by Mr. Pierce the report of the committee was accepted.

Mr. DESCOTEAUX of Biddeford: Mr. Speaker, I move that the House reconsider its vote whereby House Document No. 495 was laid upon the table and assigned for tomorrow pending the acceptance of Senate Amendments A and B.

The motion prevailed.

The SPEAKER: The Chair wishes to state for the information of the House that it read the wrong amendment—the amendment that was offered in the Senate sometime since and now defeated. The gentleman from Biddeford, Mr. Descoteaux, now moves the adoption of Senate Amendment A in concurrence to House Document 495.

The motion was agreed to.

The SPEAKER: The same gentleman now moves the adoption of Senate Amendment B in concurrence.

The motion was agreed to.

Mr. LOMBARD of Old Orchard: Mr. Speaker, I wish to offer House Amendment C, as follows:

"House Amendment C. Section 1 of House Document No. 495 is hereby amended by striking out in the third line thereof the words 'or laundry.'

Mr. LOMBARD: I yield the floor to the gentleman from Portland, Mr. Roberts.

Mr. ROBERTS of Portland: Mr. Speaker, I had my attention called to this matter of laundry when at home, and it seemed to me that it would be rather unjust to include laundries. I will say that in our city a White Star Line steamer came into our port this winter with 37,000 pieces of laundry to be done in two days. The next day an Allan Line steamer came in with 15,000 pieces to be done in a day and a half. For about two or three months in the winter these things occur in our city. Then in summer, when the steamers are coming in from Boston, New York, and everywhere, for the summer business, there is equally as much. There are about two or three months in the winter, and the same in the summer, when it is practically impossible for them to do that work, though it has to be done. A laundry is almost as much a necessity as the kitchen, and it does seem that the people coming to our shores should have a chance to have their laundry work done in that way. Now these are rather extreme cases, of course. A gentleman who lives near me has built a building that cost him \$100,000, for the purpose of doing this class of work, and his people are simply delighted to have a chance to do so much work and receive their pay for it. I will say, also, that the first day of April he is making arrangements, aside from the present prices he is paying for his labor, not cutting them down at all, to distribute to them the first of October about seven and one-half per cent. in addition for their work. It seems to me that that man is pretty fair. He says, "I never have

any trouble with my help at all." It does seem to me that the laundry is simply a matter of necessity, and I do think, gentlemen, that that part relating to laundries should be left out. There is not a gentleman who does not have to patronize the laundry. In the cities we have to send our laundry away, and it will be readily seen that the laundryman cannot commence work until Monday noon, anyway. Then he must have it all done by Saturday noon for delivery. He thus has practically only five days in which to do his work. Every man wants his laundry by Saturday noon, and he cannot get it into the laundry before Monday noon. Now why not give these laundrymen a fair chance to do business? I think it due to them, and I think it is due to us, too.

Mr. WESCOTT of Bluehill: Mr. Speaker, I am very much opposed to this amendment. Everybody knows that no less distinguished class of people than the Chinamen control the laundry business in this country. So far as I am concerned, I do not pose as favoring them to the extent of going to work and exempting them from the provisions of this act. This matter was thoroughly discussed, fought out and fought down along the lines indicated by this amendment. I am against any further amendments, and I hope that the members of this House will stand by the bill as presented. It does not need any further amendment, and the laundryman can take his chances with the other fellows, I believe.

Mr. SANBORN of South Portland: Mr. Speaker, I believe that when it is proposed to exempt any class in a bill of this sort, it would be a clear case of favoritism; and it does not seem to me that laundry employees should be exempted. It has been said that steamship lines have large amounts of work to be done in Portland. Well, they may; but there are many laundries there, and, if there are not enough, I have no doubt that others will be glad to go into the business. The point is this: The female help in those laundries are certainly working under as hard conditions, it seems to me, as any employees in any business

in the State of Maine; and in this act we are legislating for the benefit of the employees, that is what is in mind, the prime motive back of this entire act. This act does not purport to consider the people who are having work done; it is the people who are employed. It is in the interest of those who are laboring, and those who are laboring under conditions which might be prejudicial to their health and comfort; and, if anybody works under hard conditions, it is those women who work in these steam-heated, over-heated, close laundries. Go past any one of them in city of Portland on any day, and observe the blast of heat that comes out when the windows and doors are open, then think of the women working inside, and tell me if, because some steamship company is in a hurry to get their clothes washed, those women ought to be compelled to work long hours, while other women in stores, in clean, light and airy places, may be limited to their nine hours! I believe that laundry employees, above all others, are the ones who should be favored by this act, and I oppose this amendment.

Mr. DESCOTEAUX of Biddeford. Mr. Speaker, the laundrymen were given a chance to appear before us, but they did not choose to come. Now in regard to exempting laundries, those people work harder than any other class. There are days in the summer when they have to go out doors to get a breath of air. I think the amendment should not be adopted.

Mr. LOMBARD of Old Orchard: Mr. Speaker, I am not opposed to a 54-hour law; but I do believe that it must be a feasible proposition and a workable bill—one that will work out well. Now here is the situation in my locality, and I think it will apply equally well to all parts of the State, particularly to summer resorts. As a matter of fact, the most of the laundry work at Old Orchard is done in Biddeford and Saco, and I will say that the work must be done in four days. This laundry is dumped into the laundries of Biddeford and Saco on Monday, and they are unable to do any work on it until Tuesday. It must be finished Friday night and delivered on

Saturday. That leaves four working days in which this work must be done. I also want to call attention to the fact that there is much irregularity in the amount received. Oftentimes they will be overwhelmed on Wednesday and Thursday, and perhaps not enough to do on Tuesday and Friday. It is this condition that we want to meet by the adoption of this amendment, and we think it will not work a great hardship. These women working in the laundries of Biddeford and Saco only get this work during the summer months, and the rest of the time the laundries can barely exist. They make their money during the summer months, and they are well paid. They are paid by the hour, and, if they work over hours, they are paid for it. I think in justice to the situation that this amendment should be adopted.

Mr. FAY of Dexter: Mr. Speaker, I did not intend to say anything on this subject. I feel that I have said previously all I should say, and I had become reconciled to the 54-hour law; but I do want to take exception to the remarks of the gentleman from South Portland, Mr. Sanborn, in which he practically said that we are not interested in those who are doing the work. I wish to say that we are only interested to see that just and equitable laws are passed both for the employer and employee. That one remark of his calls me to my feet to comment on it to that extent.

Mr. SANBORN: Mr. Speaker, I may not have expressed what was in my mind, or I may have been misunderstood. My purpose was to say that this bill did not purport to be in the interest of employers or those who want the work done, but that this measure is one for the relief of the employees. That is what I intended to say.

Mr. ROBERTS: Mr. Speaker, I rise to say that I am not opposed to the 54-hour law; but I would like to see a business that we are all interested in protected. The facts were presented to me that I have stated to you, and I thought them worth considering. I will say here to the gentleman from Bluehill (Mr. Wescott) that we have very few Chinamen in Portland; all of our large business there is done by good

American people. We have no trouble with the Chinamen in their little side laundries. These are men who are doing a nice business, and I have simply stated the matter to you in justice to my neighbor and friend as to what I think is only right and fair. I am not opposed to the 54-hour law; but I do say that there should be some exceptions in cases of necessity such as this.

Mr. McCARTY of Lewiston: I had supposed, Mr. Speaker and gentlemen, that this 54-hour bill, up to the time of the presentation of the last amendment, was a satisfactory bill to all the interests involved. Now this amendment that has been introduced here this morning seeks to except from the operation of the 54-hour bill women and minors engaged in laundries; and, so far as I am able to determine from what I have heard here, some friend or neighbor of the gentleman from Portland (Mr. Roberts) seeks to tie up this entire bill simply on the ground that it might embarrass his business in some way or other. Now I do not know of any individual in the State of Maine whose interests should be especially looked after by this Legislature. This 54-hour bill affects the entire working population so far as women and minors are concerned. Why a certain laundry in the city of Portland should come in here, and, through the mouth of one of its representatives, seek exclusion from this act, I cannot quite conceive. I am glad that that laundry down there in Portland is doing the business that we are told it is doing. I am glad that the steamships are coming in there two or three months in the winter and giving them their work to do. I am also glad that they are forced at times to work over time. But there are women working in that laundry whose interests we must seek, of far more interest to us than the question of whether or not this man might be embarrassed in the conduct of his business. There is one suggestion I am going to make to the gentleman from Portland (Mr. Roberts), and I want him to carry it back to his neighbor in whose interest he appears here this morning, and it is this: If that laundry is doing so much business that it cannot all be performed in nine hours of the day, then I am going to ask the

gentleman from Portland to say to that man, "go out in the street and hire extra help, and let the women who have been in there working nine hours a day in the heat of the laundry go out, and others take their places, and perform the work that they left undone." I think the Portland laundry can accommodate itself to the provisions of this bill. Give the women a chance; let them work nine hours a day! Then if there is over-work to be done, call in other women and give them a chance; hire other women if you will. So far as emasculating this bill is concerned, I am sick and tired of sitting here and listening to all these amendments coming in, and I certainly shall object to the adoption of this last amendment; and I trust the House will support me in this objection. In order that there may be no question as to how every man stands on this very vital question, Mr. Speaker, I ask for the yeas and nays when the vote is taken.

Mr. WARD of Augusta: Mr. Speaker, there has been a disposition on the part of many members of the House to kill this 54-hour bill, and this last amendment is the worst one that has been attached to the bill. I agree with the gentleman from Lewiston, Mr. McCarty, that the vote should be taken by the yeas and nays.

The SPEAKER: The question is on the motion of the gentleman from Old Orchard, Mr. Lombard, to adopt House Amendment C, which has been read. The yeas and nays are called for. Those in favor of the yeas and nays will rise.

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

The SPEAKER: All those in favor of the motion of the gentleman from Old Orchard, Mr. Lombard, that House Amendment C to House Document No. 495 be adopted, when their names are called will answer yes. Those opposed to this amendment when their names are called will answer no. The clerk will call the roll.

YEA—Brann, Cobb, Fay, Littlefield, Lombard—5.

NAY—Albert, Allen, Ames, Averill, Ballard, Beal, Benn, Bernier, Besse, Blake of New Gloucester, Blake of Oakland, Bonney, Bourque, Bradbury, Bragdon, Brawn, Brown of Auburn, Brown of New

Sharon, Campbell, Carson, Chadbourne, Chaplin, Chamberlin, Clement, Clifford, Coffin, Colcord, Connors, Corliss, Currier, Daigle, Danforth, Descoteaux, Dilling, Douglass, Drapeau, Drummond, Durgain, Dutton, Edwards, Ellis, Evans, Ford, Fossett, Gallagher, Gerrish, Gilmour, Gooding, Goodwin, Gould, Grant, Greaton, Greeley, Greenlaw, Greenleaf, Hanson of Saco, Hanson of Sanford, Haskell, Higgins, Hill, Hodgkins, Holt of Gouldsboro, Holt of Skowhegan, Jameson, Lawrence, Lewis, Libby, Lord, Maxwell, McCarty, McCarrison, McCurdy, McIntire, McKinley, McNally, Michaud, Millett, Mitchell, Morrison, Morse, Mulligan, Mullin, Neilson, Newell, Nicholas, Noves, O'Connell, Peabbles, Perham, Perkins, Peterson, Picher, Pierce of Farmington, Pierce of Houlton, Plummer, Pollard, Ranney, Ricker, Roberts, Robinson, Russell of Alfred, Ryder, St. Clair of Calais, St. Clair of Rockland, Sanborn, Small, Smith, Snow, Tabbutt, Tate, Thibodeau of Fort Kent, Thombs, Tobey, Towle, Traf-ton, Turner, Tuttle, Varney, Ward, Waggatt, Washburn, Waterhouse, Watts, Webb, Welch, Wescott, Wheeler, Wilkins, Wilson, Wise, Woodman, Wyman—132.

ABSENT—Bussey, Connellan, Davis, Erskine, Goldthwait, Haraden, Harper, Hart, Hobbs, Jordan, Leader, Mansir, Meader, Russell of Lewiston—14.

One hundred and thirty-two having voted in the affirmative, and five in the negative, the motion was lost and the amendment was rejected.

Mr. Lombard then offered House Amendment D, as follows: "Amend Section one of House Document No. 495 by inserting in the third line thereof before the word "laundry" the word "public".

The question being on the adoption of House Amendment D, a viva voce vote was taken, and the amendment was lost.

On motion by Mr. Descoteaux of Biddeford, the bill as amended was then passed to be engrossed.

The SPEAKER: The Chair lays before the House the reports of the Committee on Judiciary on Act relating to change in form of ballot, tabled by the gentleman from Houlton, Mr. Pitree, pending the acceptance of either report.

Mr. PIERCE of Houlton: I move that Report B, "ought not to pass", be adopted.

Mr. HIGGINS of Brewer: Mr. Speaker and gentlemen of the House: I trust that the motion made by my friend, the gentleman from Houlton, will not prevail. It seems very apparent to many members of this House upon both sides of the political question that some

change should be made in our method of balloting. The committee has gone into this matter and studied it thoroughly; and while there is a division of that committee, I believe that the minority report is the report that should be accepted—that is, the report that the bill ought to pass. I trust that the House will so consider, and will not vote to accept the report named in the motion of the gentleman from Houlton, Mr. Pierce.

Mr. GALLAGHER of Bangor: Mr. Speaker, I do not believe the House is in any humor to listen to long arguments for or against this proposition; but we will all admit the great desire of the people to have a simpler method of voting. The proposed new method would be more complicated, and we would have much more dissatisfaction and many more destroyed ballots, than we do under the present method that we have had for so many years. When the vote is taken, Mr. Speaker, I call for the yeas and nays.

Mr. ST. CLAIR of Calais: Mr. Speaker, it seems to me that the State of Maine should have a different way of balloting than our present system. It is easy to get a system which will enable us to vote without the use of stickers. I think any gentleman in this House will admit that of all pernicious customs, the device of using stickers at the polls is the most pernicious, the most distasteful, and the most liable to defeat the object intended to be accomplished by it. The system that we have in the State of Maine is not satisfactory. At nearly every election in nearly every town in this State there are defective ballots, and in some the percentage of defective ballots is large. That is because we have a poor system. Now the Massachusetts system, which I understand is the method that passed the Senate the other day, has worked well in that state for twenty-four years. There have been no changes in it and it works satisfactorily. It is a method of voting by which the voter can pick out the men he wants to vote for without the use of stickers. Every man's name is on the ticket, at the right of it is a place to place the check and then the party designation. They are divided into classes, and over each class

is put the words "Vote for one," or "Vote for two," or "Vote for three," as the case may be. The voter knows when he takes the ballot in his hand that he can go over that list and pick the men that he wants to vote for. He can check those names, and he does not have to use any sticker, and in going through the whole list and marking them, he does not have to make any more marks in splitting his ticket than if he votes straight. I think this is of great weight with the voter. When a man comes into our polls to vote and undertakes to split his ticket, everybody knows he is doing it, and that prevents independent voting. The system in Massachusetts does away with that, and nobody can tell whether a man splits his ballot or not, because it does not take him any longer to vote his independent ticket than it does to vote the straight ticket. That is something that we should have in the State of Maine, that is, a ballot that is not intimidating. There are a lot of people—quite a number, I think, in every community—who in times of great stress and great political excitement have a desire to vote independently, and they are afraid to do it because they know that if they attempt to split their ticket, they will either make a mistake or somebody outside will tell somebody else that that man split his ballot, and they will mark him. Now we want to avoid that. It would not affect me personally, because I do not think that I have ever split my ticket as many times as I have fingers on one hand. I have always felt that I must stand by my party through thick and thin, and I admire the man who does that. This Massachusetts ballot makes for honesty; it makes for a method of voting that shall register the will of the people, and that is what we want. I hope there is no one in this House who does not want a method of voting that will enable us to arrive at the will of the people more certainly than we can under the present system. I believe from my association with the members of this House of all parties that they are largely men who want to do right, and I hope in voting on this ballot that we shall not be swayed by any political predilections, but rather that we shall

consider it on the one point of whether or not it is a better system than the one we have. It has worked in Massachusetts satisfactorily for almost a quarter of a century. They like it, no changes have been made in it, and you cannot find a citizen of the state of Massachusetts who would stand up in this House and say to us that it is not a good system of voting.

Mr. PIERCE of Houlton: Mr. Speaker and gentlemen, in voting upon this question I wish that the members of the House may clearly understand the way in which this matter comes before you. It is not simply a question of voting by the use of stickers; it is not absolutely changing our present method of voting and substituting for it another method. I have personally no strong desire for the use of stickers, but this is not a question as to whether we are going to get rid of stickers; it is a question whether we are going to throw aside our present ballot and substitute for that another form of ballot. A few days ago my friend from Lewiston and I disagreed in a matter, and there was one portion of his remarks with which I did not heartily concur, and that was that because Massachusetts has such and such a law that necessarily Maine, regardless of whether they want it or not, should be swayed by the state of Massachusetts and adopt a law because Massachusetts has such a law and because Massachusetts likes it. I am of the opinion that we have some pretty good things in the State of Maine, and the mere fact that we have a Maine ballot and that they have a Massachusetts ballot, is no argument at all why we should throw aside our method of voting and adopt theirs.

In the first place, any change in the system of voting, and I don't care how good a change it may be, necessarily and for a considerable time deprives from the right of suffrage a large number of our citizens. For instance, take the figures in the State of Maine: in 1884 there were 142,000 votes cast; in 1888 there were 145,000 votes cast, an increase of 3000. We adopted a new ballot in 1891, and in 1892, the year of the Cleveland campaign, the

vote in this State fell off 15,000 votes. Why was that? Simply because by adopting another method of balloting we had disfranchised 15,000 voters, and they were disfranchised because they did not come and vote, because they did not feel that they could handle the new ballot. This falling off was not confined to one party or to the other exclusively. In 1888 Governor Cleaves had 79,400 votes; the Hon. Wm. L. Putnam had 61,000 votes; in the 1892 campaign Gov. Cleaves received 68,000 votes, a loss of 11,000 votes, and Mr. Johnson, our present United States Senator, had 55,400 votes. In other words, the Democratic candidate fell off ten per cent. and the Republican candidate fell off fifteen per cent., and the only reason which can be given for that falling off was on account of the change in the method of voting.

Another fact, never since 1888 have we cast as many votes in the State of Maine. I have no figures for these few years, but from 1900 to 1910 we increased 21,000 votes, and it is a fact which I think will not be disputed that never yet have we cast as many votes as we did in 1888. For that reason, as I say, if you go ahead and cast aside this ballot and adopt a still more complicated one you are going to disfranchise a still larger number of our citizens who will not be able to vote.

Now, my friend from Calais (Mr. St. Clair) and my friend and fellow townsman, the President of the Senate, (Mr. Hersey) want this thing fixed so that people can 'split their tickets, and still the gentleman from Calais (Mr. St. Clair) says this morning that never in his life has he split his ticket more than five times, and he says he is proud of the fact that he has supported every candidate of his party. I honor him for that; I think he should be proud of it, and I think any man should be proud of his party. I am proud of mine, and if I was not I would not be here. I have heard my friend, the President of the Senate (Mr. Hersey) in campaigns all over Aroostook county—which is a Republican county—I have heard him beg and implore the people of that county to cast a straight Republican

ballot; and now by some reason or other they want to present some scheme so that the people will not cast a straight ballot. I call your attention to this, is there any good reason why any man who is able to read and write English should not be allowed to split his ballot if he desires to do so? Just stop and think of it. I have not had time to make a check of all the elections in this State, but I will venture to say that there are between fifteen and twenty members of this House who were elected from districts that went for the other candidate for Governor. We have five from Aroostook, one Progressive and four Democrats. The gentleman from Rum-ford (Mr. Morse) a Republican, was elected from a class that went for Gov. Curtis; the gentleman from Skowhegan (Mr. Holt), was elected from a class that went for Gov. Haines; the city of Westbrook has two representatives, one of them a Democrat and the other a Republican.

I tell you, gentlemen, the only real reason for splitting a ticket is this—to rebuke your party when it has nominated an unfit man. Does anybody believe that this system which they have in Massachusetts by which they have a Governor of one party and a legislature of another party is a successful way to run the state? Wouldn't it be better for the state that the Governor and the legislature should be of one and the same political party so long as we are going to have party government? Any other system results in chaos and friction and pulling apart between the executive and the legislative branches of the government.

Now, take the Massachusetts system. In the last election for Governor there were 456,000 votes cast; for Lieutenant Governor there were 8000 less votes cast than for Governor; coming down to the Secretary, you have 443,000 votes, and there are 14,000 votes which are gone there; and coming down to the office of Treasurer you have 440,000 votes and there are 17,000 votes less; coming down to the office of Auditor you have 431,000, a loss of 26,000 votes; Attorney General, 437,000,

a loss of 20,000. Upon the Congressional vote you have 447,000 votes, a loss of almost 10,000 votes. The Attorney General and Secretary of State were not so important perhaps, but nobody will say that the representatives to Congress are not as important as Governor, and yet you have 10,000 people in the state of Massachusetts under that system who lost their votes for Congressmen. I do not believe, gentlemen, that a system that results in that disparity is going to make any great improvement in our voting.

There is another class of people who will be effected by this method if such a change is made, and who will think it is a hardship. In Massachusetts they do not vote in cities for representatives to the legislature as we do. In the wards of Boston they elect two representatives, and in our cities we elect all the representatives from the whole city. The city of Portland has seven representatives; there are five parties who send representatives from that city in the last campaign. Under this system you would have 35 different names printed in alphabetical order, one after the other, and out of that list of names it would be the duty of every man of advanced years and failing eyesight and any other physical infirmity to go down through that list and pick out the seven for whom he wished to vote, and eliminate the 28 for whom he did not want to vote. In this same line, while Portland would have 35 men on the list from which to select, Lewiston would have 25, Bangor would have 20, Biddeford would have 15 and other cities in the same way.

In the contested election case of Clement against Harmon, there was a ballot which the attorney for the contestant claimed should be thrown out because it had a distinguishing letter, the letter R upon it, but the members of the committee on elections looked at that ballot carefully, and I think they will bear me out in saying that that letter R was made by an old man with a trembling hand, who got in there and who knew he wanted to vote a Republican ballot, but whose hand trembled, and by accident he made this letter R before he started to make

his cross, and we on that committee concluded that that ballot should be counted, and for that reason Mr. Clement was seated in this House.

I want the members of this House to understand that we are asked to substitute for the ballot which we have in Maine, for the ballot which the people can cut and which they do cut, this new method. This present system which we have allows people to split their ballots when they have any sensible reason for doing it; it is a system which we have in Maine, and I absolutely and unalterably am opposed to throwing it aside for any new method brought down here from Massachusetts for which there is no real demand and no reason shown why it should be adopted, no reason shown why it is any better, why it will put in office any more honest men than are in office under this system in the State of Maine.

Mr. HIGGINS: Mr. Speaker, I simply desire to call the attention of the members of the House to the statement made by my friend from Houlton, Mr. Pierce, that a loss in votes occurred when we changed over to our present system. I simply desire to call the attention of the House to the similarity of the proposed bill, the Massachusetts ballot, to that of our primary ballot; and the education that perhaps, as he states, was so costly years ago when the present Australian ballot system was adopted, has now been advanced by our adoption of the primary ballot. This is simply a step in advance of that.

Mr. ST. CLAIR: Mr. Speaker, I doubt if there is any member of this House, or in the chamber at the other end of the corridor, who is more loyal to the State of Maine, who admires its institutions more, or who is prouder of the people within its borders, than I am; but I am not so hidebound that, if I find that any other state, whether it be Massachusetts, or California, or Louisiana, or Minnesota, or any of the great galaxy of states that make up our glorious Union, has anything better than we have, I would not be willing to adopt it. That is the way I stand on that. I am reminded, Mr. Speaker, that when the question came up of seating or unseating Mr. Thibodeau, the gentlemen

of this House who voted to unseat him did not follow the courts of the State of Maine which they profess to admire so much, but followed the decisions of courts out of the State. That would not look as though they thought that everything in Maine was just right. If you remember, they quoted decisions from Arkansas and from Minnesota to show that a man could vote for two names on our ticket and that you could count it for one of them, while our court said differently. They did away with the decision of our Maine court and patted on the back the courts of Arkansas and Minnesota. Perhaps that might have been done for a purpose, and perhaps not. I will not go into that; that has gone by. I do say this: Our system of voting leads to unpleasant election contests, which would not arise if we did not have stickers to make it difficult for a man to split his ticket. Now, I do not particularly admire the man who splits his ticket. I am a good deal like my friend from Houlton (Mr. Pierce); I admire the man who is proud of his party and who takes his medicine straight, and who, while he may think that there are some on the ticket he would not put there, yet is willing to assume that the leaders of the party, for good and sufficient reasons, made up that ticket—and so stands by his party. But there are in every state and in every community men of independence, men who desire to vote as their consciences dictate; and the ballot being the way by which we arrive at the will of the people, I believe it to be the duty of the State of Maine to adopt that system of voting which will most correctly register the will of the people. Perhaps it is wrong for me to say that I admire the straight voter more than I do the independent voter; but I am built that way. Still I believe the independent voter has rights, that his rights should be preserved as much as the rights of the straight voter, and that a system of voting which in a sister state has been used so long and worked so well would presumably work just as well in this State.

Mr. GREENLEAF of Portland: Mr. Speaker, it is now nearly high twelve, and I move the previous question.

THE SPEAKER: As many as desire

the previous question will rise. It requires the assent of one-third.

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

THE SPEAKER: Shall the main question be now put?

Mr. PLUMMER of Lisbon: Do I understand, Mr. Speaker, that there is debate on the motion for the previous question?

THE SPEAKER: Debate is allowable on the motion for the previous question; not on the main question.

Mr. PLUMMER: Mr. Speaker, I do not wish to take up any time in debating the main question, nor do I want to argue the advisability of putting the previous question. It is high time that it was done; but I ask the permission of the House, inasmuch as I expect to vote in a different way on this question than the most of the members of the party with which I am aligned, to make a word of explanation in justification of my conduct. I am not strongly in favor of the Massachusetts ballot; I am not in favor of the ballot as it is. If the motion to adopt the report in favor of the Massachusetts ballot (I do not know whether it is the majority or minority report) is passed, I shall hope later to report an amendment which will leave us the same form of ballot which we have now, but which will permit a greater latitude in the method of marking and counting the ballot, and which will do away with the sticker. It seems to me that the sticker is bad, and more than my friend from Calais (Mr. St. Clair) describes it, and I want to get rid of it. I will say that I do not agree with my friend from Calais (Mr. St. Clair), or with my friend from Houlton (Mr. Pierce), in their boast that they have never split a ticket. I have split a ticket, and I expect to do it again, and I have no apologies to make for it. While I am not particularly proud that I did it, I am sorry that I felt the necessity for doing it on account of the nominations that have been made by my party; but, if the same circumstances arise again and I have the same opinion about it, I shall split the ticket again. And when I want to split a ticket, I want to be able to do it in the easiest manner possible.

Mr. FOSSETT of Portland: Mr. Speaker, I understand that the gentleman from Lisbon, Mr. Plummer, is talking on the ballot law, and I should like to say just one word.

THE SPEAKER: The Chair understands that the gentleman from Lisbon was talking by the unanimous consent of the House; and the Chair hears no objection to the gentleman from Portland, Mr. Fossett, having such unanimous consent.

Mr. FOSSETT: All I have to say, Mr. Speaker, is that it takes the voters so long to vote intelligently by the Massachusetts ballot that they have to have a legal holiday for that purpose. Now how many of you farmers want this State to have a legal holiday for that purpose at your busiest time of year? I do not think you want it.

THE SPEAKER: The question before the House is, shall the main question be now put? All those in favor will say yes; those opposed no.

A viva voce vote being taken, the motion was agreed to.

The SPEAKER: The question before House is on the motion of the gentleman from Houlton, Mr. Pierce, that Report B, "ought not to pass", be accepted. The yeas and nays have been called for. As many as desire the yeas and nays will rise in their places and stand until counted.

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

The SPEAKER: All those in favor of the motion of the gentleman from Houlton, Mr. Pierce, that Report B, "ought not to pass", be accepted, when their names are called will answer yes. All those opposed to that motion when their names are called will answer no. The Clerk will call the roll.

YEA—Averill, Ballard, Bernier, Blake of New Gloucester, Bourque, Brawn, Brown of Auburn, Brown of New Sharon, Chadbourne, Clifford, Colcord, Connors, Currier, Descoteaux, Douglass, Drapeau, Durgain, Edwards, Fossett, Gallagher, Gerrish, Gilmour, Goldthwait, Gooding, Goodwin, Greeley, Greenleaf, Haskell, Hill, Hodgkins, Holt of Skowhegan, Jameson, Lewis, Lord, Maxwell, McCarty, McCarrison, McCurdy, McIntire, Michaud, Millett, Mulligan, Mullin, Neilon, Newell, Noyes, Peables, Perkins, Pierce of Farmington, Pierce of Houlton, Pollard, Ranney, Roberts, Robinson, Small, Smith, Tabbutt, Tate, Thibodeau of Fort

Kent, Trafton, Turner, Ward, Wasgatt, Watts, Webb, Welch, Wheeler, Wilkins, Wilson, Woodman, Wyman—71.

NAY—Albert, Allen, Ames, Beal, Benn, Besse, Blake of Oakland, Bonney, Bradbury, Bragdon, Brann, Bussey, Campbell, Carson, Chaplin, Chamberlin, Clement, Cobb, Coffin, Corliss, Daigle, Danforth, Dilling, Drummond, Dutton, Evans, Fay, Ford, Gould, Grant, Greateon, Greenlaw, Hanson of Saco, Hanson of Sanford, Hart, Higgins, Hobbs, Lawrence, Libby, Littlefield, Lombard, McKinley, McNally, Mitchell, Morrison, Morse, Nicholas, O'Connell, Perham, Peterson, Picher, Plummer, Ricker, Russell of Alfred, Ryder, St. Clair of Calais, St. Clair of Rockland, Sanborn, Thombs, Tobey, Towle, Tuttle, Varney, Washburn, Waterhouse, Wise—66.

ABSENT—Connellan, Erskine, Harper, Holt of Gouldsboro, Jordan, Leader, Mansir, Meader—8.

PAIRED—Haraden, yes; Ellis, no. Davis, yes; Snow, no. Russell of Lewiston, yes; Wescott, no.

Seventy having voted in the affirmative and 66 in the negative, the motion of the gentleman from Houlton. Mr. Pierce, prevailed, and Report B was adopted in non-concurrence.

The SPEAKER: The Chair lays before the House, Report of the Committee on Judiciary on bill, An Act relating to illegal transportation of intoxicating liquors, tabled by the gentleman from Calais, Mr. St. Clair. The pending question is the acceptance of the report.

On motion by Mr. St. Clair, the report was retabled, and specially assigned for consideration tomorrow.

The SPEAKER: The Chair lays before the House, Senate Document No. 153, An Act relating to classification and compensation of certain employees in State and county offices, tabled by the gentleman from Houlton, Mr. Pierce. The pending question is the second reading.

Mr. PIERCE: Mr. Speaker, I yield to the gentleman from South Portland, Mr. Sanborn.

Mr. SANBORN of South Portland: Mr. Speaker, the bill that is before the House seems to be unsatisfactory, and so entirely irreconcilable that it seems best to recommend the indefinite postponement of the bill, and to ask leave to introduce under suspension of the rules, and by unanimous consent, a substitute act to provide for

clerk hire for county offices. I therefore move the indefinite postponement of the bill before the House.

The motion was agreed to.

On motion by Mr. Sanborn, unanimous consent was given to introduce out of order under suspension of the rules a bill entitled "An Act to provide for clerk hire for county offices."

On further motion by Mr. Sanborn, the above bill was laid on the table for printing.

Mr. PIERCE of Houlton: Mr. Speaker, in order that we may settle this matter, I would like to move that we reconsider the vote whereby we adopted the report "ought not to pass" on the Massachusetts ballot.

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

The SPEAKER: The Chair lays before the House, Senate Document 365, bill, An Act to define and make certain the authority of school boards over school grounds, property and buildings, tabled by the gentleman from Portland, Mr. Roberts. The pending question is the third reading.

Mr. ROBERTS of Portland: Mr. Speaker, this matter is not clear to me. We had a similar bill in Portland that was left to the Portland Delegation, that our school board take over the schoolhouse, the janitors and the entire school business. We had a hearing in Portland, and the delegation was instructed and did vote that it ought not to pass—the majority of them. Now this bill comes in, and it seems to me it includes the city of Portland, that our entire school business, repairs, buildings, and all be turned to the school committee. I move the indefinite postponement of this bill.

The motion was agreed to.

The SPEAKER: The Chair lays before the House House Doc. No. 895, 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, tabled by the gentleman from Nobleboro, Mr. Mulligan, the pending question being the adoption of House Amendment A.

Mr. Mulligan moved that House Amendment A be adopted.

Mr. LEWIS of North Haven: Mr. Speaker, I am opposed to this bill and I wish to state a few of my reasons for opposing it. The lobster bill provides that lobsters less than nine inches and over 13 inches are illegal size lobsters and can not be caught. This bill changes that from 9 to 10, and makes the legal size of lobsters only between 10 and 13 inches. The reason for this was that the proponents of this bill felt that it was necessary to put a limit so that lobsters could not be caught of a certain length. Of course our present law being 10½ inches made it necessary to reduce that limit down to nine inches so that the fishermen could make up in the lower limit what they lost on the other limit, and therefore it was put at that length; and that is the only thing in the bill that has any merit. However, I do not want you to get the idea that this bill which is before the House is for nine inches, because it is not. There is no such law like it anywhere in the country excepting in Massachusetts, as far as I know. These smacks from Massachusetts come down here and buy lobsters and sell them in Boston, and they take anything over nine inches. Now, they propose to change that nine inch limit to ten inches, and that gives them an opportunity to come down here and take these lobsters below the ten inch limit.

I think the proper thing to do would be to give the present law a fair period of enforcement. I know that the fishermen along our coast do not want this bill; I don't know whether the dealers know whether they want it or not; they came to us first asking for a nine inch law, and then they appeared for the new draft asking for a change in the law, which came up recently in this House, and then the committee reported back and reported another measure; and here they came again yesterday with an amendment making still another change. I don't think they know what they want, but I know the people want the present law.

There are 3,000 fishermen along our coast, and I think we should listen to them. When the vote is taken on this matter, I ask that it be taken by a division of the House.

Mr. GOLDTHWAIT of Biddeford: Mr. Speaker, it seems to me unnecessary at this time to say very much about this matter. It is not true that this bill and the proposed amendment is a dealer's bill or amendment. This matter has been fully considered by the committee who have had the best opportunity to take all the evidence upon the matter, and I submit that it is fair and right and correct and that every member of the committee will so state that they considered, first, the fishermen's interest in advocating and asking for the passage of this bill and amendment. Whatever is for the best interest of the fishermen is for the best interest of all. This is an old question and it is admitted by both sides that the industry is going down very rapidly, and it is absolutely necessary that we must have a measure of this kind, and therefore I hope the measure will receive your careful consideration.

Mr. SMALL of Mt. Desert: Mr. Speaker, we have been all this session listening to lobster arguments, and some of us have taken up with the fishermen. To this proposed nine inch law there was a universal remonstrance all along the coast from Penobscot Bay to Eastport. West of Penobscot Bay the remonstrance was not so universal. I think the feeling of the fishermen has been that the present law was what they would rather have and that they do not object very strenuously to this amendment which is a compromise measure agreed on by both sides; and as I understand it, the committee wishes to stand by the amendment, and I hope the amendment will be adopted, and I think I represent as many fishermen as any member of this House.

Mr. ST. CLAIR of Calais: Mr. Speaker, I would be delighted if I could find out just what the fishermen want. There are a great many lobster fishermen in my county and I would like to vote for their interests.

There is one good reason for standing by the old law. My colleague here from Portland, Mr. Roberts, tells me that he was talking with his grandfather at one time and that he was told that this lobster agitation commenced in 1827. That is 88 years ago, and I will venture to say that almost all of the time since then, in every Legislature from 1827 down to the present time, there have been controversies and arguments over this lobster question. The only people who have benefited by this controversy, as far as I am able to judge, have been the lawyers who have appeared for one side or the other before the committees. Now, Mr. Speaker, I claim that if we allow this present law to prevail in a few years there won't be a lobster left along the coast of Maine, and the lobster will have become extinct, and in that manner we will get rid of the whole thing and the only place where we will be able to find a reference to lobsters will be what we may read in books of natural history and in the exhibits in a museum.

It seems to me the only thing for the State of Maine to do is to appoint a commission which will be thoroughly competent to consider this matter in all its phases, a commission which will know something about the habits of the lobster, because if the State of Maine had started out fifty years ago with a determination to exterminate the lobsters along the coast of Maine they could not have achieved it any better than by enacting the laws which they have enacted.

Mr. HIGGINS of Brewer: Mr. Speaker, in view of what has been stated by the gentleman from Biddeford, Mr. Goldthwait, that this bill or amendment is the result of a compromise by both parties it seems to me that there is nothing for this House to do but accept the report of the committee. The members of this committee are all able men, and men who thoroughly understand this business, much better than the rest of us.

Mr. HOLT of Gouldsboro: Mr. Speaker, this law is not satisfactory to everybody, and it will be impossible

for us to do anything here which will be satisfactory to everybody. I represent a large number of fishermen, and I came here with the intention of not taking any great part in the discussion of the question of the lobster industry, but it has been shown that the lobster industry is going back, and we got together and formulated an amendment which was near as we could come to what we thought would be good legislation, something that would preserve the large lobsters, which are the egg-bearing lobsters; and I know that among my constituents when I get home the fishermen will not be pleased with this law for that reason, and I am in favor of the amendment.

Mr. MAXWELL of Boothbay Harbor: Mr. Speaker, I think I represent as many fishermen as any member in this House, and I am told they are all satisfied with the law just as it is; whether it conserves the best interests of the State is another question.

Mr. THOMBS of Lincoln: Mr. Speaker, it seems to me that we should bear in mind that it is impossible here for us to reconcile all the differences that exist between the fishermen along the whole coast of Maine. Now, if that is a fact (and it seems to me to be very apparent) it seems to me that our plain duty here this morning is to stand behind this committee which has had an opportunity to investigate this matter, and who have some knowledge of the conditions that exist there. It seems to me that that is the safest thing for this House to do under these circumstances.

Mr. WASGATT of Deer Isle: Mr. Speaker, coming from a lobster fishing district I would like to say just a word. It has always been said that the lobster laws enacted by the State of Maine have been among the worst laws ever enacted on any subject in the world. As far as my knowledge of the subject goes, this is the first sensible law that had in it any merit for preserving the business that was ever proposed here; and although I was instructed by my constituents to vote

against any change in the law, I will believe that it is my duty to vote for what I believe to be in the best interest of the State and in the interest of the lobster industry rather than for their benefit, and I therefore favor this law as it has been settled by the committee.

Mr. PIERCE of Houlton: Mr. Speaker, it seems to me that the people coming from the localities along the coast have a better idea in regard to this matter and its merits and that we should take the recommendation of those people. This is a big and important industry in the State of Maine. The committee on sea and shore fisheries has no doubt given this matter careful consideration and they have brought in this amendment with practically a unanimous recommendation, not as a perfect measure but as the best that can be done under the circumstances, and I think the judgment of the committee is the best guide for us here in this House.

The question being on the motion to adopt House Amendment A, and a division being had, the motion prevailed by a vote of 87 to 12.

Mr. LEWIS: Mr. Speaker, I now move in behalf of the fisherman on the coast of Maine, that this whole matter be indefinitely postponed, and upon that motion I call for yeas and nays.

Mr. HIGGINS of Brewer: Mr. Speaker, I would ask the gentleman from North Haven, Mr. Lewis, if it is absolutely necessary that the yeas and nays be called and if his purpose would not be served by a division of the House

Mr. LEWIS: Mr. Speaker, I would like to have the yeas and nays.

The yeas and nays were ordered.

The SPEAKER: The question before the House is on the motion by the gentleman from North Haven, Mr. Lewis, that this bill, as amended be indefinite-

ly postponed. Upon that question the yeas and nays have been ordered. All those in favor of the motion, when their names are called, will answer yes; all those opposed will answer no. The clerk will call the roll.

YEA—Allen, Bernier, Blake of New Gloucester, Bonney, Bourque, Bussey, Clifford, Currier, Daigle, Douglass, Evans, Ford, Fossett, Gilmour, Greenleaf, Lewis, Maxwell, McCarrison, Millett, Morse, Peabbles, Ricker, St. Clair of Rockland, Snow, Tabbutt, Tate, Thibodeau of Fort Kent, Wasgatt, Washburn, Watts, Webb, Wescott—32.

NAY—Albert, Averill, Ballard, Beal, Benn, Besse, Blake of Oakland, Bradbury, Brann, Brawn, Brown of Auburn, Brown of New Sharon, Campbell, Chaplin, Chamberlin, Clement, Cobb, Coffin, Colcord, Connors, Danforth, Descoteaux, Drapeau, Drummond, Durgain, Edwards, Fay, Gallagher, Gerrish, Goldthwait, Gooding, Goodwin, Grant, Greateon, Greeley, Greenlaw, Hanson of Saco, Hanson of Sanford, Haskell, Higgins, Holt of Gouldsboro, Holt of Skowhegan, Jameson, Littlefield, Lombard, Lord, McCurdy, McIntire, McKinley, Michaud, Morrison, Mulligan, Neilon, Newell, Nicholas, Noyes, O'Connell, Perham, Perkins, Peterson, Pierce of Farmington, Pierce of Houlton, Plummer, Pollard, Ranney, Roberts, Russell of Alfred, St. Clair of Calais, Sanborn, Small, Smith, Thombs, Tobey, Trafton, Turner, Tuttle, Varney, Ward, Waterhouse, Welch, Wilson, Wise, Wyman—33.

ABSENT—Ames, Bragdon, Carson, Chadbourne, Connellan, Corliss, Davis, Dilling, Dutton, Ellis, Erskine, Gould, Haraden, Harper, Hart, Hill, Hobbs, Hodgkins, Jordan, Lawrence, Leader, Libby, Mansir, McCarty, McNally, Meader, Mitchell, Mullin, Picher, Robinson, Russell of Lewiston, Ryder, Towle, Wheeler, Wilkins, Woodman—36.

The SPEAKER: Thirty-two having voted in the affirmative and 33 in the negative, the motion to indefinitely postpone is lost.

On motion by Mr. Goldthwait of Biddeford the bill received its third reading as amended and was passed to be engrossed.

On motion by Mr. Higgins of Brewer, Adjourned until tomorrow morning at 9 o'clock.