

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

AUGUSTA
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HOUSE

Thursday, February 27, 1919.

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

Prayer by the Rev. Mr. Phalen of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: An Act to amend Section 15 of Chapter 12 of the Revised Statutes, relating to indexes in the registries of deeds.

On motion by Mr. Cowan of Winterport the bill was tabled and especially assigned for tomorrow.

From the Senate: Resolve in favor of Esther M. Giles.

This was by the House referred to the committee on military affairs. By the Senate it has been indefinitely postponed in non-concurrence.

On motion by Mr. Perkins of Boothbay Harbor, by a viva voce vote the House voted to insist upon its former action, and asked for a committee of conference to be appointed by the Chair.

The SPEAKER: The Chair will announce the committee later.

From the Senate: The House order which was passed February 21st, as follows: Ordered, the Senate concurring, that hereafter all bills and resolves shall be printed pending reference to committee, and when the same are advertised for hearing, the advertisement shall give the number of the bill and state whether it is a Senate or House document, comes from the Senate indefinitely postponed in non-concurrence.

On motion by Mr. Barnes of Houlton, by a viva voce vote the House voted to recede and concur with the Senate in the indefinite postponement of the order.

Senate Bills in First Reading

Senate 99: Resolve authorizing DeForest Keyes to bring a suit at

law or in equity against the State of Maine.

Senate 100: An Act to amend Section 26 of Chapter 70 of the Revised Statutes, relating to the time of payment of legacies. (On motion by Mr. Rounds of Portland, tabled pending second reading.)

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

Agriculture

By Mr. Storm of Westmanland Plantation: Petition of John A. Perley and 17 others of the town of Woodland favoring the passage of a bill for the better protection against adulterated, misbranded or inferior commercial fertilizer.

Appropriations and Financial Affairs

By Mr. Sawyer of Fort Fairfield: Resolve in favor of Alfred D. Sawyer.

Education

By Mr. Burns of Eagle Lake: Remonstrance of Henry Dejardin and 24 others of New Canada against Senate Bill No. 61, relating to the duties of superintendent of public schools of the State of Maine, relative to the teaching of elementary subjects in English.

By the same gentleman: Remonstrance of Joe Nadeau and 29 others of Winterville against same.

By the same gentleman: Remonstrance of J. A. Michaud and 70 others of Eagle Lake against same.

By the same gentleman: Remonstrance of Joseph Laferrier and 35 others of Wallagrass against same.

Inland Fisheries and Game

By Mr. Perkins of Orono: Petition of M. F. Barton and 114 others of Bradley and vicinity asking for the passage of a law to permit fishing for salmon with drift nets three days in each week from the first day of April to the 15th day of July of each year, in the waters of the Penobscot river between Montague Dam, so-called, in the towns of Howland and Enfield and the dam at the head of the tide water in the cities of Bangor and Brewer.

By Mr. Barnes of Houlton: Petition of Harry M. Briggs and 38 other residents of Aroostook county in favor of resident hunters' registration law.

By Mr. Millett of Palmyra: Remonstrance of E. L. Cook and 22 others, of Pittsfield and vicinity, against removal of protection from foxes, skunks and raccoons.

By Mr. Maher of Augusta: An Act to amend Sections 6 and 7 of Chapter 219 of the Public Laws of 1917, relating to providing dams with fishways.

Military Affairs

By Mr. Berry of Waterville: Resolve for extra pay to the Maine Volunteers in the War with Spain.

Public Health

By Mr. Stanley of Dixfield: Petition of G. B. Gordon and 25 others from the town of Peru, in favor of the bill relative to the manufacture and sale of cigarettes.

By Mr. Bean of Minot: Petition of Rev. C. D. Nutter and 8 others, in favor of same.

By Mr. Macomber of Jay: Petition of L. S. Williams and 28 others of Jay, in favor of same.

By Mr. Bragdon of Perham: Petition of E. B. Turner and 34 others of Perham, in favor of same.

Orders

On motion by Mr. Barnes of Houlton, it was

Ordered, that on Wednesday of each week, under orders of the day, all matters placed on the table in the week preceding, and unassigned, shall be taken up without motion and disposed of in the order in which they were placed upon the table.

Reports of Committees

Mr. Small, from the committee on interior waters, reported ought not to pass on bill An Act to amend Chapter 130 of the Private and Special Laws of 1866, entitled An Act to incorporate the Sebec Dam Company, as amended by Section 6 of Chapter 26 of the Private and Special Laws of 1899, and further amended by Chapter 141 of the Private and Special Laws of 1903, and by Chapter

339 of the Private and Special Laws of 1905.

Mr. Barnes, from the committee on judiciary, reported same on bill An Act to provide for the registration of Legislative counsel and agents; as the subject matter is included in another bill reported by this committee.

Mr. Lanpher, from the committee on legal affairs, reported same on bill An Act to incorporate the Auburn chamber of commerce.

Mr. Hussey, from same committee, reported same on bill An Act to incorporate the Lisbon Center Cemetery Circle.

Mr. Hinckley, from the committee on legal affairs, on certain parts of the Governor's message, reported same having been disposed of by bill or otherwise, no further action is necessary.

Mr. Gray, from the committee on towns, on bill An Act to annex part of the town of Smyrna to the town of Merrill, reported that the same be referred to the next Legislature.

Reports were read and accepted and sent up for concurrence.

Majority report of the committee on judiciary, reporting ought not to pass on Resolve, proposing an amendment to Section 1 of Part 3rd of Article V of the Constitution, providing for the election of the secretary of State by the people.

(Signed) Messrs. BARNES,
DEARTH.
MURCHIE.
CONARY.
DEERING.
CHAPLIN.

Minority report of same committee on same subject matter, reporting ought to pass.

(Signed) Messrs. DAVIES.
BAXTER.
BUZZELL.
MAHER.

(On motion by Mr. Holley of North Anson, the two reports were tabled pending acceptance of either, and especially assigned for Thursday, March 6.)

Majority report of the committee

on judiciary, reporting ought not to pass on Resolve, proposing an amendment to the Constitution of the State of Maine providing for the election of the State treasurer by direct vote of the people.

(Signed) Messrs. BARNES,
DEARTH.
CHAPLIN.
MURCHIE.
CONARY.
DEERING.

Minority report of same committee on same subject matter, reporting ought to pass.

(Signed) Messrs. DAVIES.
BAXTER.
BUZZELL.
MAHER.

(On motion by Mr. Holley of North Anson, the two reports were tabled pending acceptance of either report, and specially assigned for Thursday, March 6.)

Majority report of the committee on judiciary, reporting ought not to pass on Resolve proposing an amendment to Section 11 of Article IX of the Constitution, and providing for the election of the attorney general by the people.

(Signed) Messrs. BARNES,
DEARTH.
MURCHIE.
CHAPLIN.
CONARY.
DEERING.

Minority report of same committee on same subject matter, reporting ought to pass.

(Signed) Messrs. DAVIES.
BAXTER.
BUZZELL.
MAHER.

(On motion by Mr. Holley of North Anson, the two reports were tabled pending acceptance of either, and specially assigned for Thursday, March 6.)

Majority report of the committee on sea and shore fisheries, reporting ought not to pass on bill An Act to repeal so much of the Revised Statutes and acts amendatory thereof as

relate to the granting of lobster licenses.

(Signed) Messrs. PEACOCK.
CLEMENT.
STACEY.
HOLT.
STEVENS.

Minority report of same committee on same subject matter, reporting ought to pass.

(Signed) Messrs. PERKINS.
WYMAN.
JORDAN.
FULLER.

(On motion by Mr. Perkins of Boothbay Harbor the two reports were tabled pending acceptance of either, and the matter was specially assigned for hearing Wednesday, March 5.)

Mr. Small, from the committee on interior waters, on Petition of John C. Campbell and 37 others, residents of Washington county, in favor of An Act to amend Section 32, Chapter 33, Revised Statutes, as amended, relating to the pollution of the waters of the State by sawdust and other mill waste, reporting that the same be referred to the committee on inland fisheries and game.

Same gentleman, from same committee, on bill An Act authorizing the Penobscot Development Company to construct and maintain booms and piers in the Aroostook river in the town of Ashland, reported that the same be referred to the committee on legal affairs.

Reports were read and accepted and sent up for concurrence.

Mr. Small from the committee on interior waters, on bill An Act to incorporate the Chase Stream Improvement Company, reported same in a new draft, under same title, and that it ought to pass.

Same gentleman from same committee on bill An Act to amend Chapter 358 of the Private and Special Laws of 1867, as amended by Chapter 466 of the Private and Special Laws of 1860, relative to tolls on logs, reported same in a new draft, under title of An Act to amend Chapter 358 of Private and Special Laws of 1867, entitled An Act to incorporate the Great Works Log Driving Company, as amended by Chap-

ter 466 of the Private and Special Laws of 1868, and that it ought to pass.

Same gentleman from same committee reported ought to pass on Resolve in aid of navigation on the Lower lakes.

Mr. Buzzell from the committee on judiciary reported same on bill An Act to amend Section 3 of Chapter 102 of the Public Laws of 1819, as amended by Section 1 of Chapter 152 of the Public Laws of 1823, relating to ministerial funds in the town of Bridgton.

Mr. Chaplin from same committee reported same on bill An Act to establish the Northern Cumberland municipal court.

(The rules were suspended and the bill given its two several readings.)

Mr. Murchie from same committee reported same on bill An Act to amend the charter of the city of Calais providing for biennial elections.

Same gentleman from same committee reported same on bill An Act to amend the charter of the city of Calais with reference to the Calais municipal court.

Mr. Garcelon from the committee on legal affairs reported same on bill An Act to amend Section 4 of Chapter 217 of the Acts and Resolves of 1917, relative to the carrying of dangerous weapons without a license.

Same gentleman from same committee reported same on bill An Act to amend Section 1 of Chapter 62 of the Revised Statutes, relating to the organization of corporations for literary, charitable, educational and other purposes.

Mr. Hinckley from same committee on bill An Act to legalize and confirm the incorporation and doings of the Woman's Christian Temperance Union, reported same in a new draft, under title of An Act to legalize and confirm the incorporation of the Woman's Christian Temperance Union, and that it ought to pass.

Mr. Mason from same committee on bill An Act to incorporate the Industry Water Company, reported same in a new draft, under same title, and that it ought to pass.

Reports were read and accepted and bills and resolves ordered printed under the joint rules.

First Reading of Printed Bills and Resolves

House 250: An Act to authorize the town of Southport to rebuild and maintain a bridge across Nelson's millpond, so called. (New draft.)

House 251: An Act additional to Chapter 136 of the Private and Special Laws of 1915, entitled An Act to incorporate the Northport Village Corporation.

House 252: An Act to amend Chapter 10 of the Revised Statutes to provide for actual notice of sale for taxes of land in places not incorporated. (New draft.)

House 255: An Act to provide for physical education in the public schools.

House 256: An Act to amend Section 110 of Chapter 16 of the Revised Statutes as amended by Chapter 60 of the Public Laws of 1917 relating to teachers' associations.

House 257: An Act to amend Sections 53, 54 and 55 of Chapter 8 of the Revised Statutes requiring a permit for the burning of brush or slash near woodlands and providing for the better enforcement of the slash law. (New draft.)

(Tabled by Mr. Lanpher of Sebec pending second reading.)

House 240: Resolve making appropriation to assist, encourage and develop the poultry industry in Maine.

House 241: Resolve appropriating money for the protection of plants, trees and shrubs from the ravages of dangerous insects and diseases.

House 242: Resolve making appropriation for New England Fruit Show to be held in the year 1919.

House 245: Resolve providing for aid in the payment of premiums awarded by the Eastern Maine State fair. (New draft.)

House 253: Resolve in aid of navigation on Lewy, Long and Big lakes.

House 254: Resolve providing teacher's pension for Adelia J. Webber.

Parsed to Be Engrossed

Senate 95: An Act to amend Sections 42 and 43 of Chapter 64 of the Revised Statutes, relating to the publication of ancient vital statistics.

Senate 96: Bill, An Act granting

compensation to the members of the Maine Library Commission.

Senate 93: Resolve for the appointment of a committee for the purpose of celebrating the glorious victory for the national prohibition amendment.

House 74: An Act to protect lobsterers within three miles of Matinicus and Criehaven plantations.

(Tabled by Mr. Perkins of Boothbay Harbor pending third reading.)

House 191: An Act relating to the marriage of persons having syphilis.

House 229: An Act to amend Chapter 424 of the Private and Special Laws of 1907, as amended by Chapter 48 of the Private and Special Laws of 1917, changing the time of the annual meeting of Kittery Water District.

House 232: An Act to extend the charter of the Boothbay Harbor Water District.

House 235: An Act relating to Martin's Point bridge, so-called, in the county of Cumberland.

House 238: An Act to amend Sections 1, 10, 11 and 24 of Chapter 46 of the Revised Statutes, all relating to the survey and sale of wood, bark, coal, hoops, staves and lumber.

House 239: An Act to provide for co-operative agricultural extension work between the several counties of Maine and the University of Maine College of Agriculture, in accordance with the Federal agricultural extension act of May 8th, 1914, entitled An Act to provide for co-operative agricultural extension work between the Agricultural Colleges and the United States Department of Agriculture.

House 230: Resolve for further maintenance of the State forest nursery.

House 231: Resolve making an appropriation for the Maine Seed Improvement Association.

House 234: Resolve appropriating money for continuance of white pine blister rust control.

House 236: Resolve providing for the completion of the book of plans of Waldo county, and appropriating money therefor.

Orders of the Day

The SPEAKER: This brings us to orders of the day, and the first matter which is tabled and assigned is House Document No. 216.

Order, that five questions concerning water powers be submitted to the justices of the supreme judicial court.

On motion by Mr. Barnes of Houlton, it was voted to take from the table House Document 216.

The SPEAKER: What action does the House wish to take on this order?

Mr. BAXTER of Portland: Mr. Speaker, inasmuch as the gentleman from Houlton (Mr. Barnes) tabled this order, I should like to ask, though the Chair, if he wishes to make any motion in connection with it, as it naturally would be under his charge.

The SPEAKER: The gentleman from Houlton, Mr. Barnes, hears the question and can answer through the Chair.

Mr. BARNES of Houlton: Mr. Speaker, I do not wish to make any motion at this time relative to the questions.

Mr. BAXTER of Portland: Mr. Speaker and gentlemen of the House: I move that the order be given a passage and I should like to make a few remarks upon it before the motion is put before the House. This order has been upon the table here for several days and I am quite sure that the members of the House are now thoroughly familiar with its provisions. I was somewhat surprised day before yesterday to find that there was any opposition to the passage of this order, and I much regretted that the gentleman from Houlton (Mr. Barnes) should have displayed a little feeling in regard to it. The gentleman from Houlton (Mr. Barnes) and myself have often met in debate in this House and there is no man whose views I respect more than his, and there is no member of the House whom I would consult more gladly, and with greater confidence, than the gentleman

from Houlton. I much regret, however, that on the water power question we seem to be at opposite poles. During the session of 1917, and even to the present time, I think we have never once agreed when this question has been under discussion. Notwithstanding his attitude I respect him and I shall not allow the slightest trace of bitterness to affect my remarks or my feelings toward him, for there is one thing we must recognize as members of this House, and that is that we must always have fair play among opponents. I have often thought that perhaps the worst enemy of the gentleman from Houlton (Mr. Barnes) is his own bitter tongue, and believe that he must sometimes regret the caustic remarks he makes in this House.

Mr. BARNES of Houlton: Mr. Speaker, the gentleman from Houlton can take care of himself; but so long as this is a parliamentary body, under rules for one reason or another, the gentleman from Houlton will appeal to the Chair to enforce the rule, especially when a man who is breaking the rules is entirely cognizant of their proper wording and effect.

The SPEAKER: The Chair feels that the point is well taken and that the gentleman in his remarks should be very careful in matters of personality.

Mr. BAXTER of Portland: Mr. Speaker, I certainly meant no offense to the gentleman from Houlton (Mr. Barnes), and in all my remarks I intend to give my opponents credit for the same good intentions with which I hope they credit me. When this session is over I want to be able to look every member of this House in the face and have him say to me that I never once tried to win applause or momentary triumph by indulging at another's expense in sallies of wit or sarcasm.

Now I come down to the questions themselves which are contained in this order. An underground message, if I may use that phrase, has been conveyed to me that some of the gentlemen who represent the water

power interests in the lobby of this House have determined, Mr. Speaker, to make a test of strength on the passage of this order. I have seen evidences of their determination and I welcome the test. In view of this, although no motion was made by the gentleman from Houlton (Mr. Barnes), I feel that I should not take any chances and that it is my duty to present these questions to this House and to briefly explain their provisions. If this is to be a test of strength it is going to be on this clear cut issue: Shall the gentlemen, many of them personal friends of mine, who represent the water power corporations control the action of this House, or shall this House be the master of its own fate? I do not see how any member of this House, representing the public interest as he does, can honestly or sincerely oppose the passage of this order. Some of us who were here two years ago remember that the principal opposition to the various water power bills came from the Central Maine Power Company. That company led the opposition. The mantle of that company seems now to have fallen upon the shoulders of another company—a much larger and a much more powerful company. I refer to the Great Northern Paper Company. Should the gentlemen who represent this company win, we may rest assured that no progressive water power legislation will pass this Legislature at this session. Probably no vital amendments to the Workmen's Compensation law will be allowed to go through this House, and I doubt if progressive legislation of any kind will become law if the gentlemen who represent that portion of the lobby have their way at this session, this morning.

Now if the people win, and I use that phrase without any tinge of partisanship or of feeling, we surely shall pass some progressive measures before we finish this session, and I am sure that it is the earnest wish of the members of this House that when we get through we may point with some feeling of pride toward an honorable record at this session.

Sometimes these lobby gentlemen are given to a little boasting, and it is a matter of fact that the gentlemen to whom I have referred have, on several occasions since this Legislature met, made the boast that they held the destiny of this Legislature in the palms of their hands. As for myself I do not know what it is to be beaten when I am fighting a good cause, and if there ever was a good cause this water power question is one.

Now what is the test case which these gentlemen wish to make upon this order? I have prepared and submitted five questions under the provision of our State Constitution whereby we have the right to prepare and submit these questions to our supreme court. This is a fundamental right; it is a right which should only be exercised on solemn occasions. This right, in order that the members of the House may thoroughly understand it, is a right which rests solely in this House. We do not need any concurrent action of the other branch of the Legislature and consequently our action this morning is final. This privilege is not to be confused and distorted; it is not to be trifled with, and it is not to be used without real cause. The first and second questions proposed are somewhat similar one to the other. If the State of Maine is ever going to take any progressive constructive action in regard to its water power development it will probably begin by doing something at the source of all our water powers; that is, by perhaps reating great storage reservoirs up in the lake regions of our State, and I have asked a question of the supreme court which goes to the very foundation of this issue. I have asked the supreme court if the State of Maine may lawfully go into that development and construction work. The second question follows along naturally and logically,—if the State of Maine may go into the construction and development of water storage reservoirs, may the State of Maine thereafter impose a tax or some charge in the nature of a tax, upon all those people on the rivers below who thus derive benefits from the water stored above them in the lakes of Maine. It does not require great imagination to see what such action might be; to see

what benefits might accrue to the State if these two questions are answered in the affirmative. A business proposition would then face the State of Maine, and a comparatively simple one. The State could build great reservoirs up in the lake region, could then tax the people below a fair and reasonable tax so that the State would be assured, not only of a suitable income, but of a fund with which to charge off the original cost of the work. These lakes are the sources of all our water power wealth, and I have consistently maintained since I have been a member of this House that the rights of the people of Maine in these lakes are absolutely inalienable. All that I seek to accomplish by these questions is to let the people of Maine know just what their rights are and how far they may legally go. The third and the fourth questions vary somewhat from the first and the second. In many sections throughout the State of Maine the legislatures of past years have given away these valuable rights in the lakes and great ponds of the State; have given away these rights to private corporations without receiving any compensation therefor. I ask, therefore, of the supreme court if, in such cases, the right still remains to the State of Maine to tax those corporations a fair price for the benefits received by reason of their having been given these privileges in our great lakes. You can imagine the possibilities for good if the State of Maine was allowed to impose a reasonable burden upon this unfailing and perpetual source of wealth. A small tax would doubtless provide ample means for continuing our road work, for improving our hospitals and for doing the thousand and one things which are so sorely needed in this State of Maine.

The fifth question is quite a departure from the others and it varies considerably from them. Ninety-five years ago in 1824 there was a statute passed which reserved to the people of the State of Maine the best mill site in every township and 200 acres of land. That was 95 years ago. It is not my purpose to put a cloud upon any man's title. I do not, however, want a cloud upon the title of the State of Maine, if the State of Maine has any such

title, and I have searched, and others have searched, to see whether or not this old statute—this old reservation of 95 years ago—has been repealed or not. If the State still owns the best mill site in every township and 200 acres in such township, certainly this Legislature or the next Legislature should take some action to protect the State's rights in such a valuable privilege. I merely seek to ask the justices of our supreme court if they will render their decision upon that question and thus remove it once and for all from the arena of litigation and dispute.

We have been told time and again, gentlemen, that the State of Maine had no rights in the water powers in the State. The most recent evidence of such propoganda is that which has been sown broadcast all over the State of Maine during the last year and a half by the sixteen water power companies who combined for the purpose of instructing the people of Maine as to what rights they had or rather what rights they did not have. In my opinion these sixteen water power corporations have built a house of cards and when the time comes we shall see that the people of the State of Maine really have some rights in the water powers of this State. I believe that if we will put our minds on it, and will think it out carefully, and work it out, that before we get through we shall establish some definite rights which the citizens of this State have in this their great natural inheritance.

We Democrats and Republicans were sent here entrusted with a great deal of power for the two current years. I believe that we have not been entrusted with this power in vain. All we want to do is to define the rights of those that sent us here. As I look around this House I can feel what the answer to this question is going to be, and I have no doubt that when the vote is taken it will be strongly in favor of asking these five simple and direct questions of the supreme court of our State. No one knows what the paths of the future have for us; no one knows who will lead on in this fight in the years to come. We cannot foresee the pos-

sibilities that lie in these questions, but our only duty is to act upon them today, sincerely and conscientiously, and do what we honorably can to secure answers to them.

Mr. Speaker and gentlemen of the House, I have given a great deal of thought to these five questions. I have worked over them many weeks in a conscientious effort to frame these questions so that they would become the corner stones of a State policy. I was, however, not absolutely sure in my own mind that it was proper to ask these questions of our supreme court. I was desirous of consulting some gentleman of high legal learning and talents, a man with a broad outlook, and of great breadth of character. I went over in my mind the gentlemen in Maine who would answer that description and I submitted these questions some days ago, before I introduced them into this House, to one of the former Chief Justices of this State. I have received a letter from him in which our former Chief Justice tells me that in his opinion these questions are carefully and properly drawn, that they are clearly worded, that they treat of subjects of much importance to the people of Maine and that in his opinion the supreme court would treat them respectfully and would doubtless answer them. He closed his letter by saying that in his opinion the answers of the supreme court would doubtless be illuminating and of much value to the citizens of Maine. When our former Chief Justice, Mr. Speaker, wrote me in those words, I felt that it was perfectly proper, moreover that it was my duty to submit these questions to the supreme court of the State, and that is what I have done.

Mr. Speaker, when the vote is taken I move you that it be taken by yeas and nays. (Applause.)

Mr. COWAN of Winterport: Mr. Speaker, may I submit an inquiry through the Chair to the gentleman from Portland, Mr. Baxter?

The SPEAKER: You have that permission.

Mr. COWAN of Winterport: Mr. Speaker, I would ask the gentleman

from Portland (Mr. Baxter) if legislation is now pending involving these five questions?

The SPEAKER: Mr. Baxter of Portland may answer the inquiry as he sees fit.

Mr. BAXTER of Portland: Mr. Speaker, I will answer the question of the gentleman from Winterport (Mr. Cowan) in this way: The subject of water powers in the State of Maine is a tremendously broad subject. There are several important bills now pending before this House dealing with the water power question and into which these five questions would fit most naturally. This question suggested itself to the former chief justice of the State to whom I submitted the questions, and his reply was that in his opinion, in view of the general water power legislation now pending before this House, these questions would fulfill all the requirements of the circumstances.

Mr. COWAN of Winterport: Mr. Speaker, another question, and I ask for its answer. I would inquire if in the opinion of the gentleman from Portland (Mr. Baxter) the submission of these five questions in their present form to the justices of the supreme judicial court would materially assist in the speedy formation of a definite state policy to bring to pass a much more extensive development of water powers in the State of Maine than exists at the present time?

The SPEAKER: Does the gentleman from Portland (Mr. Baxter) wish to reply through the Chair?

Mr. BAXTER of Portland: Mr. Speaker, I will ask the gentleman from Winterport (Mr. Cowan) to repeat the question.

Mr. COWAN of Winterport: Mr. Speaker, would the settlement of these five questions in their present form, to the justices of the supreme judicial court materially assist in the speedy formation of a definite state policy to bring to pass a much more extensive development of water powers in the State of Maine than exists at the present time.

Mr. BAXTER of Portland: Mr. Speaker, the question is somewhat

involved and there seems to be one or two phases of it that may have been inserted for a purpose. Just what that is, I cannot understand. I believe that the submission of these questions will throw great light upon the general water power situation, and that when answered, the members of this Legislature will thereby be able to pass much wiser legislation than they would if they did not have the benefit of the answers of our supreme court.

Mr. COWAN of Winterport: Mr. Speaker, another question. Would such an opinion of the justices help to settle any existing question as to whether state or private ownership and development of the larger water powers is most desirable from the standpoint of the general public?

The SPEAKER: Does the gentleman from Portland (Mr. Baxter) wish to reply?

Mr. BAXTER of Portland: Mr. Speaker, would the gentleman from Winterport (Mr. Cowan) please read the question a second time?

Mr. COWAN of Winterport: Mr. Speaker, would such an opinion of the justices help to settle any existing question as to whether state or private ownership and development of the larger water powers is most desirable from the standpoint of the general public?

Mr. BAXTER of Portland: Mr. Speaker, that is not one of the questions proposed to the justices as I understand it. If the gentleman from Winterport (Mr. Cowan) has questions that are troubling his mind, he may well resort to the provisions of the Constitution and address his questions to the supreme court rather than to a humble member of the 79th Legislature. (Applause.)

Mr. COWAN of Winterport: Mr. Speaker, assuming that the questions do have that general tendency, and I feel sure that the gentleman from Portland (Mr. Baxter) would admit that was true, or that that was his intention in submitting the questions, I would ask him if I may, through the Chair, ask a further question. Is there any doubt in the

gentleman's mind that the interests of the general public will be best served by the speediest possible determination of our future State policy with respect to development of water powers and State or private ownership thereof?

The SPEAKER: Does the gentleman from Portland, Mr. Baxter, wish to make reply to this question? If this will hasten the solution of this matter we will take the time for this, otherwise it seems time not well spent. Does the gentleman care to make reply through the Chair?

Mr. BAXTER of Portland: Mr. Speaker, not wishing to delay or ask for its repetition without reason, I did not quite catch the gentleman's question.

The SPEAKER: Will the gentleman repeat his question?

Mr. COWAN of Winterport: Perhaps I can boil down the three remaining questions, Mr. Speaker, into one.

The SPEAKER: The Chair would suggest to the gentleman from Winterport (Mr. Cowan) that he boil it down. (Applause.)

Mr. COWAN of Winterport: Mr. Speaker, I think before I go any farther,—as my purpose may not be clear to the members and perhaps I am infringing on the good nature of the House and the gentleman from Portland (Mr. Baxter) by this quasi-examination,—I will submit Amendment A to House Document No. 216 at the present time.

The SPEAKER: The gentleman from Winterport, Mr. Cowan, presents Amendment A to House Document No. 216 which is as follows: "Amend the first paragraph of House Document No. 216, by striking out all of said paragraph after the word "ordered" in the first line thereof, and by substituting therefor the following: 'that the House members of the Committee on Reference of Bills be and hereby are instructed to appoint a special committee, on which they themselves may serve, if they so desire, consisting of eight members of the House who are lawyers,

who shall report their opinion to the House within one week from the time of their appointment, or, with the consent of the House, at a later time, after having made a careful investigation of the law pertaining to the following questions:'"

Mr. COWAN of Winterport: Mr. Speaker, I move the adoption of the amendment and I would like to address the House briefly on the subject before a vote is taken.

The SPEAKER: It is in order.

Mr. COWAN of Winterport: Mr. Speaker and gentlemen of the House, my individual opinion is that any existing uncertainty as to the future policy of the State of Maine with respect to the ownership and development of her water power resources should be settled as soon as possible, and if this Legislature can determine what the will of the State of Maine is with regard to this great question, and formulate, inaugurate and set in motion a definite policy by which we may know what to expect from the future in this regard, we shall have accomplished a great thing. I am very sure that there is no one here who would dispute that proposition. We have great water power resources here in the State of Maine both developed and undeveloped; as a matter of fact we have more developed water power here in this State than in any other State of the Union, there being six-tenths of a horse power per capita. The question of public ownership of these water powers has been agitated in the minds of the public for several years and the reason for this is partly because of the presentment before the people of conditions existing in the province of Ontario. I do not want to go into the question of comparison of conditions there and here, but I apprehend that the prime motive in the minds of people who wish public ownership of the water power resources is that they believe they can get cheaper rates thereby. Is not that reasonable? It is because they think they can get cheaper rates and better service. There is a gentleman in the State, one who sends out literature on this subject,

from the standpoint of State ownership, that we find on our desks mornings, who in a hearing on this question at one time was shown, or, if he would not admit he was shown, was told, that if his place of residence was situated in the province of Ontario in the same relative position as to the source of hydro-electric power as it is here at the present time in the State of Maine, his electric light bill for the year past would have been four dollars more than he actually paid, and he was asked what his idea was as to that. He said that he would rather pay the four dollars more and have the public own it. Now if the advocates of public ownership go on that theory, why I think—I say if part of the advocates of public ownership are following the theory there must be a divergence between these theorists and those who are guided by the dictates of common sense. Now I am willing to leave this question, personally,—I have nothing great involved in the matter—I am willing to leave it to the good sense of the people of Maine who have determined all our policies heretofore in developing our State from the primeval wilderness to the conditions which we now have. I am not one of those people who believe, gentlemen, that all our forests that used to cover all this territory were squandered away, thrown away. In looking over the history of our State, relative to this very question which is before us today, we continually run across references and historical matter that go to show that it was with great difficulty that portions of the State were settled and that every means was set forward by those who deliberated on the matter here in the State House as to how these wild lands and forest lands should be cleared up so as to be farming lands, and to give opportunity for the building of towns. And as to our water powers,—who, pray tell, would have ever developed them if it had been left to the State? When would the State have done it, gentlemen? Would it have done it yet? If private owners had not gone ahead, what kind of lighting would we have here if we had waited for the State to develop the water powers? I do not think that anyone will seriously contend that the

State has made a grave mistake in its policy heretofore,—in its general policy with respect to its water powers.

These five questions, to my mind, obviously have to do with this question of water power ownership. Now as to whether these are important questions of law and this is a solemn occasion that has already been covered pretty well. Judges are divided as to whether or not the interpretation of those words rest with the court or with the House or Senate proposing the questions, and I do not intend to go into that subject to any extent, but I want to tell you, gentlemen, that it is quite a burden that you are putting on the supreme court by asking them these questions. Every lawyer here, who practices in the supreme court, can bear me out when I say that these judges are overworked. They have all that they can do. The men who practice in superior courts notice a great change when they go into the supreme court to practice because of the great difference. Business in the superior courts is hurried so much. What of the views of the judges who have adopted and followed the theory that the court was obliged to answer all questions propounded by the House? We learn from what they have said that the opinions given under this Constitutional provision are not adjudications and are not within the principle of stare decisis. They are merely opinions in the way of advice, like those of counsel. The justices giving them are in no degree bound to adhere to them when the same questions arise again, should argument or further research and reflection change their prior views. If we submit these questions to the court, we would get some sort of answer, I think the justices would answer them. I think that the older members now of the supreme court have committed themselves to that theory in times past. I believe that they would answer; but when would we get the answer? If the occasion is a solemn one, if they would say that it is a solemn one and that they should answer, it would be a very solemn occasion to us if we had to wait here until we got that answer back. We would not hear from them until perhaps next winter be-

cause they would, very probably, take up this matter in its turn. I do not think, if there is any way to meet the wishes and requirements of the gentleman from Portland (Mr. Baxter) and those who think with him, that these questions ought to be submitted if there is any other way to handle the matter satisfactorily to this House. I ask you to take this matter into serious consideration at this time and see if, in your opinion, it is a fair proposition to put up to our over-worked justices at the present time. What is there, gentlemen, in these five questions that the average lawyer in this House could not find as good authority, on which to base an opinion, as could the justices? The justices do not have the arguments of counsel before them to assist them in the matter. They would go to the same sources that any of the legal gentlemen here would, to inform themselves on this proposition. Even those members of the court who have gone furthest in support of the theory that the courts are always bound to answer questions submitted like these, admit that they are not obliged to follow these opinions in the future if they arise in the course of litigation. It would make some work for lawyers who are put on such a committee; I realize that it would; but that is what they are sent here for. Now this question arises here in the House, gentlemen. If you think that among the 27 lawyers who are here with you in this session—if you think that the House members of the committee on reference of bills, including the gentleman from Portland (Mr. Baxter), are able to select eight men from these 27 who can give you a satisfactory opinion on these questions some time this session, I think you ought to do it. I do not see what there can be in opposition to this proposition unless it is because the feeling exists that these 27 men have not the required number among them who are able to dig these things out. There is not anything in this proposition which cannot be settled here as well as anywhere else, with access to the books which we have. Mr. Speaker, I hope that the amendment will be adopted and after that we can decide on the main question.

Mr. BOWIE of Falmouth: Mr. Speaker, I am surprised to hear an attorney at the bar override the Constitution of the State of Maine, in as eloquent an argument as that proposed by the honorable gentleman from Winterport, Mr. Cowan. The State of Maine has recognized its Constitution ever since its admission to the State. We have had utmost confidence in the wisdom of those men who drafted that Constitution. There are other questions involved in this order besides the question of development, or the advisability of development of water powers. There is involved in this order the question of taxation, and to my mind I have always considered questions of taxation among the most important questions that have ever confronted a Legislature; and, as a matter of fact, the question of taxation confronting this Legislature, and a question which at the hearing before the committee was earnestly and heatedly debated,—was a question of great importance. I believe that this question of taxation is of great importance, and I believe that the gentlemen of this Legislature have a right to decide that important question for themselves, under the Constitution. I admit with my brother that the judicial and the legislative branches of government are separate and independent; but I believe that the constitution performs a marriage ceremony, as it were, and unites them whenever this Legislature is confronted with problems of law which it is necessary for them to have an understanding of, and they must work unitedly, jointly and unanimously together for the best interests of the citizens of the State of Maine. Now what does the Constitution of our State provide in regard to taxation? The Constitution of our State provides that this Legislature shall never suspend in any manner or surrender its powers of taxation. This Legislature is given unbounded, supreme authority in regard to the questions of taxation only in so far as it is limited by the Constitution. Using the decisions of the justices of our supreme court for and against the possibility of receiving an opinion in regard to this one feature of the order, I believe that the justices of the supreme court could not refuse to render an opinion,

because in a refusal to render an opinion of law upon which this Legislative body is absolutely dependent to intelligently act in regard to taxation would, in itself, defeat the purpose of the Constitution and this Legislature, and would in itself tend to suspend the power of this Legislature to act intelligently upon one of the greatest problems that confronts the citizens of this State. I believe that inasmuch as this Legislature, or Legislatures of the past, have dealt with this great power given to us under the Constitution, and questions of public exigency and questions of reasonableness under our Constitution are granted to this Legislature, I believe that this Legislature, as a body, should have the right to decide this question upon the merits of this order itself, and I object to the amendment introduced by my brother from Winterport (Mr. Cowan), and hope that the order as originally introduced by the gentleman from Portland (Mr. Baxter) will have a passage.

Mr. BEAN of Minot: Mr. Speaker, I would like the privilege of asking the gentleman from Portland (Mr. Baxter) a question.

The SPEAKER: Is the gentleman from Portland (Mr. Baxter) willing to reply to the question?

Mr. BAXTER: I do not wish to seem to usurp the position of the Court, but I will do my best to answer the question.

Mr. BEAN: The question is this: If this matter were submitted to the justices of our supreme court, at what time would you hope to receive a decision?

Mr. BAXTER: Mr. Speaker, it would be only a matter of hope. I have no means of knowing how much deliberation the supreme court may find it necessary to give to these questions, but I will say this: I believe that the supreme court recognizes this Legislature as a coordinate branch of the government, that our supreme court will do everything in its power to honor this reasonable request made upon it by this Legislature, and that they will not consider it trifling, or in any way beneath their dignity, to take up these

questions and to render us their decision as promptly as may be.

The SPEAKER: Is the gentleman from Minot, Mr. Bean, satisfied with the answer?

Mr. BEAN: I suppose that the gentleman from Portland (Mr. Baxter) had thought of this matter more than the rest of us and that in all probability he had arrived at some conclusion when he might expect to get a decision.

The SPEAKER: The gentleman has answered the query, and the Chair recognizes the gentleman from Houlton, Mr. Barnes.

Mr. BARNES: Mr. Speaker, I rise to inquire, through the Chair, whether the representative from Portland, Mr. Baxter, will now read to us the letter from ex-Chief Justice Whitehouse, so that we may know clearly the exact standing of that eminent jurist?

Mr. BAXTER: Mr. Speaker, the gentleman from Houlton (Mr. Barnes) has made a most unusual request. I have not the letter written me by Honorable William P. Whitehouse, former Chief Justice of Maine, with me. I personally interviewed Judge Whitehouse, and asked him if I might refer to the fact that I submitted these questions to him, and if I might refer to his letter should it seem advisable for me to do so. Judge Whitehouse generously gave me permission to quote from his letter and to say that he thought that these questions were eminently proper ones to be submitted to the Court.

Mr. BARNES: Mr. Speaker, to explain my position, as an attorney daily practicing in the courts, I am accustomed to the rule that when written papers are suggested, the papers themselves are the best evidence, and instead of taking hearsay upon this, it occurred to me that the representative from Portland, if he were today as fair as he always takes occasion to say that he is, might now prefer to give us the wording of our ex-Chief Justice.

The SPEAKER: The question before the House is the motion of the gentleman, Mr. Cowan, that House Amendment A as read be adopted.

Mr. ROUNDS of Portland: Mr. Speaker, I am not a lawyer by profession, and do not pretend to be; but you go to one lawyer and he will tell you one thing, and you go to another lawyer and he will tell you another. You will get into a law suit the first thing you know. Now I am one of those fellows who do not know, and I think that the court is the place to settle it. Therefore, I should like to see the justices settle this question. We have been here eight weeks, or very near it, and we are going to be here some four weeks longer, although they said we were going to have a short session at the start off. Here we have ten lawyers on two important committees, and they are overworked with hearings day after day. A matter of this sort takes a good deal of research, and there is no lawyer—I do not care how smart he is—who in one week's time—and that is what I understand this calls for—who can report back on this amendment. Therefore, I hope that the amendment will fail of passage.

Mr. HINCKLEY of South Portland: Mr. Speaker, I have been fishing several times and thought I had a bite, but I did not. I never had a bite but that I knew it. I feel on this matter that this particular question is being confused, and possibly being confused for a purpose. I do not consider a vote on this matter, a vote on the water power question, and I want my vote, whichever way it is to be, so considered that I am not taking a stand one way or the other on the water power question. This is simply a vote whether or not we shall submit these questions to the supreme court of this State. The Constitution of our State provides that the Legislature may do this thing. It is true that the supreme court is not bound by the opinion it gives here and might render a future decision contrary to the opinion given. I know of no case where they have ever done that thing; but conditions might change and many other things might come up,—and—in fact they might discover that they were mistaken, in which event it would be very proper for them to change their opinion. Once in a great while

I have occasion to go into the supreme court myself, and I realize that the judges are overworked and working hard; but I never have had occasion to go into the supreme court when I did not find them perfectly ready and willing to take up any matter that was properly before them. If the supreme court of Maine is so overburdened at this time that they cannot perform this function which the Constitution of the State provides for, and cannot give sufficient time to advise this Legislature, then we had better immediately put in a bill to have more judges of the supreme court, because there is no more important matter, there is no more important function that they can perform than to advise the Legislature.

I think the gentleman from Portland (Mr. Rounds) very properly suggested that you go to one lawyer and you get advice one way, and you go to another and you get advice another way. That is true. I do not believe the people of this State will be satisfied, on a matter of such great importance as this appears to be, with the opinion of the lawyers in this Legislature, and it strikes me that it is a very proper matter to submit to the justices; and, if we intend to get an opinion during this session of the Legislature, as I have submitted now, it should be submitted immediately, not waiting a week and then possibly submitting it, because then there would be the chance of losing the value of it altogether.

This water power question is a question of great importance. It is a matter which is infinitely intricate. I do not understand it, and I am anxious to get all the information I can on it; and, as one of the lawyers of the House, with whatever learning I have got, I would be delighted to have the supreme court of the State of Maine tell me what they think about these questions. (Applause.)

Mr. GILMOUR of Westbrook: Mr. Speaker, I am not a lawyer. Now we have had the opinion of two or three lawyers here this morning who contradict one another, and I do not think we farmers and mechanics can

rely upon those lawyers to settle this question at all. (Laughter.) Now I do not see as it is going to do any harm to pass the questions to the supreme court and let them do the quarreling. Now I would move the question. We have all made up our minds, we know what we are going to do, and the most of you, excepting myself, I believe have got common sense and know something about the important question we are discussing. I wish that the main question was going to be put now and decided; but I do not see that it is going to do any harm if these questions are put to the court. Let them do the quarreling. We have not got to wait for them for a decision or anything else. We can go ahead and do business. We are just wasting time here today, as I consider it.

The SPEAKER: Is the House ready for the question?

Mr. BAXTER: Mr. Speaker, evidently the test is to be made upon this amendment, and when the question of the amendment is placed before the House, I move that the vote be taken by the yeas and nays.

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

The SPEAKER: The question before the House is the motion of the gentleman from Winterport, Mr. Cowan, that House Amendment A to House Bill 216, as read be adopted. All those who are in favor of the adoption of the amendment will say yes when their names are called and those opposed no. The clerk will call the roll.

YEA—Williams of Wells—1.

NAY—Adams, Alden, Allan of Portland, Allen of Sanford, Audibert, Austin of Milford, Austin of South Berwick, Barnes, Baxter, Bean, Berry, Bowie, Brackett, Bragdon, Brewster, Brown, Burns of Eagle Lake, Burns of Madison, Buzzell, Carey, Carleton, Case, Chamberlin of Lebanon, Chamberlain of Winslow, Chaplin, Chellis, Clason, Clifford, Cochrane, Colcord, Cole, Conary, Corliss, Cowan, Crabtree, Crane, Cunningham, Daigle, Dain, Davis of Freeport, Davis of Old Town, Dolloff, Doyle, Dunn, Dunning, Dutton, Eaton, Fagan, Farnsworth, Flint, Foss, Forbes, Fowles, Fuller, Garcelon, Gilmour, Gray, Granville, Greeley, Hammond, Hanson, Hatch, Hinckley, Holley, Houghton, Hussey, Jillson, Jones, Jordan of Cape Elizabeth, Jor-

dan of New Gloucester, Lanpher, Lausier, Leathers, Leonard, Love, Macomber, Maher, Marr, Mason, Mathews, McLeary, Miller, Millett, Mitchell, Morin, Mulligan, Murch, Murchie, Nelson, O'Connell, O'Leary, Orff, Overlock, Owen, Pattee, Peabody, Perkins of Boothbay Harbor, Perkins of Orono, Phillips, Pike, Plummer, Porter, Putnam, Reed, Ridlon, Ring, Roberts, Rounds, Rowe, Rowell, Sanborn, Savage, Sawyer, Simons, Small, Smith, Stacey, Stanley, Stevens, Storm, Sullivan, Swift, Thomas of Harpswell, Tilden, Varney of Jonesboro, Varney of Windham, Warren, Washburn, Weatherbee, Williams of Auburn, Wilson of Presque Isle, Wilson of Portland, Wyman—134.

ABSENT—Anderson, Arthur, Bradford, Braan, Casey, Cates, Coulombe, Furbish, Grinnell, Hisler, Langelier, Mace, Murray, Ricker, Sweatt, Thomas of South Portland—15.

One hundred and thirty-four having voted in the negative and one in the affirmative, the motion of the gentleman from Winterport, Mr. Cowan, was rejected.

The SPEAKER: That brings the House to the question of the passage of the order on which motion has already been made; and as I understood the gentleman from Portland, Mr. Baxter, he moved the yeas and nays.

Mr. BAXTER: Mr. Speaker, I withdraw my request for the yeas and nays.

A viva voce vote being taken, the order received passage.

The House voted to suspend the rules and receive out of order the following Senate order:

Ordered, the House concurring, that the bill An Act extending the charter of the Salibury Cove Water Company, House Document No. 153, now in the hands of the Governor, be recalled to the Legislature for the correction of an error.

The order received passage in concurrence.

The SPEAKER: The Chair will at this time appoint the committee of conference on bill An Act authorizing George F. L'Abbee of Eagle Lake Plantation to maintain a dam in Wallagrass river. The Chair appoints as that committee Messrs. Barnes of Houlton, Putnam of Danforth and Fagan of Portland.

Mr. ROWELL of South Thomaston:

Mr. Speaker, I would like permission of the House to introduce a resolve out of order in favor of the town of St. George for the payment of additional school funds for the year 1917. This is a just claim, recognized as such by the department of schools, which in order to furnish the amount due had this resolve drawn up. The department will render assistance before the committee if the same is permitted to come to a hearing. This amount, I am informed by the department and the superintendent, can only be paid by special resolve.

The SPEAKER: The House has heard the explanation of the gentleman from South Thomaston, Mr. Rowell. It is a matter of private and special legislation. What is the pleasure of the House as to the consideration of the resolve?

Mr. ROUNDS of Portland: Mr. Speaker, I suppose this would naturally go to the committee on claims, would it not?

The SPEAKER: It is the opinion of the Chair that it would go to the committee on education.

Mr. COLCORD of Searsport: Mr. Speaker, I have two or three resolves on my desk that came in a little late. If there is going to be an opportunity to offer such resolves, I would like the privilege of introducing a few myself.

The SPEAKER: The matter before the House at the present time is the resolve in question. What is the pleasure of the House to do with this resolve?

Mr. LAUSIER of Biddeford: Mr. Speaker, I move that the rules be suspended and that it be received.

Mr. BARNES of Houlton: Will the Speaker make plain to us the body of the resolve?

(The Chair then read the resolve and the statement of facts attached thereto.)

Mr. BARNES of Houlton: Mr. Speaker, I suppose a great many of us are in the position of the gentleman from Searsport (Mr. Colcord), and some of us are in a more embarrassing position than he. Probably all of us have resolves which we have been asked to introduce, and which have been sent to us to be introduced, which are private and special in their nature and which

came in after the 31st of January. As I say, some of us are in a more embarrassing position, having told other members of the House in good faith that it would be impracticable to introduce such resolves. Now there is an earnest desire on the part of a good many who know something about the work that is before the House to close the bars on these private and special matters, particularly if we intend to adjourn by the 29th of March, which would only be one week shorter than the longest session ever held. Personally, I wish we might oblige every member, but I shall have to vote against this motion.

Mr. LAUSIER of Biddeford: Mr. Speaker, this is my first session in this Legislature, and since I have come here I have asked myself the question whether or not we are here to do justice to our constituents, and whether certain rules that we have made are to be held to strictly, or whether we are to pass our time in discussing amendments which are to be voted down. A town that ought to be reimbursed for moneys should not be prevented from so doing by mere technicalities; it is not fair to the town of St. George. If the town has a just claim, let it receive its money as a matter of justice and honor to the State of Maine. Let us not rely on technicalities and say that the day has closed and gone by. I have no interest in St. George—simply the general principle.

Mr. HOLLEY of North Anson: Mr. Speaker, the danger is that if we open this thing up we are going to be literally flooded. Personally, I agree with Mr. Lausier, that if we owe anything, we should pay it; and, of course, this claim will be paid eventually. It is only a matter of waiting, only a matter of interest. It is not a matter of being cheated out of it. They will get their money eventually if it belongs to them; but if we open up the gates, we shall have a flood. I happen to have in the bottom of my grip, which I found yesterday—

A MEMBER: Oh! (Laughter.)

Mr. HOLLEY: I have a resolve which was given me the very first week of this session by one of my

constituents, which I lost and did not find until yesterday. If this thing is going to be opened up, I propose to get this in. I hope it will not be opened. I think it is dangerous. (Laughter and applause.)

Mr. ALLEN of Sanford: Mr. Speaker, I move that the gentleman bring the grip up and open it. (Laughter.)

The SPEAKER: The House will come to order. The motion before the House is the motion of the gentleman from Biddeford, Mr. Lausier, that the rules be suspended and that we receive this resolve out of order.

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

Mr. PERKINS of Boothbay Harbor: Mr. Speaker, I wish to move the reconsideration of a vote we took a day or two since whereby we passed to be enacted House Document No. 145, An Act to amend Chapter 372 of the Laws of 1905, entitled An Act for the protection of clams in parts of the county of Sagadahoc. My purpose in doing this is that there is a section there which does not belong in the act, that is, Section 3, which says: "This act shall take effect when approved." That section has become obsolete in our practice, and I move the reconsideration of the vote whereby the bill was passed to be enacted.

The motion prevailed, and on further motion by the same gentleman, the vote was reconsidered whereby the bill was passed to be engrossed.

Mr. PERKINS: I now offer House Amendment A to strike out Section 3, as follows:

House Amendment A to House Document 145.

House Document No. 145 is hereby amended by striking out Section 3 of said act.

By a viva voce vote the House adopted the amendment and the bill was passed to be engrossed as amended by House Amendment A, and sent up for concurrence.

On motion by Mr. Rounds of Portland it was voted to take from the table Senate Bill 100, tabled this morning.

Mr. ROUNDS: Mr. Speaker, I understand this is not the same bill that we have had passed around, and that some changes have been made in it. If I am correct, I want to see the thing go along. In the last part it says "After the expiration of said 20 months and after such payment; nor shall the executor or administrator with the will annexed be responsible for the payments of said legacies on account of such claims, unless he has failed to give notice of his appointment as required by law and the judge of probate." I understand it has been stricken out, so that if a man has made a will and it goes along so that he does not give his property right away, then they shall have a legacy. If that is so, I wish to let it go along. If not so, I would like to have a chance to amend it. I have been told that that has been stricken out.

The SPEAKER: The Chair is unable to state.

Mr. ROUNDS: I would like to retable it then.

Mr. BARNES of Houlton: Mr. Speaker, the bill is only about four lines long, and the new draft might be read. I think Mr. Rounds has the correct understanding of it.

The SPEAKER: Does the gentleman from Portland (Mr. Rounds) wish me to read the bill?

Mr. ROUNDS: I would like to know if we are acting on the old bill or the new draft.

Mr. SPEAKER: The Chair will state that it is the new draft.

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

On motion by Mr. Barnes of Houlton, it was voted to take from the table House Document No. 206, Resolve for the purpose of operating the fish hatcheries and feeding stations for fish; and the same gentleman submitted House Amendment A as follows, and moved its adoption:

Amend House Document 206 by inserting after the word "hundred" in the first line thereof, the words "and twenty-five", and by inserting after the word "hundred" in the third line thereof, the words "and twenty-five."

The amendment was adopted, and on further motion by the same gentleman, the bill received its second reading as amended, and was passed to be engrossed as amended by House Amendment A, and sent up for concurrence.

On motion by Mr. Barnes of Houlton, it was voted to take from the table House Document 214, an Act relating to the disposition of money collected under the provisions of the inland fish and game laws; and the same gentleman submitted House Amendment A as follows, and moved its adoption:

Amend House Document 214 by inserting after the word "costs" in the third line of the second paragraph thereof, the words "in excess of fifty thousand dollars, together with all fees collected under the provisions of Chapter 66 of the Public Laws of 1917."

On motion by Mr. Clason of Lisbon, the amendment was tabled pending its adoption.

On motion by Mr. Perkins of Orono,

Adjourned until tomorrow morning at 10 o'clock.