

# MAINE STATE LEGISLATURE

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# LEGISLATIVE RECORD

OF THE

## Seventy-Ninth Legislature

OF THE

## STATE OF MAINE

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1919

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## HOUSE

Thursday, March 6, 1919.

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

Prayer by the Rev. Mr. Irving of Randolph.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill an act amendatory of and additional to Chapter 197 of the Public Laws of 1917, relating to the State Department of Health.

This was passed to be engrossed by the House on February 25. By the Senate the bill and accompanying papers were re-committed to the committee on public health in non-concurrence with the action of the House.

Mr. WILLIAMS of Auburn: Mr. Speaker, I move that we insist on our former action in the engrossing of the bill.

Mr. COLCORD of Searsport: Mr. Speaker, there were three or four of these bills, and the committee on public health wish them brought back into the committee in order to regulate some inequalities; and I move that we recede and concur with the Senate in the re-commitment of the bill.

The SPEAKER: The motion to concur takes precedence over the motion to insist. All those who are in favor of the motion of the gentleman from Searsport, Mr. Colcord, that the House recede and concur with the Senate in re-commitment to the committee on public health will say aye, and those opposed no.

The motion was agreed to.

From the Senate: An Act amending Chapter 301 of the Public Laws of 1917, entitled an Act additional to Chapter 19 of the Revised Statutes, relating to care and treatment of certain infectious diseases.

This was passed to be engrossed by the House on February 21, and by the Senate it was re-committed to the committee on public health in non-concurrence.

On motion by Mr. Colcord of Searsport, it was voted that the House recede and concur with the Senate in the re-commitment of the bill to the committee on public health.

### Joint Resolution

From the Senate:

Whereas the great World War which has just been fought to a victorious conclusion by America and her Allies has demonstrated to the people of all nations that it is necessary for Civilization to prevent war or perish, and

Whereas for this purpose it is essential that there should be created some common force by a general association of nations which shall safeguard right as the first and most fundamental interest of all peoples and governments, and which shall afford mutual guaranties of political independence, territorial integrity and permanent peace:

Therefore Be it Resolved by the People of the State of Maine that in order that the fruits of our victory may not be wasted, and that the awful sacrifices of this great war shall not have been made in vain, there should be a League of Nations, composed of all the free nations of the world possessing responsible governments; which shall provide appropriate machinery for the just and peaceable settlement of international controversies; which shall unite the potential force of all against any nation that attempts to substitute might for right, or settle its disputes by resort to arms, and which shall aim to promote liberty and the orderly development of civilization.

Resolved further that a copy of this resolution be transmitted to our Senators and Representatives in Congress.

This comes from the Senate referred to the committee on judiciary. In the House so referred in concurrence.

From the Senate: Report of the

committee on judiciary, ought not to pass, on bill an Act to simplify the revision of city charters.

This was accepted by the House on February 28. It comes back from the Senate, that body non-concurring in the acceptance of the report and re-committing the bill to the committee on judiciary.

On motion by Mr. Rounds of Portland, the House voted to recede and concur with the Senate in the re-commitment of this matter to the committee on judiciary.

From the Senate: Bill an Act to supplement Chapter 29 of the Revised Statutes and to provide for the care of persons requiring full support, or more than temporary relief. Two reports from the Senate, one ought not to pass, signed Conary, Buzzell, Davies, Chaplin, Barnes, Murchie, Maher; the minority report on the same bill that it ought to pass, signed, Deering, Dearth, Baxter.

This comes from the Senate re-committed to the committee on judiciary; and by a viva voce vote the House voted to so re-commit in concurrence.

From the Senate: Bill an Act to amend Section 36 of Chapter 36 of the Revised Statutes, relating to hearings in violation of the apple packing law.

This was passed to be enacted in the House on February 25, and comes from the Senate indefinitely postponed in non-concurrence with the action of the House.

On motion by Mr. Allan of Portland, the House voted to recede and concur with the Senate in the indefinite postponement of this bill.

#### Senate Bills in First Reading

Senate 134: An Act to authorize the commissioner of agriculture to group the various bureaus and lines of work in the department of agriculture into divisions.

Senate 139: An Act to amend Section 57 of Chapter 33 of the Revised Statutes, as amended by Chapter 219

of the Public Laws of 1917, relating to the protection of wild birds.

Senate 142: An Act to authorize the appointment of the Deering High School Commission in the city of Portland, Maine.

Mr. ROUNDS of Portland: Mr. Speaker, I would like to offer amendment A, as there is an error in the eleventh line, as follows; and move its adoption:

Amendment A to Senate Document 142, entitled an Act to authorize the appointment of the Deering High School Commission in the city of Portland, Maine.

Section one in said act is hereby amended by striking out the word "or" in the eleventh line thereof.

The amendment was adopted.

On motion by Mr. Wilson of Portland the bill was tabled pending its second reading.

Senate 143: An Act to amend Chapter 195 of the Public Laws of 1917 creating the Board of Prison Commissioners.

Senate 144: An Act to amend Section 10 of Chapter 137 of the Revised Statutes, as amended by Chapter 203 of the Public Laws of 1917; also to amend Section 19 of said Chapter 137, relating to the appointment of probation officers. (Tabled by Mr. Allan of Portland, pending commitment to committee on bills in third reading.)

Senate 145: An Act to incorporate the Island Falls Water District.

Senate 146: An Act to amend Section one of Chapter 145 of the Public Laws of Maine for the year A. D. 1917. (Tabled by Mr. Barnes of Houlton for the purpose of correcting error in title.)

Senate 136: Resolve in favor of Morrison Libby.

Senate 138: Resolve in favor of Harry S. Coombs for preparing sketches and estimates and attendance before legislative hearings, making changes in said sketches and other expenses for the Board of Trustees for the Maine State School for Girls.

Senate 121: Resolve in favor of the University of Maine for maintenance.

Senate 141: Resolve in favor of the National Conference of Commissioners on uniform State laws and of the commissioners from Maine for the promotion of uniformity of legislation in the United States.

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

#### **Appropriations and Financial Affairs**

By Mr. Rowe of Yarmouth: Resolve to reimburse committee on insane hospitals for expenses to Bangor.

#### **Banks and Banking**

By Mr. Crane of Whiting: An Act to amend paragraph one of Section 7 of Chapter 19 of the Public Laws of 1917, concerning industrial banks.

By Mr. Allan of Portland: An Act to amend Sections 60 and 61 of Chapter 9 of the Revised Statutes, relating to taxation of savings banks. (500 copies ordered printed.)

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

By Mr. Leathers of Hermon: Remonstrance of A. H. Andrews and 89 others of Hermon against resident hunters' registration law.

By Mr. Crabtree of Island Falls: Petition of F. L. Mooney and 32 others of Island Falls in favor of resident hunters registration law.

#### **Judiciary**

By Mr. Baxter of Portland: An Act prohibiting weighers of coal, hay, straw, junk and other articles and measurers of wood, bark or charcoal from giving certificates of weight or measure until they have qualified for the faithful performance of the duties of their offices.

#### **Legal Affairs**

By Mr. Dutton of Bingham: An Act to repeal Chapter 6 of the Revised Statutes, relating to nominations by primary elections. (500 copies ordered printed.)

#### **Sea and Shore Fisheries**

By Mr. Hatch of Stonington: Petition of John R. Barter and 24 others of Isle au Haut for the repeal of the lobster license law.

By the same gentleman: Petition

of James E. Morey and 43 others of Stonington in favor of the same.

By the same gentleman: Petition of Edwin A. Knowlton and 41 others of Stonington in favor of same.

#### **State Lands and Forest Preservation**

By Mr. Murchie of Calais: An Act additional to Chapter 8 of the Revised Statutes, relating to the burning of brush.

#### **Orders**

On motion by Mr. Allan of Portland, it was

Ordered, that the use of the hall of the House of Representatives be granted to the Portland Delegation Wednesday evening, March 19, 1919, for a public entertainment.

#### **Reports of Committees**

Mr. Flint, from the committee on inland fisheries and game, reported ought not to pass on bill, An Act to amend Chapter 215 of the Public Laws of 1917, relating to payment of bounties on bears killed in the Maine forestry district.

Mr. Weatherbee, from the committee on legal affairs, reported same on bill, An Act to authorize the town of Standish to tax the water pipes, gate-house and other fixtures of the Portland Water District.

Mr. Flint, from the committee on inland fisheries and game, on remonstrance of L. B. Johnson and 63 others against passage of An Act to amend Section 49, Chapter 33, Revised Statutes, relating to a closed season on rabbits, reported that the same be placed on file as the subject matter has already been acted upon.

Same gentleman, from same committee, on bill An Act to amend Section 51 of Chapter 33 of the Revised Statutes, relating to traps for fur-bearing animals, reported that the same be placed on file as the subject matter has been incorporated in another bill.

Reports were read and accepted and sent up for concurrence.

Mr. Berry from the committee on military affairs, reported ought to pass on resolve for extra pay to the Maine volunteers in the war with Spain;

Same gentleman from same committee on the following resolves:

Resolve to reimburse the city of Ban-

gor for money paid to soldiers' dependents.

Resolve to reimburse the city of Auburn for money paid to soldiers' and sailors' dependents;

Resolve to reimburse the city of Biddeford for money paid to soldiers' and sailors' dependents.

Resolve to reimburse the city of Calais for money paid to soldiers' and sailors' dependents.

Resolve to reimburse the city of Calais for money paid to soldiers' and sailors' dependents;

Resolve to reimburse the city of Lewiston for money paid for the support of families of soldiers, sailors and marines for period ending December 31st, 1917;

Resolve to reimburse the city of Kockland for money expended for aid to dependents of soldiers, sailors and marines;

Resolve in favor of the city of Westbrook;

Resolve in favor of the city of Westbrook, for money paid to dependents, 1917;

Resolve in favor of the city of Westbrook, for money paid to dependents, 1918;

Resolve to reimburse the town of Rumford for money paid to the dependents of soldiers and sailors;

Reporting same in a new draft, under title of "Resolve to reimburse certain cities and towns for money expended for the support of dependent families of members of the National Guard," and that it ought to pass;

Mr. Stanley from the committee on pensions, reported ought to pass on Resolve in favor of Rachel Stanley;

Same gentleman, from same committee, reported same on Resolve in favor of Mary S. Hillman;

Mr. Allan from the committee on Public Utilities, on bill, "An Act to incorporate the Skowhegan Water District," reported same in a new draft, under same title, and that it ought to pass;

Mr. Cowan, from same committee on bill, An Act to amend Section 67 of Chapter 56 of the Revised Statutes of 1916, relating to crossings, reported same in a new draft, under same title, and that it ought to pass;

Mr. Ridlon from same committee on bill, "An Act to extend the charter of

the Livermore & Augusta Railway Company," reported same in a new draft, under same title, and that it ought to pass;

Mr. Roberts from same committee, reported ought to pass on bill, "An Act relative to the appointment of examiners to perform certain duties for the Public Utilities Commission";

(The rules were suspended and the bill given its first two readings at this time).

Mr. Clason from the committee on ways and bridges, reported same on bill "An Act relating to Martin's Point bridge";

(On motion by Mr. Allan of Portland tabled pending acceptance of report).

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

#### First Readings of Printed Bills and Resolves

House 321: An Act to enlarge the purposes and powers of the Utterback-Gleason Co., Inc. of Bangor, Maine; (new draft);

House 323: An Act to amend Section 21, Chapter 83, Revised Statutes, as amended by Chapter 56 of the Public Laws of 1917, relative to temporary loans by county commissioners;

House 322: Resolve authorizing Michael Burns to bring a suit at law against the State of Maine; (new draft.)

House 324: Resolve in favor of the trustees of Hartland Academy for State aid for agricultural instruction for the years 1917-1918;

House 330: Resolve, relating to the erection of a free highway bridge across and over the Piscataqua river from some point in Kittery, York county, in the State of Maine, to some point in Portsmouth, Rockingham county, in the state of New Hampshire. (New draft).

(On motion of Mr. Mitchell of Kittery the rules were suspended and the resolve had its second reading and was passed to be engrossed).

#### Passed to Be Engrossed

Senate 67: An Act to provide for the training of rural teachers.

Senate 115: An Act to incorporate the Lubec and Machias Railway Co.

Senate 128: An Act additional to Section 27, Chapter 52 of the Re-

vised Statutes permitting savings banks and institutions for savings to invest in certain kinds of acceptances.

House 259: An Act to amend paragraph 4 of Section 60 of Chapter 8 of the Revised Statutes relating to Oxford county, Maine forestry district.

#### Passed to Be Enacted

An Act relating to the tenure of office of county treasurers.

An Act to amend Section 36 of Chapter 18 of the Revised Statutes relating to the practicing of dentistry.

#### Orders of the Day

The SPEAKER: The first matters to be brought before the House are those specially assigned for today: Senate Document No. 30, majority report, ought not to pass, minority report, ought to pass, of committee on judiciary, on bill, An Act providing for the election of attorney general by direct vote of the people, tabled by the gentleman from North Anson, Mr. Holly, pending acceptance of either report.

Senate Document No. 33, minority report, ought to pass, majority report ought not to pass, of committee on judiciary on bill, An Act providing for the election of State treasurer by direct vote of the people, tabled by the same gentleman pending acceptance of either report.

Minority report, ought to pass, majority report, ought not to pass, of committee on judiciary on bill, An Act providing for the election of secretary of State by the people, tabled by the same gentleman, pending acceptance of either report.

Is it the pleasure of the House that these several matters be taken from the table at this time?

Mr. HOLLEY of North Anson: Mr. Speaker, I move you that we accept the minority report on these three resolves, and in support of the motion and in defense of my position I want to speak just a word. You are going to be heartily disappointed this morning, because we are not going to make any long speeches. These being constitutional amendments, if given a passage they will

automatically go before the people for their vote and that is all we ask, that the people of Maine be allowed to decide a thing which concerns the people themselves. There is no other question here. I assume that the opposition to these bills, if they see fit to make any answer to any suggestions or argument that a layman may make, will tell you that there is no demand; but, gentlemen, I want to tell you that there is a demand. I cannot say that I know there is a demand throughout the State. I do not want to be certain about that and I do not want to state an untruth, and for that reason I am going to say this, that there is a demand in the part of the state which I come from, and I know that by personal contact with voters, and that is good enough for me. Now then, we could have flooded that hopper with petitions asking for the passage of these resolves, but it never occurred to me, gentlemen, that it was necessary to do a thing like that. It never occurred to me that there was anything unreasonable about asking for the passage of these resolves, that the people might be allowed to make their own decisions. I cannot see now anything against allowing a man to go in a booth and vote on a question which he has a right to vote upon. Coming down the corridor yesterday, a personal friend of mine, a gentleman whom I actually love, told me he would like to support these measures, but that he could not because, he said, "it is a western idea. You are following the West in a headlong plunge into Socialism." I want to answer that possible argument. If I am not in error there are 39 states in the Union that elect their secretary of state by direct vote. Out of the 39 states, there are four in New England, leaving only two who do not—Maine and New Hampshire. That old conservative state of Vermont, conservative since its birth, even they think of no other way than allowing the people to elect their secretary of state, and, gentlemen, is there anything western about Vermont? Is there anything wild or woolly about that state? I submit that to you.

Now we have two reports, the majority report signed by six members of this committee, good men and true, entitled to respect, They report, ought not to pass. And when you analyze that report it means just this, that they say the people of Maine shall not be allowed to vote on the question; that is all. The door is deliberately slammed in the face of the people. That is what I object to. Then we have the minority report signed by four men, who evidently believe that the people of Maine should be allowed to vote on this question, who evidently believe that their mentality is sufficient so that they can make their own decision. I am mighty glad to say, gentlemen, that I have a personal acquaintance in my district of which I am proud, and I do not believe my district differs from others to any great extent, and I can say this, that I can trust every one of them and I want to trust them, and if the time comes when we representatives cannot trust our own kin at home, cannot allow the folks at home to have something to say, then, gentlemen, I say to you that the white fabric of democracy is indeed stained. (Applause.)

Mr. BARNES of Houlton: Mr. Speaker and gentlemen of the House, have you heard any reason why the tried and tested processes of 100 years should be brushed aside? Is this all the argument that can be advanced? Speaking as one member of the judiciary committee, I will venture the assertion to you that this is all the argument that can be advanced, for not even so much as this was presented to the committee. Is it so that the Legislature of Maine has no duties to perform? Is it so that when we are elected we are sent here to organize and adjourn? Is it so that since the initiative and referendum, the Legislature is an unnecessary expense and should be abolished? Is it so that the laws and regulations of the State of Maine shall emanate from the people and that the Legislature has no duty? Gentlemen, my study of the history of this country, and free republics on the face of the earth, has not led to any such conclusion. Not

to go into it further than is necessary, my study of the institutions of free men upon the earth has shown me that America was conceived, founded, organized and established, not as a pure democracy, but as a representative democracy, a representative government, and that the people in the units as they are grouped together by the state select men who are their representatives to suggest, modify, promulgate and enact laws; and when, in the course of human events, it seemed wise for the State of Maine to adopt the referendum it was not that it took from the representatives of the people any of their duties, but that your constituents and my constituents sent us here to seriously consider, to receive evidence, to weigh the evidence, to ponder over suggestions, to hear the public as it wishes to be heard, and, if nothing more, to recommend to the State of Maine enactment of certain laws; and the people retain to themselves, as they properly should, the right to mark the stamp of their approval or their disapproval, if you please, upon certain of our actions. But would any man rise here to say that of the 1500 different matters that come before the Legislature, it is now the provisions of the constitution of the State of Maine that the people of Maine shall pass upon them all? It is absurd. Does any man appeal to your sound judgment when he suggests that the people back home do not wish us to receive evidence, to hear complaints, to listen to suggestions and modifications of law, and to express our opinions; Such, I conceive, is the duty of the Legislature—getting all the evidence that it can to base its judgment, and it is left for our constituents, and ourselves with our constituents, reviewing the work of the Legislature within the 90 days after the passage of the act, to determine whether or not in the judgment of 10,000 more or less they think it is wise to reconsider and approve, or disapprove, the acts of the Legislature. Voting, as I do, representing the town of Houlton in my seat here, I do not prescribe laws for the State of Maine. I state what is my sound judgment as to the best policy of the State of Maine along the lines suggested, and it is a duty that it is not marly to shirk. What think you of a



man who comes down here and dodges his vote by running out into the corridor when the roll is to be called? What think you of the man who comes down here and never has any opinion, but says "let the people decide it?" Ah! representative government then becomes a farce. The committee on judiciary asked and invited evidence as to the advisability of changing the constitution of the State, which for these three generations has served us fairly well. One member from one county alone could be found who suggested that there was a demand for it, and at that time he was not certain that the demand was widespread throughout his whole county. Now others may discuss the advisability possibly of electing a secretary of state by the whole people. We want an administrative officer in our great secretary of statehip downstairs. We want a good man. For treasurer we want a man who can give a good bond, and will engage such assistance as will expedite the work of the State. You will pardon me if I suggest that in the office of the attorney general of one of the sovereign states of the United States of America we want a master mind, thoroughly trained, skilled in determining what under the statutes of this country is the proper course for the departments to pursue who appeal to him for decisions. We want a man interested above all things in the task set before him. As a member of the bar I am proud of the men who have served as attorneys general of the State. It is not an office to be placed at auction, for the man to take who will bid the lowest sum, as years ago they used to bid off paupers to be boarded. Over the State of Maine there are probably 1000 attorneys, who if they could be elected by the people, would grasp for this high and honorable office, and because, forsooth, it pays a salary that is more than the average attorney earns. But Maine has had every time, so far as I know, men in the office of attorney-general who forfeited sums of money that would look large to many a humble practitioner of the Bar in order that they might enjoy this honorable preferment and election to the office of attorney-general. Now what is sug-

gested? It is suggested that our system is wrong. It is suggested that every voter in Maine, every man over 21 years of age, shall himself have a voice in the first instance in determining who are the men that shall fill these three offices. Now, whether the notion came from the east or west, whether it came from above or whether it emerged from below, look at it! We have had the direct nomination by the people in this State for several years. I maintain without fear of successful contradiction that in a state-wide primary no man without a big financial backing, or a newspaper which he controls, or superabundantly fitted for the position, has any chance at all of nomination in a state-wide primary. Now there are some that agree that the wealth of the lining of a man's skull is commensurate with the wealth of the lining of his pocketbook. I will not submit to that. There are men who consider that no man can afford to take office unless it carries a salary should be elected to an office in the State of Maine. I will not agree to that. There are men who are willing that such a novelty, so far as Maine is concerned in the matter of choice of these State officials shall be enacted, which shall prevent a man who is not financially able to make the expensive primary canvass from occupying either one of these three positions. Gentlemen, I say to you that, as I know the people who are born and brought up within the State of Maine, there is many a man who, from his geographical position, his situation, his age, or for other reasons, is a man who cannot afford to make a state-wide primary contest.

I see no great difference between the choice of attorney general by the people of the State of Maine and the same question as it arises in the choice by a corporation of its counsel. True, the questions that the attorney generals of the State decide are more far-reaching, are deeper, more important, than the questions that are submitted to the counsel of the greatest corporations that are doing business in Maine. Supposing

the Boston & Maine railroad should pass a vote that every shareholder should have a vote in the choice of its corporation counsel,—what sort of business would you call that? How do they do? Why the stock of the Boston & Maine railroad is owned all over the country, east of the Mississippi river; but the counsel for the Boston & Maine railroad is elected by three, or five, or seven men, the directors who know about the business and the immediate future, as near as a man can know, and the requirements of the office. There are arguments against this innovation. First, that it will bar the man who cannot afford a primary contest. Second, that unless he lives in a city, or can group together the interests of a great many cities, even he, unless he is super-eminent among his fellows in the matter of ability, will be barred from nomination. Third, that as rail splitters, and boys who drive mules along the tow-path, can become giants in the field of law, and rise to the heights that are reached by few in Governments such as ours has been for 146 years; that this sort of legislation will prevent men rising to positions of eminence in Maine, and I am against it, because I know that among the people who have not the money and the people who may be situated in remote corners of the State, there are men whose skill, intelligence and wisdom are oftentimes needed by the State. I am not crying in favor of conservative legislation. I submit to the Legislature that Maine has had a fair share of experiments in progressive legislation, and I hope that this change in our constitution will not be suggested by the House at this time.

Mr. FORBES of South Paris: Mr. Speaker, I had not thought of saying a word on this, but I want to ask the indulgence of the House a minute. I think we are holding our constitution altogether too lightly when we propose to the people amendments to it on all and various occasions. We take our Constitution too lightly. I am conservative enough to say to you that any legislation proposed here must maintain its rights by some good reason before it has any

standing before us. On the general proposition I would rather vote to accept the report of the committee "ought not to pass" than the report "ought to pass." When it comes to amendments to the Constitution I do not think that one should be submitted by this representative body unless for one or two reasons there is a general, popular demand, or in the judgment of the members of the Legislature some good public interest will be served by such a change in the Constitution.

Now I have not heard any demand for this sort of a change. I have not heard a whisper in my section of the State. Until I came into the House this morning I had not heard of any demand at all. I happened to be in the judiciary room the other day when these matters came up for hearing, and there was silence there, such as we who sit in the back row near the rail would be delighted to have in the House at the present time. I do not believe in making any attempt to tinker our fundamental law unless we have a good reason or some demand by the people.

Mr. BUZZELL of Belfast: Mr. Speaker and gentlemen of the House: It is with some degree of reluctance that I rise to say a word on this subject, because I have neither got the consent of the Bangor Daily News to talk upon this subject, nor have I asked others their opinion; but I do want to say just a word in defense of my position on this committee, and the position I take by way of helping make that report. I do not think it is necessary to go back over the history of our State for a hundred years. We are now acting under the provisions of the primary law, and while perhaps there is no general public demand on the part of the citizens of the State of Maine at this time to change our Constitution, as is provided by these several bills, is there any reason, gentlemen, why the attorney general, the secretary of State and the State treasurer should not be elected by the people as well as the State auditor? Now this has to do with our primary law, gentlemen. It was but a few years ago that the primary law of the State of

Maine was a burning issue. The two great parties of this State both took issue with the proposition. The people responded to that issue, and I wonder how that issue got its start. Now, gentlemen, we are living today in a time when there is a sort of a political lethargy all over this country—this United States of ours and the State of Maine as well. We have just got through with a terrible conflict, the people are not running from house to house over the State of Maine to see how their neighbors feel about a proposition of this kind. Gentlemen, it was our duty, from the time we first heard of this bill, to go home and take the pulse of the people that we represent and find out how they felt about it. It was my purpose to do that, and I found while there was no particular movement in favor of it, there was not a single man who was against it. Somewhere I have read that "He that is not for me is against me," and when you find they are for a proposition they are not against it. Gentlemen, I want to say just one word more about the gentlemen who hold these offices at this time. I do not know of any three men in the whole State of Maine that I respect, revere, and in fact, sometimes think that I love them, more than I do these three gentlemen. They are illustrious gentlemen. They fill their offices with honor and distinction, and they are an honor to the State of Maine. Is there any particular reason why they do not want to go to the people? You have not heard one word from them. The gentleman from Houlton, (Mr. Barnes) has spoken something about that we possibly would not get a fair expression on the bill; that some large center might elect one of those offices or that money might possibly cause such an election to take place. There is nothing in that, gentlemen. We have arrived at a time when the office goes looking for the men; and when the man goes looking for the office, and is not prepared for the office, the chances are that he will stay at home. For instance, did Portland, did Lewiston, did Bangor, or any of the other large centers of the

State of Maine give you a Governor in this last election? Did she give you a Governor four years ago? No; but one of the most beautiful little towns that ever held a town meeting, quiet, undisturbed—and if you would pass through that little village as I passed through it one time, it is really hard to tell whether there is human life there or not. I will qualify that. We were on our way from Houlton, and it was a little late. Gentlemen, why did the town of Island Falls give us our Governor? It was because of his qualifications; that was the reason that he came from there.

Something has been said about the West. Is there any question but what the West is looking at this question from a different viewpoint than we are at this time? Would it not be well for us while the West today is speaking the words of the East—because the people who have gone west came from the East in the first place—would it not be well enough for us for once to get on the band wagon and follow those progressive people along these lines? Now I for one am perfectly willing to let the people of the State of Maine settle this question. Some may suggest that the primary law is not what it ought to be. Well, perhaps to a certain extent at this time I might agree with that sort of thing; but is there a man here within the hearing of my voice who has dared to raise his hand against the primary law?

Mr. DUTTON of Bingham: Yes, sir. (Laughter and applause.)

Mr. BUZZELL: I expected that, because the gentleman from Bingham (Mr. Dutton) yesterday afternoon placed a bill in the box, and I knew about it. Gentlemen, I will take the chance of saying that when you come to vote on this bill you will be very cautious how you vote, and I will furthermore take a chance and say his bill will never pass this House at this session. Somewhere at some time I have heard that he who laughs last, laughs best, and while I am in favor of the gentleman from Bingham (Mr. Dutton) and his ac-

tions in this particular matter, how many will there be supporting his proposition when the votes are counted?

The SPEAKER: The Chair must state that you are not arguing on that bill. Confine yourself to the matter in question.

Mr. BUZZELL: I was just taking care, Mr. Speaker, of the laughter. Now, gentlemen, I have no particular interest in this measure, but as a member of the minority—and sometimes it does you good to be with the minority; you know it simply shows perhaps that you have a mind of your own, and you had rather follow along in that course than to simply get on the bandwagon and go with the many—I am simply defending my position in this proposition, and I hope that the motion of the gentleman from North Anson (Mr. Holley) will prevail.

Mr. MURCHIE of Calais: Mr. Speaker, the distinguished gentleman from Belfast (Mr. Buzzell), who has just spoken, laid down in this House what seems to me to be one of the cardinal rules that we, as members of this Legislature, should follow. Now I will not yield to the gentleman from Belfast (Mr. Buzzell) or to the gentleman from North Anson (Mr. Holley) or to any other gentleman in this House or in this State, in my willingness and desire to have the people of the State of Maine given the fullest choice that they desire in legislation. I want to read the statement made yesterday by the gentleman from Belfast (Mr. Buzzell) referring to the bill urged by the gentleman from Sebec (Mr. Lanpher): "The gentleman from Sebec (Mr. Lanpher) has given you the correct information in relation to the number of people that appeared before that committee. He said that there were two that appeared for the bill and two against the bill. Gentlemen, I want to go on record here at this time that I am opposed to any law that there is not a general demand for. Is it fair to assume that two men appearing before that committee is a fair representation and gives us the idea that the whole State of Maine demands such a law?" Mr. Speaker, there were exactly two men appeared before the ju-

diary committee in support of these three resolves. Those two men both came from the county of Somerset; both told the judiciary committee that there was a demand in their particular section, but they did not know that there was a demand anywhere outside of it. I want to refer to one more thing spoken of by the gentleman from Belfast (Mr. Buzzell) because I think it draws the distinction between this proposed action and the action of the Legislature in enacting the primary law. The gentleman says that at the time of the enactment of the primary law that was a burning issue. The people of the State of Maine, from all parts, were insisting that some change in the manner of nomination of candidates for office should be made, and why was that demand made? Because the custom had grown up in all the counties in the State of Maine for men to be elected in caucuses and turn their credentials over, when they did not attend the convention, to a State committeeman or some other man who could come down here and fill the convention with men willing to do his wishes. That, Mr. Speaker, does not apply in any sense to the election of these State officers. In every case the man selected by the people at home to perform the function of electing these State officers actually comes here and fills his seat or no one comes. For that reason, I say the primary law is not a parallel for the action proposed by these gentlemen, but is a very good illustration against it. There was a demand for that law. There is no demand for this one. There was an evil that that law was aimed to correct. That evil does not exist in this case. Mr. Speaker, I hope the gentlemen of the House in voting upon this measure will vote exactly as they have heard the sentiments in their own communities on this measure. Frankly I will say that there is no man in the constituency that I represent and, so far as I know, no man in the county from which I come, who has ever expressed a desire to vote directly upon the election of these officers.

Mr. DUTTON of Bingham: Mr. Speaker, I desire to state my position upon this matter. I was not aware that the primary law was

to become a question of discussion in connection with the three measures which have been introduced by my colleague from North Anson, Mr. Holley. If there is any county in the state of Maine that might suggest changes in the primary law, I submit to you, gentlemen, that it is Somerset county. If we are to have the present primary law continue, there is absolutely no reason why you should not extend it to every State officer; but gentlemen, there is in my mind a grave doubt whether the primary law of the state of Maine meets the ideals with which we have characterized it. I do not believe it works out in practice—

The SPEAKER: The Chair will rule that you must confine yourself to the subject; not to treat the question of primary law except as incidentally interwoven.

Mr. DUTTON of Bingham: Mr. Speaker, my only reason for asking to make a statement at this time was owing to the fact that they had digressed from the question before the House.

The SPEAKER: The Chair has ruled that it is out of order, and will still rule so.

Mr. DUTTON of Bingham: Mr. Speaker, I will state my position; that so long as we have the primary law, it should extend to all; but I am not in favor of it.

Mr. BUZZELL of Belfast: Mr. Speaker, just a word in reply to the gentleman from Calais (Mr. Murchie). He read from the paper, where I had a little something to say yesterday on the floor of this House, in relation to a measure that we took care of summarily. You will remember that was a measure that was reported upon unanimously, ought not to pass, and one of our colleagues made the motion to substitute the bill for the report. This is hardly a parallel case. Here is a committee that reports six and four, and that was a bill where they were all one way. Now I do not wish to influence the vote of a single person. So far as that is concerned, I am perfectly willing that you should all vote any way you like. It is a question we all

ought to have a mind about, and I know that you will.

Mr. HOLLEY of North Anson: Mr. Speaker, they have beat around the bush and beat around the bush; but here is the question as I understand it, and I am going to call for it too; it is just a matter of whether you are going to allow your constituency to vote on this matter or whether you are not going to allow them to. Are you willing they should vote on it, or are you going to slam the door in their faces? I call for the question.

Mr. HINCKLEY of South Portland: Mr. Speaker—

The SPEAKER: The Chair will state that the motion for the previous question has been called, and that takes precedence over other motions.

Mr. BEAN of Minot: Mr. Speaker—

The SPEAKER: The Chair will rule that motions at the present time are **not in order**. The previous question has been called, and under the rules in order for the Chair to entertain the motion there must be consent of one-third of the members present. All those who are in favor of the motion for the previous question will rise and stand until counted and the monitors will attend to the count.

Thereupon a division being had, 45 voted in favor of the motion and the motion failed of passage.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Hinckley.

Mr. HINCKLEY: Mr. Speaker, just a word and very brief. I have, during the past few years, participated in political campaigns in every county in the State. I have spoken in a very large number of the cities of Maine and, naturally, have been in a position to know whether or not they were discussing or interested in this particular question, and I say in all sincerity to this House that I never yet during those years have heard this matter discussed by anybody; and that indicates to me that there is no great demand in favor of this proposition. I think we all appreciate and agree that during the history of this State great men have occupied these positions, as great and as competent men as would have occupied them had they been elected by direct

vote of the people. But, Mr. Speaker, and gentlemen of this House, there is one particular matter which disturbs me more than any other in relation to this matter, and that is this: If the attorney general of this State should be elected by direct vote of the people under this constitutional amendment proposed, no attorney in the State of Maine could afford to go into such a fight unless he was willing to spend in his campaign in the primaries—

Mr. DUTTON of Bingham: I rise to a point of order. I was ruled out of this debate for referring to the primary law. Does that rule still continue?

The SPEAKER: The gentleman from Bingham, Mr. Dutton, was cautioned not to argue upon the primary law except as interwoven with matters before the House. The Chair deems the gentleman from South Portland (Mr. Hinckley) in order, as he is talking to the question.

Mr. HINCKLEY: No attorney practicing in the State could afford to participate in a campaign unless he was ready to expend more money in that campaign than he could hope to receive in salary should he serve the State as attorney general four years. That is the history of the primary law in this State in regard to the State-wide offices. What is true of the office of attorney general in my judgment is true of each of these other offices; and I hope that the majority report ought not to pass will receive the favorable consideration of this House.

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

The SPEAKER: The question before the House is the motion of the gentleman from North Anson, Mr. Holley, that the minority report, ought to pass, be accepted; and the gentleman from Eastport, Mr. Pike, moves that when the vote is taken it be taken by the yeas and nays. As many as are in favor of taking the vote by yeas and nays will rise and stand until counted.

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

The SPEAKER: All those who are in favor of accepting the minority report, ought to pass will say yes when

their names are called, and those opposed will say no. The clerk will call the roll.

YEA—Baxter, Bean, Berry, Bradford, Brann, Buzzell, Chamberlin of Lebanon, Corliss, Coulombe, Cowan, Crane, Dolloff, Doyle, Dunn, Dunning, Dutton, Fuller, Gilmour, Gray, Grinnell, Hammond, Hatch, Holley, Jordan of Cape Elizabeth, Langelier, Lanpher, Lausier, Leonard, Love, Macomber, Maher, Marr, Millett, Mitchell, Morin, Murch, Nelson, O'Leary, Orff, Overlock, Pattee, Perkins of Boothbay Harbor, Pike, Reed, Ring, Rowe, Rowell, Sawyer, Smith, Stanley, Sullivan, Sweatt, Thomas of Harpswell, Wilson of Presque Isle—54.

NAY—Adams, Aiden, Allan of Portland, Allen of Sanford, Arthur, Audibert, Austin of Milford, Austin of South Berwick, Barnes, Bowie, Brewster, Brown, Burns of Eagle Lake, Burns of Madison, Carey, Carlton, Case, Chamberlain, Chaplin, Chellis, Clason, Clifford, Cochrane, Colcord, Cole, Conary, Crabtree, Cunningham, Daigle, Dain, Davis of Freeport, Davis of Old Town, Fagan, Flint, Foss, Forbes, Fowles, Garcelon, Granville, Greeley, Hanson, Hinckley, Houghton, Hussey, Jillson, Jones, Jordan of New Gloucester, Leathers, Mason, Mathews, McLeary, Miller, Murchie, Murray, O'Connell, Owen, Peabody, Perkins of Orono, Phillips, Porter, Putnam, Ricker, Ridlon, Roberts, Rounds, Sanborn, Savage, Simons, Small, Stacey, Stevens, Storm, Swift, Tilden, Varney of Windham, Warren, Washburn, Weatherbee, Williams of Auburn, Wilson of Portland, Wyman—82.

ABSENT—Anderson, Brackett, Bragdon, Casey, Eaton, Farnsworth, Furbish, Hisler, Mace, Mulligan, Plummer, Thomas of South Portland, Varney of Jonesboro, Williams of Wells—14.

Fifty-four having voted in the affirmative and 82 in the negative, the House voted not to accept the minority report on resolve providing for the election of the attorney general by the people.

On motion by Mr. Holley of North Anson, the House voted to accept the majority report, ought not to pass.

The SPEAKER: The House will now consider the minority and majority reports of the committee on judiciary on Resolve providing for the election of State treasurer by direct vote of the people, minority report ought to pass, and majority report, ought not to pass.

On motion by Mr. Holley of North Anson, the House voted to accept the majority report, ought not to pass.

The SPEAKER: The House will now consider the minority and majority reports of the committee on judiciary on Resolve providing for the election of secretary of State by the people, minority report ought to pass, and majority report, ought not to pass.

On motion by Mr. Holley of North Anson, the House voted to accept the majority report, ought not to pass.

The Chair lays before the House majority and minority report of the committee on sea and shore fisheries on bill An Act relating to the granting of lobster licenses, Senate Document No. 34, tabled by the gentleman from Boothbay Harbor, Mr. Perkins, pending acceptance of either report.

Mr. PERKINS of Boothbay Harbor: Mr. Speaker, I regret to say that it will be necessary for me to move to have the matter re-tabled without assignment for the reason that amendments have been put into the hopper which may affect this matter; and to save addressing the House on two different occasions on the same subject, I prefer to wait until this matter has been before the committee.

The report was then re-tabled, unassigned.

The Chair lays before the House report from the committee on judiciary, ought to pass, on bill An Act concerning administration granted without bond under certain conditions, tabled by the gentleman from South Portland, Mr. Hinckley, pending acceptance; and the Chair recognizes the gentleman from South Portland, Mr. Hinckley.

On motion by Mr. Hinckley, it was voted to accept the report.

Mr. HINCKLEY: Mr. Speaker, I yield to the gentleman from Biddeford, Mr. Lausier.

The SPEAKER: The Chair will state that this will lie on the table for printing under the rules.

The Chair lays before the House House Amendment A to bill An Act to secure information relating to the yearly cut of timber from the wild

land townships, House Document No. 29, tabled by the gentleman from Houton, Mr. Barnes, pending adoption of the amendment; the Chair recognizes the gentleman from Houlton, Mr. Barnes.

Mr. BARNES: I yield the floor to Mr. Lanpher of Sebec.

Mr. LANPHER: Mr. Speaker, I ask consent to withdraw the amendment for the purpose of making a change.

On motion by Mr. Lanpher of Sebec, unanimous consent being given, House Amendment A, which was presented by the gentleman from Sebec, Mr. Lanpher, and tabled on motion by the gentleman from Houlton, Mr. Barnes, pending adoption, was withdrawn; and on further motion by the same gentleman the matter was re-tabled.

The Chair lays before the House Senate Document No. 76, An Act in relation to the clerk and recorder of the municipal court of the city of Portland acting as counsel or attorney, tabled by the gentleman from Portland, Mr. Wilson, pending third reading. The Chair recognizes the gentleman from Portland, Mr. Wilson.

Mr. WILSON: Mr. Speaker, I have no motion.

On motion by Mr. Hinckley of South Portland, the bill then had its third reading and was passed to be engrossed.

The Chair lays before the House An Act relating to the burning of "slash," House Document No. 257, tabled by the gentleman from Calais, Mr. Murchie, pending second reading; and the Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: I now offer House Amendment A to House Document 257, and move its adoption.

House Amendment A to House Document 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.

Amend Section 53, as amended, by

striking out the 14th, 15th, 16th, 17th, 18th and 19th lines of said section and submit in place thereof the following: "Burning of such brush or slash except when the ground is covered with snow. The forest commissioner shall cause to be furnished to all the chief forest fire wardens and to the municipal officers of all towns and organized plantations of the State, blank permits, signed by him, for the burning of brush or slash. Any chief forest fire warden or the municipal officers of the town in the county where the land is located, shall have full authority to countersign and grant such permits signed by the forest commissioner. The forest commissioners may, however, in any particular case called to his attention, overrule the decision of the chief forest fire warden or the municipal officers, and himself grant the permit asked for or forbid the granting of the same. Whoever violates any of the provisions of this section shall on conviction thereof be punished by a fine of \$50."

The amendment was adopted by a viva voce vote.

Mr. COCHRANE of Monmouth: Mr. Speaker, as the gentleman who is vitally interested in this bill is confined at home by sickness, I hope that further action may be deferred. I realize the fact that the table is now littered a foot deep with bills, and if we reach our homes before the first of April, we will have to clear it off with a snow shovel; but in the interest of fair play I move that the bill be returned to the table, unassigned.

By a viva voce vote the House voted to re-table the bill pending its second reading.

The SPEAKER: This brings us to unassigned matters under orders of the day.

On motion by Mr. Perkins of Boothbay Harbor, it was voted to take from the table bill, An Act to license sardine packers, herring fishermen and boatmen of Maine. On further motion by the same gentleman it was referred to the committee on sea and shore fisheries in concurrence.

Mr. CUNNINGHAM of Patten: I desire the consent of the House, Mr. Speaker, to withdraw House Amendment A which I offered to House Document No. 99, An Act to provide for the election of road commissioners by towns.

The SPEAKER: The Chair will state for the information of the House that this amendment was under a mistaken idea of the status of the bill, and really did not accomplish what the proponents of the amendment desired. Is it the pleasure of the House to give unanimous consent that this amendment be withdrawn?

The House thereupon gave unanimous consent to the withdrawal of Amendment A.

Mr. CUNNINGHAM: Mr. Speaker, I now offer amendment B to this bill.

Mr. STORM of Westmanland plantation: Mr. Speaker, is this the same subject matter as House Document No. 141?

The SPEAKER: The Chair will state that it is. This is House Amendment B to House Document No. 99, as amended by House Amendment A. The Chair will state that it is really an amendment to an amendment. The amendment is as follows:

House Amendment B to House Document No. 99, as amended by House Amendment A.

Amend House Document No. 99 as amended by House Amendment A by striking out all of section three in said amendment.

The House by a viva voce vote adopted House Amendment B to House Amendment A, and the bill then had its third reading.

Mr. GRANVILLE of Parsonsfield: Mr. Speaker, I think this is a matter of some importance, and before voting upon it I would like to know what the amendments are.

The SPEAKER: The Chair will entertain a motion to re-table it.

Mr. GRANVILLE: I so move, Mr. Speaker.

The bill as amended was then re-tabled, pending passage to be engrossed.



On motion by Mr. Stacey of Phippsburg, it was voted to take from the table House Document No. 291, Resolve in favor of the Penobscot Tribe of Indians for general care, etc.

Mr. STACEY: I now offer House Amendment A and move its adoption.

House Amendment A to House Document No. 291, being a Resolve in favor of the Penobscot Tribe of Indians.

Amend said resolve by adding at the end thereof after the words "fifty-five cents" the word "for the year nineteen hundred twenty."

The House thereupon voted to adopt the amendment; and on further motion by the gentleman from Phippsburg, Mr. Stacey, the resolve was then given its second reading and passed to be engrossed as amended by House Amendment A.

On motion by Mr. Lanpher of Sebec, the House voted to take from the table House Document No. 29, an Act to secure information relating to the yearly cut of timber from the wild land townships.

Mr. LANPHER: I offer House Amendment A and move its adoption, as follows.

Amend said act by striking out the word "April" in Section one, and inserting in place thereof the word "July."

The House thereupon voted to adopt the amendment, and on motion by Mr. Lanpher of Sebec the bill as amended received its second reading and was assigned for its third reading tomorrow morning.

Mr. BERRY of Waterville: Mr. Speaker, I appreciate fully that we wish to expedite business as much as possible; but there are some eight or ten members of this House who live in Oakland, Waterville and Fairfield, who go home at eight o'clock in the evening and leave Waterville at nine o'clock in the morning, getting here at half past nine. If we could come in at half past nine, they would be only about ten minutes late. As it happens this morning, we are through at ten minutes of eleven, and some of us have lost the most of the business here. I would suggest that if in the future it is desired to convene earlier than ten o'clock, half past nine would accommodate some of us better than nine.

The SPEAKER: The Chair will state that unless a motion to the contrary is made, adjournment will be made to the regular time, ten o'clock.

On motion by Mr. Berry of Waterville,

Adjourned until tomorrow morning at ten o'clock.