

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

AUGUSTA
KENNEBEC JOURNAL PRINT
1919

HOUSE

Thursday, March 13, 1919.

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

Prayer by the Rev. Mr. Perry of Hallowell.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: An Act to amend Section 7 of Chapter 303, Public Laws of 1917, relating to the Farm Lands Loan Commissioners of Maine.

Mr. BARNES of Houlton: Mr. Speaker, what is the reference suggested of that bill?

The SPEAKER: The Chair will state that the reference suggested is legal affairs and the printing of 500 copies.

Mr. BARNES: I note in reading it, Mr. Speaker, that by what I assume to be an inadvertence, an error has crept in, and that the enactment of this statute would render null and void the provisions to aid farmers under the Farm Lands Loan Commission. Now since the judiciary committee has had the Farm Lands Loan legislation from its inception, and has now upon its table one of those bills, I would ask the House to refer this bill to the judiciary committee.

By a viva voce vote, the House voted to refer the bill to the committee on judiciary in non-concurrence with the action of the Senate, referring it to the legal affairs committee.

From the Senate: An Act for the better protection of alewives in the waters of this State.

In the Senate referred to the committee on sea and shore fisheries.

On motion by Mr. Mulligan of Nobleboro the vote was reconsidered whereby the House referred this to the committee on sea and shore fisheries, and on further motion by the same gentleman the bill was tabled

and specially assigned for Wednesday, March 19.

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

This was finally passed by the House, and comes back from the Senate, that branch having reconsidered the vote whereby it was passed to be engrossed, and referring it to the committee on appropriations and financial affairs.

On motion by Mr. Round of Portland, the House voted to reconsider the vote whereby this resolve was finally passed; and on further motion by the same gentleman it was voted to concur with the Senate in referring this to the committee on appropriations and financial affairs.

Senate Bills on First Reading

Senate 38: An Act relating to unorganized territory.

Senate 140: Resolve appropriating money to aid in screening lakes and ponds.

Senate 189: An Act to regulate the employment of legislative counsel or agents and to provide a legislative docket in the Secretary of State's office, open to public inspection and disclosing information in relation to such employment.

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. Houghton of Weld: Remonstrance of B. F. Beal and 12 others of Phillips against passage of bill licensing operators of slaughter houses.

By Mr. Wilson of Portland: An Act to assist in the commercial utilization of the dogfish.

Banks and Banking

By Mr. Crane of Whiting: An Act to enlarge the powers of trust companies. (500 copies ordered printed.)

By the same gentleman: An Act to amend Section 78 of Chapter 52 of the Revised Statutes, relating to loans made by trust companies. (500 copies ordered printed.)

Legal Affairs

Mr. Bowie of Falmouth: An Act authorizing towns to adopt corporate seal.

Salaries and Fees

By Mr. Crane of Whiting: An Act to amend Section 19 of Chapter 117 of the Revised Statutes, as amended by Chapter 220 of the Public Laws of 1917, increasing the salary of the deputy bank commissioner and one examiner.

Temperance

By Mr. Cowan of Winterport: An Act to amend Sections 18 and 21 of Chapter 127 of the Revised Statute, relating to the manufacture and sale of intoxicating liquors so as to legalize the sale of pasteurized, unfermented cider for use as a beverage.

Reports of Committees

Mr. Eaton from the committee on appropriations and financial affairs, on Resolve in favor of building additions to the Northern Maine General hospital, Eagle Lake, reported ought not to pass as same has been cared for in a resolve under a new draft.

Mr. Hanson from same committee reported ought not to pass on Resolve for an appropriation for a monument commemorating the 100th anniversary of all the wars since Maine became a State.

Same gentleman from same committee, on Resolve in favor of the York hospital, situated in York village in York county, for maintenance, reported ought not to pass as the same has been cared for in a resolve under a new draft.

Mr. Flint from the committee on inland fisheries and game, 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, reported that the same be placed on file, as the subject matter has al-

ready been reported upon by this committee.

Mr. Putnam from same committee reported ought not to pass on bill An Act to prohibit still or plug fishing in all lakes and ponds in the State of Maine which are inhabited by or have been stocked with trout, land-locked salmon or togue.

Same gentleman from same committee, on Remonstrance of Emile Gilblair and 38 others against two-year closed time on partridges, reported that same be placed on file, as the subject matter has already been reported upon by this committee.

Mr. Wilson from same committee, on Petition of D. C. Lawler and 7 others praying for a law providing that all persons killing foxes or other fur-bearing animals shall place the name of the person so killing said animal on the flesh side of the pelt, reported that the petitioners have leave to withdraw.

Mr. Conary from the committee on judiciary reported ought not to pass on bill An Act to provide for further limiting our laws relating to divorce, amending Section 2 of Chapter 65.

Reports were read and accepted and sent up for concurrence.

Report of the committee of conference on disagreeing action of the two branches of the Legislature on Resolve in favor of Esther M. Giles, reporting that said resolve be referred to the committee on military affairs, in concurrence with the action of the House.

(Signed) Messrs. PERKINS,
GILMOUR,
ALDEN,

Committee on part of House.

(Signed) Messrs. GURNEY,
RICKER,
BAXTER,

Committee on part of Senate.

Mr. Holley from the committee on appropriations and financial affairs, on Resolve in favor of the Maine School for the Deaf, for maintenance, reported same in a new draft, under title of Resolve in favor of the Maine School for the Deaf and that it ought to pass.

Same gentleman from same committee reported ought to pass on Resolve

to reimburse the committee on State sanatoriums for expenses to Hebron and Fairfield.

Same gentleman, from same committee, reported same on Resolve to reimburse committee on insane hospitals for expense to Bangor.

Mr. Savage, from same committee, reported same on Resolve appropriating money for the purpose of obtaining information in regard to wild lands for the purposes of taxation.

Mr. Flint, from committee on inland fisheries and game, on An Act to amend Section 18 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, entitled An Act to revise, collate, arrange and simplify the inland fish and game laws of the State, both general and public and private and special, and the rules and regulations of the commissioners of inland fisheries and game now in force, reported same in a new draft, under title of An Act to regulate fishing in Kennebago stream, and that it ought to pass.

Mr. Wilson, from same committee, on An Act to amend Section 46 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, relating to the protection of certain fur-bearing animals, reported same in a new draft, under same title, and that it ought to pass.

Mr. Stanley, from the committee on pensions, reported ought to pass on An Act to amend Section 1 and 2 of Chapter 148 of the Revised Statutes, relating to State pensions.

Mr. Cowan, from the committee on public utilities, reported same on An Act to amend Section 37, Chapter 55, Revised Statutes of Maine, compilation of 1916, relating to issue of stocks, bonds and notes by public utilities. (The rules were suspended and the bill given its first reading.)

(Tabled on motion of Mr. Cowan of Winterport, pending second reading.)

Mr. Ridlon, from same committee, on An Act to grant additional corporate powers to Maine Title and Utility 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 381: An Act to amend Chapter 32 of the Revised Statutes, relating to cinematograph and moving pictures. (New draft.)

House 382: An Act to amend Section 32 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, relating to the pollution of the waters of the State by sawdust and other mill-waste. (New draft.)

(Tabled by Mr. Bean of Minot, pending second reading.)

House 385: An Act to amend Paragraph 9 of Section 6 of Chapter 10 of the Revised Statutes, in reference to the assessment of taxes on the estates of soldiers and sailors. (New draft.)

House 386: Resolve to appropriate money for the erection and furnishing of buildings for the Reformatory for Women at Skowhegan. (New draft.)

House 387: Resolve to appropriate money for the maintenance of the Reformatory for Women at Skowhegan.

Passed to Be Engrossed

Senate 75: An Act to amend Section 79 of Chapter 82 of the Revised Statutes, relating to the superior court for the county of Cumberland.

Senate 102: An Act to amend Section 19 of Chapter 36 of the Revised Statutes, relating to analysis of commodities examined under the inspection laws.

Senate 105: An Act to amend Section 176 of Chapter 16 of the Revised Statutes, as amended by Chapter 79 of the Public Laws of 1917 relating to the appropriation for teachers' pensions.

Senate 107: An Act to amend Section 139 of Chapter 16 of the Revised Statutes, as amended by Chapter 77 of the Public Laws of 1917 relating to the appropriation for industrial education.

Senate 108: An Act to amend Section 136 of Chapter 16 of the Revised

Statutes, relating to state aid for industrial courses in high schools and academies

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

Senate 146: An Act to amend Section 1 of Chapter 145 of the Public Laws of 1917, relating to public utilities.

(Tabled by Mr. Barnes of Houlton pending third reading.)

Senate 170: An Act to amend Section 33 of Chapter 52 of the Revised Statutes of Maine, relating to deposits by savings banks in institutions outside of the State of Maine.

Senate 173: An Act to amend Section 49 of Chapter 16 of the Revised Statutes relating to the duties of superintendents of schools.

Senate 180: An Act to amend Chapter 151 of the Public Laws of 1917 entitled An Act to enable the chief engineer of the State Highway Commission to convey a certain lot or parcel of land owned by the State of Maine to the European & North American Railroad.

Senate 169: Resolve for indexing the documents filed by the Legislature of Maine since 1820, now in the office of the secretary of the Senate.

Senate 171: Resolve to reimburse C. H. Robinson Company of Portland, Maine, for goods sold and delivered to the State, and for which purchaser failed to file with the State auditor a copy of the order.

Senate 172: Resolve in favor of Charles E. Darling, superintendent of the state fish hatchery, Enfield, Maine.

Senate 174: Resolve in favor of the Augusta State hospital, for the construction of a new building for patients.

Senate 176: Resolve in favor of the Bangor State hospital for interest on the Robie amusement fund for the years 1919 and 1920.

Senate 177: Resolve in favor of the Bangor State hospital for maintenance and other purposes for the years 1919 and 1920.

Senate 178: Resolve in favor of the Augusta State hospital for main-

tenance and other purposes for the years 1919 and 1920.

Senate 179: Resolve providing a state pension for George A. Penney.

House 372: An Act for better protection against adulterated, misbranded or inferior commercial fertilizers.

House 368: An Act to amend Section 12 of Chapter 127 of the Revised Statutes, relating to tools and implements for gambling, counterfeiting and burglar's tools.

House 235: An Act to amend Chapter 42 of the Private and Special Laws of 1866, relating to Martin's Point Bridge. (Tabled by Mr. Murray of Portland pending third reading, and specially assigned for tomorrow morning.)

House 369: An Act to incorporate the Calais Power Company.

House 371: An Act to provide for cooperation between the United States department of agriculture and the Maine Department of Agriculture in the collection and publication of statistics.

House 257: An Act to amend Sections 43, 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."

House 367: Resolve reimbursing plantations because of reduction in the rate of interest paid by the State to Plantations on their wild land school funds.

House 370: Resolve continuing unexpended balance of appropriation provided by Chapter 321 of the Resolves of 1913, entitled "Resolve in favor of aid in the construction of a highway bridge across the St. John river between Fort Kent, Me., and St. Francis, New Brunswick.

House 374: Resolve in favor of Rena Cooley of Augusta.

House 375: Resolve in favor of Mary F. Fernald for military pension.

House 376: Resolve providing a State pension for Julia E. Adams of Litchfield.

Mr. Clifford of Reed Plantation offered the following amendment:

Amendment House Document 376 by adding after the words "four dollars (\$4.00)" the words "per month"; so that said resolve shall read as follows: "Resolved: That there be paid to Julia E. Adams of Litchfield a State pension of four dollars (\$4.00) per month, payable quarterly from the fund appropriated for military pensions beginning January 1, 1919.

The House by a viva voce vote adopted the amendment, and the resolve was passed to be engrossed as amended by House Amendment A.

House 377: Resolve providing a pension for Catherine Nelligan of Brewer.

House 378: Resolve in favor of Andrew Egan for military pension.

House 379: Resolve in favor of Jennie Hayford Tilley of Canton, for State pension.

Passed to Be Enacted

An Act to amend Section 3 of Chapter 102 of the Public Laws of Massachusetts of 1819, as adopted by the State of Maine in 1820, and amended by Section 1 of Chapter 152 of the Public Laws of Maine of 1823, relating to ministerial funds in the town of Bridgton.

An Act to amend Sections 128 and 130 of Chapter 16 of the Revised Statutes, relating to the certification of teachers.

An Act to amend Section 37 of Chapter 16 of the Revised Statutes, relating to the penalty for practicing dentistry without certificate. (Tabled by Mr. Bragdon of Perham pending passage to be enacted.)

An Act to amend paragraph four of Section 60 of Chapter 8 of the Revised Statutes, relating to Oxford County, Maine, Forestry District.

An Act to amend Section 1 of Chapter 8 of the Revised Statutes relating to the tenure of office of the land agent.

An Act to amend Chapter 195 of the Public Laws of 1917, creating the board of prison commissioners.

An Act to amend Chapter 429 of the Private and Special Laws of 1901, as amended by Chapter 356 of the

Private and Special Laws of 1903, with reference to the Winthrop municipal court.

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

Finally Passed

Resolve in favor of the Sagadahoc Agricultural and Horticultural Society.

Resolve to reimburse the People's Ferry Company at Bath.

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.

The SPEAKER: The resolve relating to the bridge across the Piscataqua river will be sent over to the Senate.

Resolve making appropriations for the Passamaquoddy Tribe of Indians for the years 1919 and 1920.

The SPEAKER: This carries the emergency preamble and requires a two-thirds vote of the total membership of the House. All those in favor of the resolve being finally passed will please rise and stand until counted and the monitors will take the count.

A division being had,

One hundred and nineteen having voted in the affirmative and one in the negative, the resolve was finally passed.

Orders of the Day

On motion by Mr. O'Leary of Bangor, it was voted to reconsider the vote whereby the House accepted the report of the committee on state sanatoriums in regard to the appropriation for the Bangor Anti-Tuberculosis Society, and on further motion by the same gentleman the resolve and accompanying papers were recommitted to the committee on state sanatoriums.

Mr. PIKE of Eastport: Mr. Speaker, I desire at this time to give notice to the House that I shall introduce a bill in relation to the taxation of intangible personal property, under the constitutional amendment

adopted four years ago. I understand a bill along those lines has already been rejected by the Legislature, and in order to save my rights I desire at this time to give such notice.

The SPEAKER: The clerk will make a record of the notice.

The SPEAKER: This brings us to the matters specially assigned for today, and the Chair will lay before the House, House Document No. 5, An Act relating to the enrollment of voters for primary election, tabled by Mr. Dutton of Bingham, pending its passage to be enacted.

Mr. DUTTON of Bingham: Mr. Speaker, and gentlemen of the House: I would hesitate to criticize the unanimous report of a committee "ought to pass," if it did not work a decided hardship upon my constituents. I would certainly hesitate to criticize the unanimous report of so able a committee as the legal affairs committee, if that was not the fact. But when the welfare of the voters of your entire constituency is at stake, I believe that we farmers are entitled, and should, criticize the report of any committee. This measure provides, to extend to towns and plantations of less than 2000 inhabitants, the requirements of the primary law, which requires that all voters shall be enrolled. The object of the measure is, I understand, to prevent members of one party who do not have a contest, from entering the primary and helping to elect a weaker candidate on a ticket of the opposite party. It is claimed by the proponents of this measure that this will eliminate that possibility. Gentlemen, if for one moment I believed that that were possible, I would not raise any objection. The theory of the workings of the primary law might be that by causing those men who vote, for instance on the Democratic ticket to be enrolled as Democrats, and those who vote on the Republican ticket to be enrolled as Republicans, at least seven days prior to the date of the primary election, it might prevent their voting, as we might say, unlawfully or ungentlemanly; but the fact is, gentlemen, that where the primary law has been

in operation in towns where they have been obliged to enroll, that has not been the actual fact of the workings of the law. I wish to cite to you, gentlemen, one town in our own county where there was no contest on the Democratic ticket, and I understand that some four hundred Democrats enrolled as Republicans and with one exception, nominated every single county officer from one town. That is the workings in a town where they are required to enroll. Now, if this measure would prevent that condition of affairs in smaller towns, I submit to you, gentlemen, why did it not prevent it in a town where they are required to enroll?

I object to the measure on the ground that it does not accomplish what the friends of the measure intended that it should. There is another reason. The framers of the primary law did not believe that it was necessary to require the voters in the small towns and plantations to enroll. Has there anything arisen since that time that makes it necessary? I believe that one of the strong arguments why they should not enroll is the tremendous expense required, in a sparsely settled community, for them to come out and enroll. You gentlemen in the larger towns and larger cities, as you go to and from your places of business, can stop at the place of enrollment and enroll as either a Democrat or Republican, or for any party which happens to have a ballot. But how is it in the rural communities? You realize gentlemen, that in the rural communities many men are required to travel anywhere from five to 75 miles to come to their respective voting place to enroll. For instance, in my own district, many men who work back in the woods, back in the lumber camps, back in the sporting camps, might have to come a distance of more than a hundred miles and many of them 75 miles, some ten, and some fifteen, in order to enroll; even the farmers must spoil an entire day to come in and enroll under the provisions of this act. Does it require any great philosopher to figure out that it means for the rural communities in the State of Maine at

least an average of one day's time for every single voter in a rural town to come in and enroll in order that he may ballot? Gentlemen, if this House should be asked today to pass a resolve which placed a tax the equal of one day's labor upon every voter in every town and plantation in the State of Maine with less than 2000 inhabitants, would not you hesitate to do it? But here you are proposing to pass a measure which will require from them an average of one day's labor in order that they may exercise their right to vote. I understand that there is a provision in this measure which says they may, by standing in open meeting and subscribing to the oath that they are members of one party or the other, be permitted to vote. I submit to you, gentlemen, if this Legislature passes some measures—some of the laws which we propose—it will be hard at the next election for any man to stand and take an oath that he is a member of either of the dominating political parties.

Gentlemen, I ask only for fairness and only for justice in this matter. If the primary law worked out as it was expected and as it was hoped, then I would hesitate to criticize this measure; but when you attempt to amend the primary law in its present form to make it a workable law, it is a great deal like attempting to mend the shell of a bad egg. I hope that you will not ask that the yeas and nays be called for upon this question, because from three years' experience in this House I am satisfied that the yeas and nays do not always record the honest vote and the honest opinion of all the members of the House. Gentlemen, it is all right to camouflage the primary election law as being the people's measure; but, gentlemen, when you are going into the people's pockets and taking away from them a day's labor that will accomplish no good to themselves or the State of Maine, it can hardly be called the people's measure.

The people of the State of Maine have come to a point where they are able to discern the difference between a people's measure and a so-called people's measure; and, gentlemen, on this

measure, I am opposed to its passage. I had rather stand alone opposed to its passage than to have everyone of you with me and all of us stand wrong. I move, Mr. Speaker, that the measure be indefinitely postponed.

Mr. LANPHER of Sebec: Mr. Speaker, I certainly would hate to see this bill indefinitely postponed. I consider one of the things I was sent to the Legislature for was to get such a law as this enacted; to prevent a fault which exists with the direct primary law. The trouble with some people in this State in regard to this matter is that they want to see the direct primary law repealed altogether, and they dislike to see it changed any for the better. The direct primary law in this State is still in its experimental period and we have to, or should, amend it, change it, as occasion demands, as experience shows is necessary, before we can hope to have it do what it was expected it would do. We would not want a physician to prescribe for us who was very anxious that we should expire as soon as possible. That is the attitude of some people in regard to this enrollment law. Is there any good reason why the people in towns of less than 2000 inhabitants should not enroll, giving their political preference, just the same as the law now calls for in towns over 2000 inhabitants. I do not think there is any good reason.

I would like to answer the last argument of the gentleman from Bingham (Mr. Dutton) first. He spoke of the expense and inconvenience to farmers to come in a long distance and enroll. Now they can enroll perfectly well on the day of the primary election. There is no more expense; there is no more machinery necessary to require enrollment than there is now. The same officers can attend to it; they are there on duty and they can perfectly well attend to the matter; and there is no expense, no extra inconvenience. They are not obliged to make a special trip for 100 miles or five miles for that purpose.

Now the people in my own county are very much interested in having this bill go through, and my county is a county of small towns. We have only two towns in that county of more than 2000 inhabitants, and those are just over

2000 inhabitants. Now we up there cannot see any good reason why the people of Dover and Milo should register their political preference at primary elections, and the people all over the western county not do so. Why was the exception made in the first place? Why was it that the framers of the direct primary law made an exception of towns of less than 2000 inhabitants? I understand that the reason was this; that it was contemplated that in towns of less than 2000 inhabitants the election officers are acquainted with everybody; know everybody; know whether they are Democrats or Republicans; while in the larger towns that might not be so. That may be true; but the same evil exists in the smaller towns as in the larger towns; and I want to tell you what happened in one of the towns in our county. It happened that the Democratic people in that county were divided, and there were contests on the Republican ticket, and in one town of less than 2000 inhabitants in that county there were over 100 Democrats who came in and voted for officers on the Republican ballot. They came in and they called for a ballot. The election officials and everybody there knew they were Democrats; they were acquainted with them; of course they were Democrats, but they had no option; under this present state of the law they had to give them the proper ballots, and those men voted a Republican ballot for candidates that they intended to vote against in September and did vote against in September. Now it is that evil that we are trying to get at in making this direct primary law uniform, making it apply to all the towns and cities of the State. One is no better or no worse than another. The same evils exist in the little towns that exist in the large towns. Let us make it uniform. It is not doing any hardship; no more expense, no more hardship. Now the gentleman from Bingham (Mr. Dutton) has said that in a town in his county there were 400,—I do not know whether Democrats or Republicans—who enrolled as Democrats, and who came in and voted the Republican ticket. I do not see how that could be so because, under the present law requiring enrollment, they can not

change for six months. I do not see how that could have happened. They cannot change for six months. That question has been discussed whether or not it would not be better to make it three months, and I remember somebody in the legal affairs committee remarked that twice a year was often enough for a man to change his politics, and that would seem to be true.

Now, gentlemen, this bill is aimed to make the elections more pure. It seems to me that that is something we can all agree on. We have all seen the evils that exist in politics, in elections, and in caucuses, and we all ought to be united to do away with those evils as far as possible; and it seems to me that this is something that will take a step, at least, toward that, and will make the direct primary law more workable and improve it to some extent at least. These evils may exist in any county or any town regardless of party. One party or the other may have a straight ticket and the contest be on the other side. Whether we are Democrats or Republicans, do we want the other party dipping into our caucuses and nominating our candidates for us? That is the question.

The gentleman from Bingham (Mr. Dutton) has said that the evil would exist just the same if enrollment were required in the smaller towns. He says that Democrats can go in and enroll themselves as Republicans, and Republicans can go in and enroll themselves as Democrats. That is true, if they want to do it; but you know, and I know, that a man will go into a primary election and call for one ballot or the other, when he would not go in and enroll himself with the opposite party for the sake of getting a ballot of that party. This bill has been very fully considered by the legal affairs committee and has been reported unanimately "ought to pass," and I sincerely hope that the motion of the gentleman from Bingham (Mr. Dutton) to indefinitely postpone will not prevail.

Mr. BRAGDON of Perham: Mr. Speaker, I think if the constituents of the gentleman from Sebec (Mr. Lanpher) sent him down here to remedy the defects in the primary law, that it must have considered him a big man because

they certainly cut out a big job for him. I think, too, that the constituents of the gentleman from Bingham (Mr. Dutton) had reason to regard him as a fairly good-sized man too, so his opinion may carry some weight with us. I did not come here this morning with the idea of saying anything upon this matter; but I must confess that I am unable to reason out how this registration in our small towns will bring about the result that is claimed for it. Of course, we understand that it is a law which only applies to the Democrats of this State, because it is well settled that there are no Republicans that would be guilty of any such sin. I cannot see anything in this proposed amendment that will prevent the Democrats up there in the town of Sebec from going to the primaries and registering as Republicans for the sake of nominating the gentleman from Sebec, Mr. Lanpher, and then going into that little booth in the fall and voting just whichever way they see fit. I want to say that I think the town officials in our small towns have work enough to do now that they do not get any pay for, and I think we should hesitate to loading them down with any more of this work.

Mr. PORTER of Mapleton: Mr. Speaker, the class of towns I represent being all little towns, I know this enrollment would work a hardship upon the citizens. At the present time, they have hard work to get men interested enough to come out in the fall election and vote, and if they knew they had to go there in June, or some time previous to the primary election, to enroll their names, it would be impossible to get out any men at all.

I hope the motion of the gentleman from Bingham (Mr. Dutton) to indefinitely postpone this measure will prevail.

The SPEAKER: The question before the House is the motion of the gentleman from Bingham, Mr. Dutton, that the bill be indefinitely postponed.

A viva voce vote being taken, the motion that the bill be indefinitely postponed prevailed.

The SPEAKER: Is it the pleasure of the House at this time to give unanimous consent to receive an order

and a bill from the Senate? The House will remember that yesterday it passed an order, the Senate concurring, that all bills and resolves received after 4 o'clock, March 15, 1919, shall be referred to the next Legislature. This comes back from the Senate amended by Senate Amendment A, and given a passage. Senate Amendment A is as follows: Amend said order by adding thereto, after the word "Legislature" the following words "With the exception of such resolves as relate to the administration expenses of the present Legislature" so that the order as amended shall read as follows: Ordered, the Senate concurring, that all bills and resolves received after 4 o'clock, March 15th, 1919, be referred to the next Legislature, with the exception of such resolves as relate to the administration expenses of the present Legislature, and is it the pleasure of the House to reconsider the vote whereby it yesterday gave passage to the original order?

The motion to reconsider prevailed; and on further motion the House adopted Senate Amendment A in concurrence, and on further motion the order as amended by Senate Amendment A was given passage in concurrence.

Unanimous consent being given, the following bill was received out of order, An Act to provide for upkeep, equipment and extensions for the several normal schools and the Madawaska Training School, in the Senate referred to the committee on education; in the House so referred in concurrence.

The Chair lays before the House, report of the committee on inland fisheries and game, ought not to pass, on bill An Act relating to plug fishing in Rangeley lake, tabled by Mr. Eaton of Rumford, pending its acceptance.

Mr. EATON of Rumford: Mr. Speaker, I move that the report of the committee be accepted.

A viva voce vote being taken, the motion prevailed.

The Chair lays before the House, House Document No. 237, An Act relating to the protection of land-

locked salmon, trout, togue, black bass and white perch, tabled by Mr. Eaton of Rumford, pending its second reading.

Mr. EATON of Rumford: Mr. Speaker, I have an amendment.

The SPEAKER: The gentleman from Rumford, Mr. Eaton, presents House Amendment A to House Document No. 237, as follows: Amend House Bill No. 237 by striking out in Section 19, lines 18, 19 and 20, the words "Mooselucmaguntic lake, Cup-suptic lake, Upper Richardson lake or Lower Richardson lake, said lakes being the Rangeley chain of lakes, so-called." and the gentleman moves the adoption of the amendment.

Mr. FLINT of Monson: Mr. Speaker, I move that bill be tabled.

A viva voce vote being taken, the motion by Mr. Flint that the bill be laid on the table, prevailed.

The Chair lays before the House, House Document No. 159, Resolve in aid of navigation on Sebec lake in Piscataquis county, tabled by Mr. Lanpher of Sebec, pending its final passage.

Mr. LANPHER of Sebec: Mr. Speaker, I would like to have that re-tabled until tomorrow morning.

A viva voce vote being taken, the motion by Mr. Lanpher of Sebec that the bill be re-tabled until Friday, March 14, prevailed.

The Chair lays before the House, House Document No. 235, An Act relating to Martin's Point bridge, in the county of Cumberland, tabled by Mr. Allan of Portland, pending its passage to be enacted.

Mr. ALLAN of Portland: Mr. Speaker, on account of the increased activities of York and Oxford delegations last night, we were unable to prepare the amendment we had intended to, and I ask that it be tabled until tomorrow morning.

A viva voce vote being taken, the motion by Mr. Allan of Portland that the bill be re-tabled until Friday, March 14, prevailed.

The Chair lays before the House, Senate Document No. 120, An Act relating to increase or decrease of capital stock, bond or scrip dividend,

tabled by Mr. Allan of Portland, pending its third reading.

Mr. ALLAN of Portland: Mr. Speaker, I have an amendment.

The SPEAKER: The gentleman from Portland, Mr. Allan, presents the following amendment, House Amendment "A" to Senate Document No. 120, "Insert after the word 'approved' in the ninth line the words 'upon payment of the fees prescribing by Section 42 of Chapter 51, Revised Statutes', and by inserting after the word 'approved' in the 11th line of Section 39 the words 'upon payment of the fees prescribed by section 42 of Chapter 51 Revised Statutes', and is it the pleasure of the House to adopt the amendment?"

The House, by a viva voce vote, adopted House amendment A, and the bill then had its third reading and was passed to be engrossed as amended by House Amendment A.

The Chair lays before the House Senate Document No. 125, An Act to authorize the construction of a weir in tide waters of Roque Harbor, tabled by Mr. Mulligan of Nobleboro, pending its third reading.

Mr. MULLIGAN of Nobleboro: Mr. Speaker, I had this bill tabled because I am somewhat interested in affairs on the Damariscotta river. The towns of Nobleboro and Newcastle own an alewife fishery in the Damariscotta river, and I should like to read the law regulating those weirs and then make some comments upon this bill. Chapter 4 of the Revised Statutes, Section 121 is as follows: "Any person intending to build or extend any wharf or fish weir or trap in tide waters, within the limits of any city or town, may apply in writing to the municipal officers thereof, stating the location, limits and boundaries, as nearly as may be, of such intended erection or extension, and asking license therefor. Upon receiving such application, said officers shall give at least three days' public notice thereof, and shall therein designate a day on which they shall meet on or near the premises described, and examine the same. If upon such examination and hearing of all parties in-

terested, said officers decide that such erection or extension would not be an obstruction to navigation, or an injury to the rights of others, and determine to allow the same, they shall issue a license under their hands to the applicant, authorizing him to make said erection or extension, and to maintain the same within the limits mentioned in such license; the applicant for license to build or extend a fish weir or trap as aforesaid shall first give bond to the town, without sureties, in the sum of \$100, conditioned that upon the termination of such license he shall remove all stakes and brush from the location therein described."

You will see that the Legislature very wisely delegated the right to lay out and grant licenses for fish weirs to the municipal officers, they giving public notice as provided by law, so that all persons interested could meet with them at the locality and raise their objections; then if the municipal officers should decide that said weir would not interfere with navigation, or with the rights of others, they should allow the same; if, in their opinion, such weir would come under either of the above propositions, they should then reject. Rights of others would be, for instance, where it would interfere with a land owner or with some other legally established weir or weirs.

The purpose of the statute and procedure was to do justice to all interested, and to relieve the Legislature of work of this kind, knowing full well that no Legislature not familiar with the locality could properly determine the two propositions above stated. The Legislature should not give a permit unless petitioner can show he has asked for and been refused by the selectmen a grant at the same locality. The petitioner in this case at the hearing admitted he had never asked for a grant at this place.

If the Legislature opens the door to such proceedings as this, in view of the law, you will be buried by legislation of this kind.

I will read Section 40, of Chapter 2 of the Revised Statutes. "Who-

ever petitions the Legislature, or whoever shall introduce any bill, or resolve for special legislation, regarding or in any manner pertaining to fish or game, shall first have given notice of their intention with full description of the territory or waters affected by such legislation, in some weekly publication nearest the locality so affected, for eight consecutive weeks, the last notice to be not less than one, nor more than three weeks before the assembling of the Legislature of which such legislation is requested, and such notice shall be absolutely required before any such legislation shall be enacted. All laws hereafter enacted pertaining to fish or game which do not conform to the general laws of the state, shall for the purposes of this Section be deemed special. Provided, however, that the provisions of this Section shall not apply to any petition, act or resolve, either repealing or amendatory which has for its object the placing of the territory or waters in question under the general laws of the State." This Section provides that no special legislation relative to fish and game shall be given unless notice is given by newspaper publication before Legislature meets. This notice was never given.

I will read Section 37, Chapter 2, "Notice of any petition affecting the rights or interests of any town or county may be given to such town by serving it with a true copy of the petition at least 14 days before the session, and to such county, by publishing as prescribed in the preceding Section."

Section 85 of Chapter 7, Revised Statutes, reads: "Notice of intention to contest the right of any person claiming to be elected to the house of representatives, with a statement of the reasons for so doing, may be served on such person by the contestant at any time after the election, and shall be served at least 15 days prior to the organization of the House; and all testimony on either side shall be by depositions taken in accordance with the Statute or by parol evidence, and presented to said body within

three days from the commencement of the session. If this law is not strictly complied with, except in extreme cases where injustice would be done if a continuance was not allowed, the party neglecting shall be denied a postponement, and the committee on elections shall proceed to determine the case by the testimony before them." If it is absolutely necessary when a member's seat in this body is contested, for him to be given notice, and the case cannot be heard unless such notice is given, why can they come here and pass a bill of this kind and override all these laws? It does not seem hardly fair.

In this harbor there are now five legally established owners of weirs, who, through their representative at the committee hearing filed protests that this weir would ruin theirs if allowed. Should we not respect their rights. This weir, as near as any one could learn from the description, was to be outside the others, and would cut off their fish way and drive the owners, all of whom are poor fishermen, out of the weir business, in this harbor at least.

No one can tell from the description where the privilege is to be. The committee may think it is to be at this locality now, but when the petitioner gets the right to locate it, he will put it wherever he thinks best.

Then they say the privilege is to be given provided it does not interfere with the rights of others, or with navigation. These are the very two propositions this Legislature should determine in the first instance before this special law is asked.

This is the bill itself: "Be it enacted by the people of the State of Maine, as follows:

Section 1. Oscar W. Look of Jonesport, in the county of Washington, is hereby authorized to build and maintain a weir for fishing purposes in the tide waters of Roque Harbor in said Jonesport, providing said weir does not interfere with navigation or the rights of others." Now the statutes provide that in the first instance the location of that weir must be made. Under this bill, he is given a roving commission to build a

weir wherever he sees fit in that harbor. That harbor is three quarters of a mile long and three quarters of a mile wide, and if this bill goes through he can place his weir where he sees fit, and deprive the other fishermen of the rights they are now enjoying. For that reason, gentlemen, believing that this matter has gone through here regardless of the required notice and the law that was laid down in this House in 1911, I move that this bill be indefinitely postponed.

Mr. HINCKLEY of South Portland: Mr. Speaker, in the House yesterday I commended the ability of the country squire experienced in drawing deeds, mortgages and wills. I was not aware at that time of their great ability as interpreters and expounders of the statute law, and I did not think that after we permitted them to retain what they had, they would then start in and try to take our business away from us by interpreting and expounding the law.

I did not know about this bill until after this session opened this morning. I did not hear the evidence presented to the committee; but the committee has made an unanimous report that it ought to pass. I do know something of the situation in the town of Jonesport and the condition which has existed there many years. I do know, Mr. Speaker and members of this House, that one man in the town of Jonesport for many years has had practically a monopoly of the fishing rights in that town. I also know that that man's political influence is such that no other person can get any fishing rights in that town or about the shores of that town, and that that man, from the disposition that he has shown, is going to continue this thing an indefinite time, because the vote of that town shows there are about four or five votes for one party and only one vote for the other party, and he happens to be with the majority, and has that influence over the municipal officers which puts him in a position to continue to monopolize the fishing rights there.

Now, gentlemen of this House, this matter was threshed out before this committee. This committee listened to the evidence and this committee must have been satisfied on the evidence presented that this particular bill should be enacted into law, else they would not have reported it un-animously. I do not see why the rights of everybody are not protected in this matter, because there is a provision that this weir, when built, shall not interfere with navigation or with the rights of others. I say to you men that this legislature when they find a situation where somebody has the political influence and power in his town, and continues that political influence as he has during this session of the Legislature, by having his attorney and representative in the lobby, a man of influence; a man who knows the fish business well; a man who has been commissioner of sea and shore fisheries of this State—looking after his interests and trying to protect them; I say it is the duty of the Legislature to see that somebody else has some rights down in that town. I hope this Legislature will not vote to indefinitely postpone, but will enact this bill, giving this right.

Mr. PIKE of Eastport: Mr. Speaker, it is with some reluctance that I rise at this time to take the attention of this House for a moment on a matter of purely private legislation. A unanimous report from any committee is not infallible. Gentlemen, it was only yesterday that a report from one of the most important committees of this House was unanimously and emphatically rejected—I beg your indulgence for just a few moments in the discussion of this purely private matter, because, gentlemen, private rights are worthy of consideration, and it is our duty to discuss them here fairly. In 1876, this Legislature very wisely delegated to the municipal officers the authority to grant weir licenses. They enacted that law for the reason that the municipal officers were on the ground—at the location. It puts upon them the duty to examine the location, to hear all the parties in interest, and then de-

termine, in their judgment, whether it is an injury to navigation or to the rights of others. That is the court before which all these purely private matters should be heard, and not in this Legislature. Gentlemen, if the proponents of this measure had first appeared before the municipal officers of that town, and had not had a fair hearing, and if, by bias or for any other reason, their proposition was turned down, then they would have a right to come before us, into the general court of this State, and have their hearing. Such is not the case. No application was ever made for such a grant.

Now what does this bill provide? It hardly determines anything. It says that this weir shall be granted if it is not an obstruction to navigation or to the rights of others; so that those two propositions which should, in the first instance, be decided by municipal officers of that town, will now be thrown into the courts. If this grant is given by the Legislature and this weir is erected, then comes long litigation and law suits to determine whether or not these rights have been invaded. So that I say, it seems to me proper in the first instance that those who desire to have a weir should apply to municipal officers and have their hearing, and then, if it is rejected, come here and have their rights adjusted. I think that is a sound position, and for that reason, I hope this bill in its present form will not pass. I shall not take any further of your time to discuss this matter. I wanted to present to you that one principle. I have no interest in the matter, one way or the other. I hope, however, that the bill, in its present condition, will not pass.

Mr. THOMAS of Harpswell: Mr. Speaker, as I understand it, the town of Jonesport has a mixed representation in their selectmen. As I understand it, one of the selectmen of Jonesport, at least, is a Republican, and sent in a letter to this committee protesting against this very proposition. I think it is unfair, decidedly unfair, to bring politics into a question of this kind. As I understand it, the gentleman who presented this bill

to the Legislature never applied to the selectmen of Jonesport for this permission. A bill was passed by this Legislature giving the selectmen of each town the right to grant these privileges, and they are on the spot. I think that politics should everlastingly and eternally be kept out of a proposition of this kind, especially where a man thinks he can gain political advancement by so doing.

Mr. VARNEY of Windham. Mr. Speaker, I rise for information. I am told by a member of this committee that application has been made several times for a weir, and it has always been turned down. I should like to know if that is a fact.

Mr. HINCKLEY of South Portland: Mr. Speaker, I know of my personal knowledge of a large number of applications which have been made to the town of Jonesport by substantial citizens of that town, and they have been invariably refused,—practically no consideration,—and it has got to the point where it is absolutely useless in the town of Jonesport for anybody to try to get a foothold, except this one person who controls and monopolizes it.

Mr. BARNES of Houlton: Mr. Speaker, I hope there is no politics mixed up with this. Mixing politics and fish stories would make a combination that we would have difficulty to unravel in the ordinary layman's mind, especially if he is only a plain farmer. I assume that the members of the committee on sea and shore fisheries are men of average intelligence, men of good intention, men who properly advertised their hearing, and men who took what evidence was offered pro and con. Now, I am going to address myself to this proposition for just a minute, on two points. First, you are to determine what credence you shall give to the report of your committee. Weigh this for a minute. Remember they had the evidence. Yesterday was the day of the underfed lawyers, and today we have a man that does not look a particle underfed reading the brief of an attorney whom I happen to know is not at all underfed. Now, ex-parte

hearings are always taboo. The hearing where the evidence was given was before the committee. The ex-parte brief of the attorney who furnished the papers to the country squire is a very entertaining argument. It may be a bit specious. It is to carry the point. The other side cannot be here. I am going to vote, when the roll is called, to support the finding of the committee who heard the evidence. There is another point. Are we not getting a little tired of paying 20c and 40c for 9c fish? Jonesport,—go down and stand there where you can look out to sea. There is the boundless Atlantic ocean in front of you, teeming with fish. Here is a man that wants to put down a little weir, or ware, or wire, as it is variously pronounced, that will swing about 20 fathoms, and the easterly wing 65 fathoms, and westerly wing 85 fathoms. In the broad bosom of the Atlantic ocean what hindrance will that be to anybody? What is the object of this bill? I suppose the object of this bill is to put upon the market food fish; and I sincerely hope, as a man who has to pay bills monthly or weekly, that that will open the opportunity for more of our good food fish to get on the market. Now, for these two reasons, I am going to vote for it,—that it may reduce the high cost of living and that it may establish the fact that the Legislature will seriously vote in favor of the ten men who heard the evidence, and not because of the entertaining and argumentative discourse of some paid attorney who is here in the lobby to illuminate us on all these questions.

Mr. HINCKLEY of South Portland: Mr. Speaker, I do not want any member of this House to feel that I am, for a moment, interjecting politics into this matter. When I finish my term of office here this winter, I want every member to say that I have tried to be fair in all matters, and sincere in them. I had not thought of interjecting politics into this matter. I did not indicate,—I do not now indicate, the politics of this particular man in this particular town. It is immaterial to me what his politics

are. If any man of any political faith is in a position to exercise that power and influence of dominating the officials of the town to that extent, I care not what his politics are, he should be prevented from so doing. (Applause.)

Mr. MAHER of Augusta: Mr. Speaker, it certainly was the farthest from my mind to discuss this matter, because it is a matter that I know but very little about, and yet I am here to vote intelligently. I think we have digressed just a little bit from what should be the controlling interest. I am not very much disturbed about the price of commodities, but I am impressed by the proposition that was advanced by the first speaker, and I desire to be informed, if I may Mr. Speaker, by the Chairman of the particular committee, which had this matter under consideration, whether or not any notice was ever given in accordance with Chapter 2, Section 40.

Mr. WYMAN of Milbridge: Mr. Speaker, I will inform the gentleman from Augusta (Mr. Maher) that I do not believe that there was a notice given.

Mr. MAHER of Augusta: Mr. Speaker, that, to me, is the controlling thing. My view of the statutes is this, that the Legislature is not supreme, and while it has plenary powers within its limited scope, its scope is limited by the Constitution and by the existing statutes of the State, and that that law of the State is binding upon any particular Legislature until it ceases to become a law; in other words, to paraphrase the position of the attorney who are arguing a case in the Supreme Court, one of the Justices said, "That is not the law, sir." And the attorney immediately retorted "It was, your Honor, until you intimated to the contrary." Now, then, the statutes are the law of this State and are controlling until the Legislature intimates to the contrary, and they cannot enact by suggestion; they must do it by act. The gentleman from Nobleboro (Mr. Mulligan) called the attention of the House to a section that I was not familiar with, that section of the statutes reads as fol-

lows: "Whoever petitions the Legislature, or whoever shall introduce any bill, or resolve for special legislation, regarding or in any manner pertaining to fish or game, shall first have given notice of their intention with full description of the territory or waters affected by such legislation, in some weekly publication nearest the locality so affected, for eight consecutive weeks, the last notice to be not less than one, nor more than three weeks before the assembling of the legislature of which such legislation is requested, and such notice shall be absolutely required before any such legislation shall be enacted."

Now, Mr. Speaker and gentlemen, the first query is: Is there a bill introduced? Yes. Is it special legislation? Manifestly! Does it have to do with fish or game? Obviously! Has the notice been given? No! Will we disregard the law? Suit yourselves. I shall vote "No." (Applause.)

Mr. Buzzell of Belfast: Mr. Speaker, notwithstanding the feeling of the House, I want to say just a word on this question. I do not know any of these parties, and I have listened with a great deal of pleasure to what has been said. I almost feel that it is about as necessary to have a little scrap in the House over a fish act as it is at least to try one horse case every term of the Supreme Court in the several counties in the State of Maine. You have listened to Judge Maher and his explanation of the conditions. I say, gentlemen, that it is perfectly legal for this House to pass favorably on this bill. I am afraid that we are getting into the habit of turning down majority reports. This committee has passed upon this bill notwithstanding the fact that it is special legislation. I believe that we would be right in the first instance to take notice of that committee's report, and then again, gentlemen, I had rather vote here alone than to feel that I was injuring one man down in the town of Jonesport.

The question has been asked was a notice given, and answered no. I

will ask one question and answer it myself, and, if I am not right, someone can correct me. Was a hearing had? Yes. Several appeared on one side and this one man, Mr. Look, on the other. That is significant to me that there is something wrong down there, and Mr. Look has not had a look in down there for some time. (Laughter) Now are we as fair men going to endorse a unanimous committee report and give this man what is right? Nothing more nor nothing less. I have not investigated in particular the politics of the several gentlemen down there in that section. I do not know whether Mr. Look is a Republican, a Democrat or a Socialist; but I do want him to have what is right, and I am not going to strain myself at this time over technicalities. It is legal for us to pass this measure, and I hope the gentleman's motion who first spoke on this subject will not prevail.

Mr. LAUSIER of Biddeford: Mr. Speaker, it seems to me as though we are losing a good deal of time on this question; but I am surprised by the statement made by the gentleman from Belfast (Mr. Buzzell) that this is a mere technicality in view of the statute read by the gentleman from Augusta, Mr. Maher, that they must absolutely in any event give eight weeks' notice of a change in the same, or the fishing laws. Now is there any ambiguity about that statute as to what a citizen must do? If there is, then throw it in the waste basket. It is no technicality; it is mandatory upon any citizen of this State who wishes to change this law to give eight weeks' notice, committee hearing or no committee hearing. The notice was not given. Now the committee has no jurisdiction over the statute that governs. Now I say irrespective of who are the politicians in Jonesport they must obey the law as it now stands, and I shall vote no on this question.

Mr. WILSON of Portland: Mr. Speaker: This questions seems to be getting away from the real issue. The gentleman says that a notice is required and is mandatory. It is a maxim of law known even to lay-

men, that when a party appears before the court and answers, notice is waived. Anybody knows that. The only object of this notice is to insure appearance before the court which is to hear the case. The court in this case is the committee on sea and shore fisheries, and everyone admits that there were appearances on both sides. A notice is of no consequence in a case of that sort. Farther than that, Mr. Speaker, as a member of the last Legislature I think I can recall at least a dozen cases similar to this in which I will challenge any man to show that any notice of this sort was ever given; and I venture the assertion that there are now pending in this House, or have already passed it, several bills where no such notice was ever given.

Mr. MAHER of Augusta: Mr. Speaker, not taking any more time on this matter, and not intending to shut off debate, but answering the question with reference to the maxim that laymen must know that presence is a waiving of notice, any individual may waive his individual notice, but I cannot conceive that the mere presence of any person before a committee, the mere holding of a hearing, that the presence there of the proponents or opponents of legislation, can waive any fixed law of the State. If such be the case, it is a strange situation. As I said at the outset, the gentleman may perhaps be familiar with this section and know about it. Personally I know nothing about it; but until I hear something advanced here in the way of a legal argument from legal gentlemen that handles the matter in a legal way, I am not convinced. Mr. Speaker, I move the question.

Mr. MULLIGAN of Nobleboro: Mr. Speaker, it would seem from the remarks of the gentleman from South Portland (Mr. Hinckley) and the remarks from the gentleman from Belfast (Mr. Buzzell) that Mr. Look was an awfully abused man. Now as a matter of fact Mr. Look controls two or three weirs in Roque harbor. He had the license taken out in the name of a wealthy gentleman from Massachusetts who owns the land

and who reserved that right to have those licenses in his name; so if the time ever came that he wanted to get rid of those weirs, he could do it, but Mr. Look controls those two weirs, and there are only five in the harbor; and I presume that there are more than five fishermen down there who would like to build weirs, and I cannot quite see how this man has been discriminated against.

The SPEAKER: The question before the House is the question of the gentleman from Nobleboro, Mr. Mulligan, that the bill be indefinitely postponed. All those who are in favor of the motion will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had

Fifty-six having voted in the affirmative and 67 in the negative, the motion to indefinitely postpone failed of passage.

Mr. HINCKLEY of South Portland: I move that the bill have its third reading.

Mr. MULLIGAN: Mr. Speaker, I move that the bill be tabled and specially assigned for Tuesday morning next, as I wish to offer an amendment.

A viva voce vote being taken, the motion to re-table the bill was lost.

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

The Chair lays before the House An Act providing for the preparation of the State budget, House Document No. 264, tabled by the gentleman from Portland, Mr. Rounds, pending third reading, and the Chair recognizes Mr. Rounds of Portland.

Mr. ROUNDS of Portland: Mr. Speaker, this bill calls for starting six months before the Legislature convenes. The first thing I note is that the members of the Legislature serving on that commission shall receive five dollars a day. In the first place, I do not think any member of the Legislature has a right to receive anything but his salary. They can make the salary for the next Legislature but not for this.

In the next place it says not to exceed five hundred dollars. Now I think it would cost a good deal more in traveling expenses and the five dollars a day than five hundred dollars.

In the next place every corporation must file in October of each year its statement of how much its appropriation shall be. In another place it says that the year shall end on the thirtieth day of June—the year before. Now it looks to me as though they had got this all muddled up, the same as the budget we have had here this year has been all muddled up, and I would like to read a few things here.

I have been a member of this Legislature for 10 weeks. When I took my seat I found on my desk a printed book which purported to be an "estimate", so called, for the guidance of this Legislature in appropriating money for state purposes for the next two years.

I have been unable, from the information contained in this "estimate" to form any adequate idea of what it has cost to run the various departments and institutions of this State for the past two years, nor have I found any other member of this Legislature who knew, nor any officer of this State who could tell me.

I, therefore, called on the treasurer of this State to make a report such as the Constitution requires him to make, and after much delay he filed a report which was absolutely incomprehensible to me and to all other members who examined it.

I then called on the auditor of this State for a report, and he submitted figures to me, which I have tried and tried in vain to reconcile with the figures in the so-called estimate, and I am now more mixed up than ever.

I do not believe that this is entirely due to my stupidity, and I do believe that it should be possible to render a report to members of the Legislature which would at least show what had been expended, and for what purposes for 1917 and 1918, and to have the same figures twice alike, so that the ordinary member of this

Legislature, without being an expert accountant, could tell at least how much money this State has spent in the last two years, and what that money was spent for.

I can make such a statement for my own business, and so can every other member of this Legislature, and I wish to state now and here, that if the "Budget" of Governor Milliken is nothing but a budget of misinformation, the quicker this Legislature puts it out of commission, the better it will be for the State.

ITEM 1.

I hold in my hand a copy of figures submitted to me by the State auditor, which shows that in 1917 there was expended in the adjutant general's department \$98,927.05. If the members of this House will consult their estimate books and will take time to foot the expenditures for 1917 in that book, they will find them to be \$68,709.87. One of these statements is entirely wrong. Which one is it? Can any member of this House tell me which figure is right? And if you can't tell me, will you tell me why you can't?

ITEM 2.

The figures in my hand show expended in 1917 in attorney general's department \$15,061.38. In the estimate book the 1917 expenditures are given as \$18,874.63. Which is right?

ITEM 3.

The figures in my hand show expended in 1917 in commissioner of agriculture department, \$155,695.05. In the estimate book the expenditures for this department for 1917 are given as \$123,196.20. Which is right?

ITEM 4.

The figures in my hand show expended in 1917 in the executive department, \$686,305.07. In the estimate book the expenditures for the executive department for 1917 show as \$383,020.90. Which is right?

I will not weary the members of this House by quoting any more comparisons. Hardly any of the expenses for 1917 are the same in the report in my hand as they show in the estimate book.

This estimate book is supposed to be the backbone of Governor Milliken's budget system. It is handed to the members of this Legislature to study as a guide to future appropriations. If it is so far wrong for 1917, I, for one, dare not put any confidence in it for any other period, and I repeat that such information is so misleading as to be dangerous.

ITEM 5.

Maine State Prison,
1917.

Auditor's records:
Expended for 1917\$199,024.73
Less boiler house 7,276.59

Maintenance for 1917\$191,748.14
Less pensions 1,800.00

Net cost of maintenance.....\$189,948.14
1918.

Auditor's records:
Expended for 1918.....\$197,688.33
Pensions 2,093.75

Coal bunker and boiler 7,738.30

Maintenance\$187,856.28 \$187,856.28

Both year, for maintenance....\$377,804.42

The warden stated in this hall a short time ago that the number of prisoners in Thomaston averaged 200 for each of the two years, a total of 400. The cost to keep these 400 prisoners about \$950 apiece per annum. This is about twice what it costs to keep a prisoner in Cumberland county.

ITEM 6.

Junior Volunteers.

I never heard of the Junior Volunteers before I came to this Legislature this year. I find that there has been expended for the purpose of the Junior Volunteers, whatever purpose that may be, in

1917\$ 97,553.09
1918 72,352.45

A total of\$169,905.54

I understand that some of this money has been paid back to the State by farmers, but it is safe to say that \$125,000 is a net loss to the State.

Governor Milliken made no reference to this eighth of a million dollars expenditure which has come up under his administration, in his inaugural message. I think this Legislature should

require an accounting of both the receipts and disbursements of the Junior Volunteers, and take steps to see that this organization is immediately disbanded.

ITEM 7.

I wish to call the attention of this House to the numerous sums that have been transferred from the State contingent fund in the past two years.

In 1918 these transfers were....\$281,537.53
In 1917 these transfers were..... 114,571.62

Total for two years\$396,109.01

I understood the State contingent fund was a fund to be used for emergencies only. I also understand that there can be no emergency arise when the Legislature is in session.

I state to the members of this House that during the last session of the Legislature, and also during the present session, the Governor transferred money, not for emergencies, but for maintenance of the State prison and other institutions, in large sums from the State contingent fund.

Log rolling we have been accused of, but I desire to state that any system of accounting or of budgets that lets a Legislature appropriate specific sums for maintenance of our institutions, and then puts a fund of half a million dollars in the hands of the Governor which he can give to the institutions that he favors, is a rotten system and should be abolished.

Gentlemen, under any such system, this Legislature might as well make one appropriation of say two million dollars, place it in the Governor's hands to expend, and adjourn. I have not taken up the matter of the highway department, but, believe me, before this body adjourns, I will. (Applause)

I move that this bill be indefinitely postponed, and that we go into the log-rolling business.

Mr. BARNES of Houlton: Mr. Speaker and gentlemen: A good many of us probably have been troubled over some of the things that trouble the genial soul from Portland, and some of us may have been troubled over a good many items that the father of the House is now so worried about; and it is with a

sincere and honest effort to obviate such troubles in the future that the bill was drafted. Now it possibly might arouse antipathy against the bill if the authorship were known and possibly it might give the bill a little standing if its authorship were known. Now before you read this paper I will acknowledge myself to be the sole author.

The gentleman from Portland (Mr. Rounds) knows more or less about the workings of the budget, and any business man who has eight million dollars to spend 12 months in these times of sharp competition is quite apt to speculate and think over how he is going to expend the eight million dollars in order that he may have a little revenue back to himself if he is running a profit-sharing business. I am told the wisest business men do consult and figure how much they will expend for superintendence—so much for advertising—so much for stock—so much for this, that and the other. Now we do a part of the business of this eight million dollar corporation, and we should be very zealous of our right to do all that the law requires of us. We got along for a hundred years without a budget, when the annual expenditures of the State were only \$300,000 and the talent of the State was just as good as it is now and there were just as many men willing to go to the Legislature as there are now in proportion to the population. When it was only that little \$300,000 proposition, men of average business capacity could comprehend so small a matter as that and could get along fairly well without beforehand laying out any plans. But way back, to my certain knowledge 10 years ago, men began to be worried over the expenditure of eight million dollars without any more serious thought than the average legislator at about quarter of 12 is apt to give to a thing, and then began to discuss whether or no it would not be wise to let business heads consider as to what the business of the State should be. Nothing developed from it except to overturn in the executive chamber a couple of times, very largely due to the mistakes in finance by over-zealousness of their friends in the Leg-

islature, until 1915, when, in order to test this method of prescribing beforehand what appropriation should be expended for one purpose and what for another the Legislature enacted that the Governor and his Council should prepare a budget. In 1917 the Governor and Council in connection with the appropriations committee of the new Legislature, proceeded as they proceeded this year to get up a budget. Now in 1917 it was commonly agreed by all hands that the crude and experimental form which the budget then necessarily took was of great assistance; and we are proud of the fact that the financial record of the State of Maine during the past two years is as good as it is. You have heard no criticism adverse to it.

The budget was by statute to be submitted to the Legislature in less than 15 days after it convened. Now this Legislature convened the 1st day of January. The budget could have come in from the Governor and Council any day after the 16th day of January. Had the budget been submitted by the Governor and his Council by the 20th, 25th or 31st day of January, it would have shortened the length of this session four weeks; but it did not come in until the 19th day of February, and many a man has been asking himself why. To correct that laxness this budget was drawn by myself. I consulted one man who had had longer experience on the budget than any other man; I consulted a bookkeeping expert. Other than that, nobody saw this until it was submitted to a committee.

Now the idea of the Governor and Council furnishing the budget is, so far as it goes, excellent; but I submit that there is a slight presumption in favor of some man expert in finance and some men who have sat or will sit in the Legislature, in addition to the Governor and his Council, say not exceeding above ten who should make a committee who would attend these hearings, manage these hearings, and make suggestions to the Legislature—suggestions only. In one state in this union, the State of Maryland, the budget committee prescribes the budget and the Statute says that the Legislature shall not

exceed it by one cent. Maine's budget has been and is in intent merely a suggestion to the Legislature. So it seemed wise to me that the Governor—because gentlemen, there is no man in the State who knows the needs of the various institutions of the State of Maine better than an honest governor who is on the job—and the State Auditor, who knows the financial condition of the State if anyone knows it, and the State Treasurer, who is selected because he is a man who knows something about finance, and the Chairman of the committee on appropriations and financial affairs on the part of the Senate and the chairman of the same committee on the part of the House, seemed to me to be as near a model board as we could find for the first trial; and so I have suggested that they shall be the budget committee.

Now I do not intend to pass over any of the objections that seem serious that the gentleman from Portland (Mr. Rounds) has made. He found fault that the budget committee who were not state officials, to wit the two members on the part of the Legislature, should receive \$5.00 per day and their expenses. Now flatly, of course, the members of this present legislature, if they assemble under this bill next fall cannot get the \$5.00 per day; but knowing them as well as I do, I know that they will come and will serve; but I maintain that the members of succeeding legislatures will hereafter be entitled to their \$5.00 per day, and I leave that to the lawyers of the House as being perfectly plain. This Legislature, of course, can create an office which a man can go into hereafter who is not a member of this Legislature, and he will get his pay; so that takes away that constitutional objection.

Now the theory is that these gentlemen shall assemble prior to the opening of the Legislature, and that they shall first require, as the law is now, that every concern that is after State money shall submit a report as to what they did with the money. There is nothing new about that, and it is provided that every concern wishing money out of the incoming Legislature shall come in and make their wants known. There is noth-

ing novel about that. Then these men meeting sometime in November or December, at their leisure shall consider the ways and means of the State, and the needs of the State and they shall tabulate in form as shall seem wisest to them what in their judgment shall be the institutions that shall have it and what amount the State can afford to give them. I realize that this is a hard task. The next time you have a friend here in Augusta to entertain for a day or two, take my advice and take him across the river to see the Insane Hospital. Take him down through those three or four miles of corridors, go into that ward where a building was constructed to take care of our sisters, our cousins, and our aunts who are a bit insane, and you will find in that building today where a room was constructed supposedly for one occupant with five cot beds in it. Take your friend down there; it will be an eye-opener to you, and you will realize that the budget committee has a very hard problem before it when it has to determine whether the insane hospital shall have \$156,000 or \$157,500, and you will send back home one person who will not be criticising the amount of money that is appropriated for that institution, then if you will tell me that you consider that the State is spending any more money than it should for these unfortunate wards that we have all over the State, we will have no further argument about the proposition. I bring this up for the purpose of showing that the budget committee has a task before it that is, to my mind, a little short of tremendous. Then confronted with the question whether we shall raise a hundred thousand dollars or one hundred and twenty thousand dollars for the care of tubercular patients. My county has 41 in the tuberculosis sanatorium and there are 54 awaiting to go and one of them dies every six weeks—you and I who get accustomed to what we need, accustomed to get what we must have, will agree right off that it would be a task for earnest men to take the time, when they are not rushed and when the Legislature is not in session, to specify how the eight million dollars shall be expended.

Now it is said that there is rather an incongruity in this bill in that there is a report to June 30 of the preceding year. For a number of years the State of Maine has been endeavoring to get on a basis where its fiscal year shall end June 30, so that when we come back here we shall have a time in which things are fixed and determined, and the Legislature shall know what the expenditures were for 12 months beginning June 30 of the year before and winding up on the last day of the following June, which is the way all great corporations do. It is only for political reasons that this has not been done before. The first time this is done money will have to be raised for 18 months, and if the State tax is eight mills per year, the first administration in which this change is made will have to raise 12 mills, and that will mean, of course, that that particular administration will have signed its death warrant because the people will say that a raise of the tax rate from eight mills to 12 is disastrous and extravagantly wrong. Now the gentleman from Portland (Mr. Rounds) intimates that there is some "cat in the meal" or "nigger in the woodpile" in the suggestion that the fiscal year should end June 30. The bill provides that after these gentlemen have met and listened to everybody who asks for money from the State, and after they have got in their reports from everybody who has had money from the State for the preceding year, that they shall tabulate them, and on the fifth day after the next session of the next Legislature that budget shall come in. That is one of the very potent features of this bill—one of the admirable features of this child of mine, if a parent may be allowed to express an opinion on the features of his offspring—not on the 19th day of February, but some time before the 10th day of January, this will come in. I submit to you that that is business.

Further, gentlemen, this is only advisory, and the Legislature is the supreme body. We have no Maryland law. With their estimates, which will be printed and submitted, the budget committee is required to submit to the Legislature such other papers and data

as it may have, and those papers and estimates will go to the proper committee of the Legislature. Now I have been through it twice, and I say that crude as our present system is, inefficient as it is, unsatisfactory as it is in many respects, still it is vastly better than no budget system at all. Stop and think a moment! Suppose you run through thirteen weeks here with no check on appropriations, how in the world can you fix up your tax rate and have any idea whether it will be an eight mill tax, a nine mill tax, or a ten mill tax? It cannot be done.

About the expenses, the gentleman from Portland (Mr. Rounds) did not read that as carefully as he is accustomed to read that sort of thing. I think if he had known that I had a personal interest in this matter, he would have pondered over that a good deal more than he did; but five hundred dollars, gentlemen, is the limit that the budget committee can pay out for clerical assistance. All of you who have clerks know what it costs to get a stenographer, a first-class clerk, nowadays. The budget does provide that not over two thousand dollars is available to the use to prepare the suggestions that these gentlemen are going to present to the Legislature.

Many features commend this system to me, and I am going to be through before the clock strikes twelve, as we have some more business to attend to before we go to lunch. One of the most commendable features is that after election, when it has been determined who will be the executive of the State that men who have had the experience and know about the finances will get together and submit their estimates. I know enough about the Republicans of Maine who have held such offices and I know enough about the Democrats who have held such offices, to know that after the complexion of the officials has been changed, we would still have just as honest and just as fair a budget estimate as if we had retained the same budget committee; and I do not hesitate to

say that it would probably be even better. Now this is in interest of plain business, with nothing personal about it whatever. If luck favors me and the lightning does not strike, I shall have nothing to do with another budget of the State of Maine for a good many years; but in the interest of good business, I hope this bill will be enacted in a law.

Mr. ROUNDS of Portland: Mr. Speaker, when I put in a bill, some of the lawyers of the House got up and questioned why I put it in as a layman. They found out that I was right and that there was in the Constitution that they should furnish a report to this Legislature; but one of the lawyers, although he may be smart, has told us—wanted to know what in the world we put that bill in for. The Constitution provides that it should be in here on the first week in January, but you got this book on your desk only yesterday morning. This book by Legislative act should have been on your desk by the first day of February. Now we are to have a budget committee that is going to report in five days, but we do not know whether we will get it the last of the session or not. That is why I say that the budget committee is only piling up a little more expense on the people of Maine.

The SPEAKER: The question before the House is the motion of the gentleman from Portland, Mr. Rounds that the bill be indefinitely postponed. All those who are in favor of the motion will say aye; those opposed no.

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

On motion by the gentleman from Houlton, Mr. Barnes, the bill was then given its three several readings, under suspension of the rules, and was passed to be engrossed.

The Chair lays before the House report of the committee on Judiciary ought not to pass, on bill an Act to prohibit discrimination against persons seeking employment, House Document, No. 151, tabled by the gentleman from Lewis-

ton, Mr. Brann, pending acceptance of the report; and the Chair recognizes the gentleman from Lewiston, Mr. Brann.

Mr. BRANN of Lewiston: Mr. Speaker and gentlemen: This matter is to my mind a very important matter indeed, and among the minor matters which have been under consideration by this House I know of none of greater moment than the bill now under discussion; and my sincere desire is to so present this matter to you that you may understand the nature of the evil which we desire to change, and that you may understand the facts as they exist and as I know them to exist.

This is a bill to prevent the unjust discrimination against the American working man. Put in another way, it is a bill to prevent and to preclude the blacklisting of American workmen—the American worker—if he live or if he work within the confines of the State of Maine; so that I say that a bill of that nature must of necessity be an important matter and entitled to your very careful consideration. You may say to me that it cannot be true that in the State of Maine men are blacklisted and prevented from securing employment. I say to you that I do not speak for the entire State of Maine because I know not the situation which obtains throughout all Maine, but I do know something of the condition and the situation which does obtain in my own locality. I want to say in fairness and in justice to those great manufacturing enterprises which do business in the city that I represent, Lewiston, that so far as I know, so far as I understand and so far as I believe, those men have never employed this method of blacklisting American workmen; but there is a city in my county where this practice of blacklisting these workers in the shoeshop is employed—I refer, gentlemen, to the city of Auburn and it will be necessary for me to tell you something of the system employed in those shoeshops. There are, as you well know, a large number of shoe manufacturers in the city of Auburn, and these men have

very properly and legally associated themselves into an association for mutual purposes. So far so good, and so far legally. We do not question their right to do that. Neither do we question the right of the worker to organize. Now this manufacturing association maintains a central labor bureau where every shoe worker in the city of Auburn is listed in a card system, and data is kept in that central labor bureau covering the history of those workers in the shoeshops in Auburn. Now we do not complain because the manufacturers maintain a system of this kind. It is absolutely legal and absolutely proper. They could keep it in the individual shops or they could keep it there at the central office; but now the stage is set, gentlemen, and from the setting of that stage creeps in the evil and the error which this bill seeks to rectify.

Now here is the situation: Let me give you something in the nature of a concrete case. Some worker in one of the shops may be discharged for some valid or some invalid reasons. He may be active in the union; he may be active politically; he may have excited the animosity and the hatred of some foreman in that shop and so be discharged. Now I say to you that the manufacturer had the right to discharge the two of them. I say to you that the shoe worker had a right to leave his employment, but I say to you that what followed so far as he is concerned is absolutely illegal, absolutely un-American and absolutely undemocratic, because when this man leaves the shop information goes from this shop into that Central Labor Bureau, and by some mystic sign upon the card in that bureau that worker is blacklisted. Now what does that mean? It means that this man may go to every other shoeshop in the city of Auburn, and if he does he fails to secure employment; and I say to you that that is a vicious unAmerican system. Now you may say to me that that practice is not carried out as I say it is, and I have here, which I am going to read to you, affidavits of men who are on that blacklist there in the city of Auburn, men who

have been workers in those shops, some for 20 years, and good, competent workmen as they are even in the stress of wartimes could not secure employment in those shops. I want to read them to you. I could have secured affidavit after affidavit. Men came to me and said: "I am on that blacklist; I cannot secure employment in any shoeshop in the city, but I have a hope that sometime my name will be taken from that blacklist and I can again enter upon the employment of making shoes, which has been my business substantially all my life." I said to those men: "I do not want your affidavits;" but the men who gave me affidavits are men who have the courage and who want to assist these other unfortunate brothers of theirs, and they gave me these affidavits that I might read them to you. I wish to read first the affidavit of a worker there in those shops by the name of Herman J. Koss, as follows:

STATE OF MAINE.

Androscoggin ss.

I, Herman J. Koss, 23 years of age, of Auburn, county of Androscoggin and State of Maine, on oath depose and say: That I have resided in Auburn for the past four and one-half years, and that I am married and have four children, my said wife and children being dependent upon me for support, and that I commenced working for the Lunn & Sweet Company of Auburn about four years ago, and that I was inducted into the service on August 27th, and that I was discharged from the army at Camp Upton on September 3d, 1918, for physical disability and that I was employed by the Lunn & Sweet Shoe Company and entered their employ on September 10th, 1918, as a utility man in the lasting room and that I remained in their employ up to and including September 30th, 1918, at which time I was discharged by Edward W. Morphy, superintendent of No. 1 factory, the conversation being as follows: "Get your hat and coat on and get your tools and come down in the office and I will pay you off and tell you why." I said, "Kind of sudden," and he replied, "Too bad you stuck your foot in on that I. W. W. organization," I replied, "It isn't for bad work you are

firing me?" and he replied "No," and he pulled out of his pocket an application card of the United Shoe Workers of America and said, "That is the reason I am firing you." I was under watch while I was getting my clothes and until I left the shop. I am not a member of the I. W. W. but am a member of the United Shoe Workers of America.

On October 2d or 3d I applied for employment at the Dingley-Foss Shoe Company of Auburn and was employed by Mr. Golder, the employment manager, to go to work in the morning.

I had my pinchers with me and he told me to leave them in his drawer and get them when I came to work in the morning. Next morning when I came to go to work he told me that they had decided not to start new rink and that I had better go out and look for something else for at least two or three weeks. On October 11th I visited the Ault-Williamson Company, shoe manufacturers of Auburn, and Mr. Martin, the foreman, told me that he had nothing for me unless I wanted to take a \$7.50 per week job.

On Saturday, October 12, 1918, I called at the office of the Cushman-Hollis Company, shoe manufacturers of Auburn, and talked with the lady assistant to Mr. Ford, employment manager, and she called to the office the foreman of the Goodyear department, and he employed me to go to work in that department on Monday. I told him I did not want to come back Monday unless he meant to give me work and he said "That will be all right." About one half hour after returning home, a note of the following tenor was delivered to me by a driver for the Cushman-Hollis Company. "Herman Koss,

40 Fifth street, Auburn.

We will not be able to use you Monday as Mr. Ford has already made arrangements for a man to come on the job, you may come in the first of the week, and possibly there will be something else.

CUSHMAN-HOLLIS CO.,

L. F. B."

On October 25, 1918, I was sent by Mr. Gorman, head of the United States Employment Bureau in Lewiston to

the Lunn & Sweet Shoe Company, for a job as pulling machine operator, and I went immediately, but when I reached the shop the employment manager told me that a mistake had been made, that they wanted a Good-year puller instead of a turn puller but had hired one an hour ago. I said to him that there was an advertisement in the paper for turn workmen, and he said jobs like finishing machines and room boys, and that I wouldn't want anything like that. I was not employed although I have good reason to believe that the several shops visited by me were in need of help to perform the kind of work which I was able and competent to do.

IN WITNESS WHEREOF, I have hereunto signed this 28th day of October, 1918.

(Signed) HERMAN J. KOSS.
Witness Louis J. Brann.
State of Maine.

Androscoggin ss October 28, 1918.

Subscribed and sworn to,

Before me

LOUIS J. BRANN,
Justice of the Peace.

I have here an affidavit of another shoeworker by the name of Joseph Bostany, which I will not read to you in detail other than the very closing sentences of the affidavit, which says that he had a like experience in attempting to get employment in the shoe shop at Auburn. He was discharged from the Lunn & Sweet Company, attempted to secure employment, and he said as follows in respect to his failure to get employment:

"No complaint was ever made to me about the kind and quality of my work and I was not discharged for that reason. I have been unable to secure employment in the other shoe shops in Auburn, although I have tried and I know there is a shortage of help." This affidavit was signed on the 29th day of October, 1918.

Now remember this, gentlemen, in making up your minds on this very important question, that these two men whose affidavits I have just read to you attempted to secure employment in those shops in Auburn while the great war was in progress and

before its termination on the eleventh day of November; and remember also that these men were sent to these shoe shops by the representative of the United States Employment Bureau, and that these shoe manufacturers paid absolutely no attention to them. And remember something further, that the mandate of the United States government was that every man in time of war, in time of travail, and in time of stress, might be of some use to his country and perform some useful service; and yet these manufacturers over there in secret placed the blacklist against the mandate of government—work or fight. These affidavits absolutely prove it.

Now this is not all I have, and another affidavit I want to read. This one to my mind is an exceedingly important affidavit in the presentation of this matter, because it is the experience of a worker who lives in Lewiston and who worked in Auburn, and who has been substantially his entire working life of 20 years a worker and employee in those shoe shops. Now listen to what these manufacturers did to this poor, unfortunate man with a wife and family dependent upon his support. He says as follows:

STATE OF MAINE.

Androscoggin ss.

I, Thomas Malenfant of Lewiston, county of Androscoggin and State of Maine, on oath depose and say, that my residence is Lewiston, Maine, and that my employment is lasting in shoe-shops and that I worked at lasting shoes in National shoeshop No. 1 for three years; that I worked in National shoeshop No. 2 about nine months; that I worked for the Foss & Packard Shoe Company of Auburn, Maine, for about four years; that I worked at the same trade in Field Bros. & Gross shoeshop in Auburn, Maine, for nearly twelve (12) years; and that I worked for Lunn & Sweet Shoe Company of Auburn, Maine, shoeshop for about seven weeks; and that I left their employ about the first of August, 1918. That I lasted on the best kind of shoes and on the sample shoes and that my work was always satisfactory; that at the time of my leaving the Lunn & Sweet Shoe Com-

pany I was employed in the Goodyear lasting room, John Reynold foreman, and was receiving one dollar and eighty-five cents (\$1.85) per hundred for the tip shoes and one dollar and seventy-five cents (\$1.75) for the plain shoes, per hundred and at that time, namely about August 1st, 1918, Mr. Reynold told me that we were to be cut down and I told him that I could not work for any less and that I wanted to give a one week's notice and I told him that I did not speak for anyone but myself; this talk was Wednesday forenoon; I worked the remainder of the week and when I went into work on Monday following my machine had been put one side from the team works so there was no work for me to do and I did but one case which was left over from Saturday and about the middle of the forenoon Mr. Reynold came to me and told me that there was not enough work and if I did not mind I could get through now. I told him that I was willing to finish my notice, but that I was willing to get through then. I went immediately from the Lunn & Sweet Shoe Company to The Cushman-Hollis Company, and I talked with Mr. Ford, the employment agent of the shop, and he told me to come in in the afternoon and he would put me to work, and when I went to go to work in the afternoon Mr. Ford told me that he could not employ me because the man had come back."

Remember this, gentlemen, and I call your attention to it as you may observe it throughout all these affidavits that these foremen in these shops did not give true reasons to these workers why they could not secure employment in these shops. It was always an evasion; it was always an untruth and never the truth, and the reason is patent, because they did not dare tell those workers that their men had been listed upon that blacklist down there at the Central Labor Employment Bureau, maintained by the shoe manufacturers of the city of Auburn. The affidavit continues:

And during the next two or three days I visited every shop in Auburn with the exception of Ault-Williamson Company but none of them would employ me, although I knew that

there was plenty of work in all the shops and the shops were advertising for No. 5 Operators, which was the machine that I run. I also applied to the United States Bureau and he sent to Cushman-Hollis Company and he said that he needed a No. 5 operator, but he also said that another man would get the job and I know that the man he mentioned could not operate a No. 5 machine, but was a Nigger-head operator.

I was not able to secure any further employment in the shoeshops in Auburn, except that sometime in October, 1918, I secured a position in the Ault-Williamson shoeshop, finishing toes, by giving a fictitious name and I worked there for seven weeks under the name of Tom Mullen; finally just before I got through the foreman of the room came to me and told me that I was to get through that day and to come in Monday and get my pay. I asked him why and he said on account of the soldiers coming back, and on Monday when I went for my pay I found a man from Lunn & Sweet who was not a soldier working on my machine and I asked the foreman if my work was satisfactory and he said yes, and sorry to see me go but that he had to take orders from the office. I then asked him when he found out that my name was not Mullen and he said on last Wednesday. Since that time I have been doing what work I have been able to get around Lewiston.

Lewiston, March 10th, 1919.

(Signed) THOMAS MALENFANT
STATE OF MAINE
Androscoggin, ss

Lewiston, March 10th, 1919.

Subscribed and sworn to before me,
LOUIS J. BRANN,

Justice of the Peace.

Now this is the situation that exists over there and I do not believe that any member of this House wants to go on record in support of any action of the committee which would sustain a practice of that kind when it is in substance the blacklisting and prevention of securing of employment by the American workman; and the American workman is entitled, gentleman, to our very sincere

and thorough consideration in this matter.

Now there was a hearing on this bill—unfortunately there has to be a hearing on every bill—and I attended that hearing and presented the matter substantially as I have presented it here, with the exception that more affidavits have been introduced before you. Men appeared there in opposition—men in the lobby—men who represent the great corporate interests of this State. I soon found out that there were two objections to the bill. The first one had no particular significance and can have no significance so far as your action is concerned, because it was that the great corporations of Maine employing help did not want an act of this kind passed by this Legislature; but there was an objection raised, not as I remember it by those sleek men who represent the corporations, but by a member of the committee, and I think that objection is a valid one; and I have drafted here an amendment to this bill which in my judgment would apply to it if you see fit to adopt the bill and object to the report of the committee. The objection was made that, while this bill might protect the honest worker and the honest employee, it also might serve as a protection to a man who secures employment in a factory or in a shop with the avowed purpose and intention of injuring that shop, injuring machinery in that shop, or of inciting a strike or the injuring in any way the welfare of that employer, and of the manufacturer. I think that objection was well taken, and I want to read this amendment to you, and gentlemen of this House who vote for this bill as against the committee report will vote with the understanding that, at the proper time, this amendment will be offered to this bill. It is as follows:

“Amend by inserting an additional sentence of the following tenor: This act shall not apply to employees who shall wilfully and intentionally damage property in the course of their employment or who shall secure employment in any manufac-

turing plant in this State with the intention to injure property or plant, or to incite a strike, or who shall do wilful mischief of any kind.” I think that should be added to this bill.

Now then just a word more and I am through. We come to the question, and I have no great hesitation in submitting it to you, gentlemen because if I have made my position plain, if you understand the situation as I think you do now, I have no question as to how you are going to vote on this bill; but it seems to me that the only action that any reasonable and fairminded representative can take is to reject the report, which is unanimous, and to put the bill in its stead, in its place. It has become rather the fashion lately to reject in this House, and perhaps properly, the reports of committees, even though they may be unanimous, and I move you, Mr. Speaker, when the vote is taken upon this bill it be by the yeas and nays, and I move, sir, that this bill, which is House Document No. 151, be substituted in place of the committee report.

Mr. MAHER of Augusta: Mr. Speaker, as a member of the committee which heard the matter and which reported, in order to entirely maintain a consistent and as I think, sound position, relative to the matter, in view of the statement of the gentleman from Lewiston (Mr. Brann) that the measure was susceptible and necessarily susceptible of an amendment, and that there was every valid objection to it in its original form—in view of his statement which I presume is made in good faith that he is going to offer this amendment, that removes what I consider the objectionable part of the bill. When the vote is taken, I shall vote opposite to the report of the committee. I think that amendment removes the objection to the bill.

Mr. MILLER of Auburn: Mr. Speaker and gentlemen of the House: I am not an orator as you all know. I have no political or other interest in this matter, except to lay before the House two facts. I have always lived in the city of Au-

burn. I have worked in the shoe factories of Auburn years ago. I have conducted a life insurance agency there for several years, and I have served for four years in the city government. I make the statement that in all probability there is no man in Auburn who has a larger number of friends among the shoe workers, or a larger acquaintance in the city. I appeared before the committee at this hearing rather inadvertently. I was interested in an insurance matter that was coming up and I happened to be in there at the time. Now I made practically the same statement there that I am making today. There is, I admit, an association of the Auburn Shoe Manufacturers maintained for their mutual benefit. They get together and talk over insurance rates, and railroad rates and freight rates, and the price of labor, and anything and everything that pertains to the nature of their business. They do maintain a card system on which is recorded the complete record of every shoe worker who has ever appeared in the Auburn shoe factories. That card gives the name of each individual, gives the kind of work he is fitted for, gives his nationality, his residence his age, in fact is a complete record of his ability as a shoe worker, and that is all there is on those cards. Now I have here a card. I have investigated several of these rumors. There never has been any endeavor to prevent my consulting these cards. I would like to speak of three cases that I have followed up. One case is that of a young man who had a mother to support. We found that was true and we found that during the baseball season he could not get a job in a factory for the reason that he would not work when there was a baseball game going on. Time and again his foreman had told him that he must not stay out to attend that game because the work in the factory depended on his work. He disregarded those instructions and invariably stayed out. That of course became known to all the factories and during the baseball season he was not employed. During the other seasons he could get all the employment he de-

sired. Another case was that of a young man who started the story that he was on the blacklist, and that was the remark that came to my attention. He claimed to be blacklisted, but in reality he was discharged from the Foss & Packard factory for stealing. They proved it, and that fact was recorded on his card. Another case that I investigated was where a man had been discharged from The Cushman-Hollis factory, and I looked up that case. I found that he was bringing liquor into the factory and selling it to the workmen and they were getting drunk during working hours. He was discharged and that appeared on his card. There is absolutely no discrimination against these workmen. There is nothing on those cards except the absolute record of the workmen. In these other cases that I have heard of where there are men who for some reason or other do not want to work, or for any reason they do not obtain work, they start the story that they are on the blacklist. I know from personal knowledge that no such list exists, and I am in favor of the acceptance of the report of the committee.

Mr. BRANN: I will say, Mr. Speaker, to the gentleman from Auburn, Mr. Miller, in answer to one of his objections, that I have incorporated into this amendment which I shall offer at the proper time, this final sentence: "or any employe who shall bring liquor into any factory or shop in which he is employed."

The SPEAKER: Is the House ready for the question?

Mr. BARNES of Houlton: Mr. Speaker, a parliamentary inquiry. As I understand it, we are now to vote on the substitution of the bill for the report in an unamended form.

The SPEAKER: The Chair will state that if a motion to substitute the bill for the report were carried it would be the same as if a favorable report were brought in on the bill, and it would take exactly the same course then as any bill would which was brought in on a report ought to pass.

Mr. BARNES: Mr. Speaker, I want to trespass on the time of the House for just a minute more. I want to call

your attention to a provision in this bill that no laborer under 30 years of age would allow to become a law if he knew it was there. It is page 2, lines 19 and 11: "Any employer of labor who has in his possession a discriminatory list shall be punished," etc. Now I know that there are organizations employing men in this State, young men, who are keeping a list of their excellency in order that they may promote rapidly the boys most deserving. I know a young fellow who on leaving high school in June went to work for a great corporation, and because they kept a list of what he was doing they moved him up from desk to desk so that before he went back to his school in September he had exceeded the promotion of boys who had been in the employ there for two years. Supposing an organization is keeping a list of high marks of those boys on a scale of one hundred, and there are five young fellows working there, fitting themselves to be exalted to the position of chemist in the business; one fellow has a mark of 92, another, 93, another 94, another 87 and another, 75. This bill absolutely punishes the employer for keeping that excellent list for the reason that it says "any discriminatory list." Now a discriminatory list is a list that sets one man above another. I submit, without fear of successful contradiction by men who know the English language and the language from which it is derived, that a list of excellence is a discriminatory list because it places the fellow who can get 95 at an advantage over the fellow who can get 89. This bill, as it stands, is an exceedingly vicious bill from my point of view, and I am speaking now for young friends of mine, some of whom are very near to me, who are working for great corporations in the State of Maine. I hope the gentlemen of the House will consider thoroughly this bill in all its bearings before they give it any credence at this time.

Mr. LAUSIER of Biddeford: Mr. Speaker, I for one am not willing to accept the definition of the gentleman from Houlton (Mr. Barnes) as to the word discriminatory, which comes from the word discrimination.

Mr. BARNES: Oh! no!

Mr. LAUSIER: I insist that it does. Mr. Speaker, the gentleman from Houlton (Mr. Barnes) says this word discriminatory means that if two men have not the same ability and one succeeds and is pushed up, that is discriminatory. The word does not mean that. The definition in the dictionary does not give that. It means where one man who has not the ability and is pushed over one who has, and I understand from this bill that is just what the gentleman from Lewiston, Mr. Brann, is seeking to introduce here. I for one will not accept the definition of discriminatory as stated by the gentleman from Houlton. That is the one point I raise.

Mr. BRANN, Mr. Speaker —

The SPEAKER: The Chair will remind the gentleman from Lewiston, Mr. Brann, that under the rules he can speak but twice on the same subject without the consent of the House.

The House voted that the gentleman from Lewiston, Mr. Brann, be accorded the right to speak again on this matter.

Mr. BRANN: I thank you gentlemen. I simply wanted at this time to correct the misapprehension of the gentleman from Houlton, Mr. Barnes, as to the wording, the import and the tenor of this bill. We are not seeking to reach any manufacturer or any employer of labor who keeps a list of any kind, be that list discriminatory or otherwise. Now let us read the bill as amended and see to what situation it does apply, and you will find it applies to a situation where one employer of labor combines with any other employer of labor so that when a man is discharged from one shop he is unable to secure employment in another, that shop being in the combination. Now the bill reads as follows: "Any employer of labor who shall directly or indirectly enter into any agreement, arrangement or combination of any kind with any other employer or employers of labor, the purpose of which is to discriminate against and prevent the employment of any person or persons seeking employment or who shall discharge any employee whether of any

corporation, company, partnership, individual or individuals because of any discriminatory agreement, arrangement or combination made as aforesaid." Now those words mean, if they mean anything, that the list which we are attempting to legislate against is a discriminatory list made by combinations of two or more employers of labor. It does not apply in any way, or in any manner, or any section to the suppositional case supposed and presumed by the gentleman from Houlton (Mr. Barnes). That objection was raised in the committee by the attorney for the Maine Central Railroad. He said they kept lists upon which the record and history of their employees were incorporated, and he said for that reason he was opposed to the bill, but when it was pointed out to him that it would not apply to an association of that kind he withdrew his objection. Now that is the only kind of a discriminatory list that this act would make absolutely illegal. I assume that any individual can keep a list of any kind and it will be absolutely permissible and legal within the meaning of the act.

Mr. BARNES: Mr. Speaker, let us not try any sharp practices. This is plain English, and my brother stopped at a convenient place, and then makes an assertion which he will retract: "Any employer of labor shall"—skip now down through "or shall make or caused to be made or assist in making, or have in his possession any black list or lists or discriminatory list shall be punished by a fine of not more than five hundred dollars." The time to look for jokers is when they are writing them. I may vote somehow on this bill when it is finally put into shape. I know the English language and so do you all.

Mr. BUZZELL of Belfast: Mr. Speaker, while the time is flying and whole this is a dangerous question from a political standpoint, it is not my purpose to dodge the issue, and it is not my purpose to defend my position on the committee, other than from a frank, open, honest standpoint, and that is why I am on

my feet. I voted that this bill ought not to pass, I fell, gentleman that this is another prohibitory measure for our great State of Maine to deal with, and you know that our friends, the Democrats in this State, are really not in love with prohibitory measures, and I must confess that I am getting a little dashed tired of them. In the first place, gentlemen, I would like to ask you this question: What is a blacklist? Do any of you know? The other day a friend of mine in this House raised his head right up at me while speaking. I cannot tell at this time whether it is a list of names on yellow paper or what kind of paper, or whether the paper will be other than white. I cannot tell how those names might be arranged; so I want to understand more about this bill at this time, just as I did in the committee. I want to know what word discriminatory means. Then here is something else I want to call your attention to, in lines ten and eleven, "having in his possession any blacklist or lists or discriminatory list shall be punished by fine." I wonder just what law is going to enforce that law. By what authority is somebody going to that factory or some other in the State of Maine and go through the drawers and recesses of the officers after blacklists? I am the last man in this House to say one word against that which is for the best interests of the people and all the people of the State of Maine, but I do not want, gentlemen, for political purposes to authorize anyone to march into one door of this factory and right straight through and take everything by storm. We are living in perilous times. We must guard that which is sacred to all of us and at the same time see that every man within the confines of the State of Maine has justice, and such justice as his demeanor merits. I for one hope that in the present form—of course we have not had opportunity to think of that amendment but a short time, but as I look at it now, and as I consider what I have heard for and against the bill in the committee, I hope that the bill will not be substituted for

the report. Why talk about a lobby? The gentleman from Lewiston (Mr. Brann) surprises me when he talks about the powerful lobby of the State of Maine for this bill. Why, gentlemen, did you know that the representative of the railroads of this country appeared for this bill in the first place. That is good enough for me. I thank you, gentlemen.

Mr. PIKE of Eastport: Mr. Speaker, the hour is getting very late and as there will probably be a ye and nay vote taken upon this proposition, if it meets with the approval of the gentleman from Lewiston, Mr. Brann, and the approval of the House, I would move that it be laid upon the table and specially assigned for consideration tomorrow morning.

The SPEAKER: Is it the pleasure of the House that the motion of the gentleman from Lewiston, Mr. Brann, that the bill be substituted for the report, and that there be a call for the ye and nay vote, be laid upon the table and specially assigned for tomorrow morning?

A viva voce vote being doubted

A division of the House was had,

Thirty-eight having voted in the affirmative and 64 in the negative, the motion failed of passage.

The SPEAKER: The question before the House is the motion of the gentleman from Lewiston, Mr. Brann, that the bill be substituted for the report, and on that he calls for the yeas and nays. As many as are in favor of the yeas and nays will rise.

The Chair is of the opinion that a sufficient number has not arisen.

Mr. PIKE of Eastport: Mr. Speaker, upon the question of the yeas and nays, I move a division of the House.

The SPEAKER: The Chair will state that under the rules if a fifth of those present indicate consent to have the ye and nay vote declared that authorizes the Chair to entertain the motion. A sufficient number did not arise and the Chair so declared it.

Mr. ALLAN of Portland: Mr. Speaker, I simply want to make an explanation. I did not intend to take any part in this debate, but it is forced upon me of course to

vote. I want to say to you gentlemen that I would like to vote for the principle of this bill but I shall be obliged to vote against it on account of the words commencing in line nine "or shall make or caused to be made any list." My reason is this: In my own city there are house after house and company after company which have these lists in their possession made for the protection of their own business, to reward their own employees and to discharge their employees even if there services are not what they desire. With this statement I leave it to you.

The SPEAKER: All those who are in favor of the motion that the bill be substituted for the report will rise and stand until counted, and the monitors will attend the count.

A division of the House being had, 31 having voted in the affirmative and 75 in the negative, the motion that the bill be substituted for the report was lost.

Mr. MILLER of Auburn: Mr. Speaker, I move that the vote be reconsidered.

The SPEAKER: The gentleman from Auburn, Mr. Miller, moves that the vote whereby you refused to substitute the report be reconsidered, and hopes that it will be defeated. All those who are in favor of the motion for reconsideration will say aye; those opposed no.

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

On motion by Mr. Wilson of Portland the report of the committee on judiciary, ought not to pass, was accepted.

The SPEAKER: There is one other matter specially assigned for today, House Amendment A to bill, An Act relating to public health, House Document No. 331, tabled by Mr. Garcelon of Auburn pending adoption of amendment.

Mr. GARCELON of Lewiston: Mr. Speaker, I move the adoption of the amendment.

Mr. BRAGDON of Perham: Mr. Speaker, as this is one of the measures that the gentleman from Fort Fairfield,

Dr. Sawyer, is especially interested in, and as he is sick and unavoidably absent this morning, I ask that this bill be retabled.

The SPEAKER: Before the Chair puts that motion he wishes to state to the members of the House that the ordinarily followed rule of not taking up contested matters on Friday will probably have to go by the board as we are in a congested state of the calendar, and the Friday rule of not taking up contested matters will not be considered. Now is it the pleasure of the House that this amendment be laid upon the table in the absence of the gentleman from Fort Fairfield, Mr. Sawyer

A viva voce vote being taken, the amendment was retabled.

Mr. BERRY of Waterville: Mr. Speaker, I have an order which I wish to introduce out of order.

Thereupon the House gave unanimous consent to the introduction of the order out of order.

Ordered, that 1000 extra copies of today's Legislative Record be printed.

The SPEAKER: Is it the pleasure of the House to give the order a passage? All those in favor say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had,

Twenty-two having voted in the affirmative and 58 in the negative, the order failed of passage.

Mr. WILSON of Portland: Mr. Speaker, I would like to take from the table House Document No. 347, An Act to provide for the removal of electric wires when necessary for the repair of streets or removal of buildings, tabled by Mr. Smith of Skowhegan, pending third reading, and I have an amendment to offer, Mr. Speaker.

House Amendment A to House Document 347.

Add after the word "years" in the nineteenth line of said section the words "In case any way or bridge is damaged by reason of the granting of such permit, the municipal officers shall determine what proportion of such damage shall be paid by the owner of said building to be recovered by the town in an action of debt.

Mr. ALLAN of Portland: Mr. Speaker, may I inquire of the gentleman from Portland (Mr. Wilson) through the Chair whether Mr. Smitn of Skowhegan, who apparently has charge of the bill, has knowledge of this amendment?

Mr. WILSON: This is his amendment introduced at his request by reason of his absence.

The amendment was adopted, and on motion by Mr. Wilson the bill then had its third reading and was passed to be engrossed as amended by House Amendment A.

On motion by Mr. Wilson of Portland, Adjourned until 10 o'clock tomorrow morning.