

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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HOUSE

Wednesday, March 19, 1919.

The SPEAKER: Inasmuch as the House took a recess yesterday before the disposal of unfinished business, we will now take up unfinished business where we left off.

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

Mr. ALLAN of Portland: There are two bills there, Mr. Speaker, one not tabled by me. The one tabled by myself I move to retable.

A viva voce vote being taken, the motion of the gentleman from Portland, Mr. Allan, to retable House Document No. 235 prevailed.

The Chair lays before the House An Act relating to Martin's Point bridge, House Document No. 380, tabled by the gentleman from Portland, Mr. Murray, pending its third reading.

Mr. MURRAY of Portland: Mr. Speaker, this was a bill introduced by the gentleman from Portland, Mr. Wilson, and I yield to that gentleman.

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

The Chair lays before the House the Governor's veto message on bill An Act relating to the construction of third class highways, House Document No. 309, tabled by the gentleman from Lisbon, Mr. Clason, pending consideration.

On motion of Mr. Clason of Lisbon the message was retabled temporarily, to be taken up later in the morning.

The SPEAKER: The Chair would suggest at his time that we take up the business in regular order from this point, beginning with senate papers, and going through special assignments for today and orders of the day, that the matter of the gov-

ernor's veto be taken up first among the special assignments of the day.

Mr. ROUNDS of Portland: Mr. Speaker, I have a matter that was referred back to a committee, and I would like to know if it would be in order to reconsider that vote and put an amendment on?

The SPEAKER: The Chair would suggest that the gentleman wait until orders of the day.

Mr. ROUNDS: I have had the clerk hold it here, Mr. Speaker.

The SPEAKER: Will the gentleman state the title of the bill?

Mr. ROUNDS: It was in regard to the expenditure of temporary loans.

The SPEAKER: The clerk is not certain of the paper, the Chair will state. Just as soon as he can find it, we will take it up.

Mr. ROUNDS: What I want is to reserve my rights under orders of the day.

The SPEAKER: The Chair will see that the matter is taken up under orders of the day.

From the senate: Ordered, the House concurring, that a joint committee consisting of two members of the senate and three members of the house be appointed to consider and prepare a revision of the laws relating to savings banks and trust companies, and report to the next legislature by bill or otherwise. Said committee is authorized to sit after the adjournment of the present legislature and to employ such clerical assistance as it may require.

This order comes from the senate read and passed. In the house passed in concurrence.

From the senate: Resolve providing for a seal of the state.

Passed to be engrossed by the house on March 15. This comes from the senate passed to be engrossed as amended by senate amendment A.

The house voted to reconsider its action whereby it passed the bill to be engrossed, and voted to adopt in concurrence with the senate senate amendment A. The resolve as amended by senate amendment A was then passed to be engrossed in concurrence.

From the senate: An Act to abolish the common council of the city of Lewiston.

This was passed to be engrossed by the house in concurrence with the senate as amended by senate amendment B. It comes back from the senate, passed to be engrossed as amended by senate amendments B and C.

The house thereupon voted to reconsider its action whereby the bill was passed to be engrossed as amended by senate amendment B. It thereupon voted to adopt in concurrence with the senate, senate amendment C. The bill was then passed to be engrossed as amended by senate amendment B and senate amendment C in concurrence.

From the senate: An Act to amend section 2 and 6 of chapter 66 of the public laws of 1917, as amended by chapter 244 of the public laws of 1917, relating to non-resident fishing licenses.

This was passed to be engrossed by the House on February 26. It comes back from the Senate passed to be engrossed as amended by Senate Amendment B.

The House thereupon voted to reconsider its action whereby it passed the bill to be engrossed as amended by Senate Amendment A. The House then adopted in concurrence with the Senate, Senate Amendment A and Senate Amendment B. The bill was then passed to be engrossed as amended by Senate Amendment A and Senate Amendment B in concurrence.

Senate Bills on First Reading

Senate 224: An Act to amend Section 16 of Chapter 118 of the Revised Statutes, increasing the registration fees of dealers in securities and their agents or salesmen.

Senate 223: An Act to amend Section 104 of Chapter 16 of the Revised Statutes, relating to the reports of academies and private schools.

Senate 214: An Act to amend Section 16 of Chapter 59 of the Revised Statutes, relating to compensation of inspectors.

Senate 220: An Act to regulate the practice of the system, method or science of healing, known as osteopathy, creating a board of examination and registration for those desiring to practice the same, and providing penalties for violation of this act.

Senate 222: An Act to provide for the building of public wharves and for the establishment of adequate port facilities and for the advancement of commerce.

Senate 225: An Act to provide for the licensing of the sardine packers, to improve the quality of fish used for sardines, and to establish standards of measures for sardine herding. (Tabled by Mr. Hinckley of South Portland, pending its second reading.)

Senate 215: Resolve in favor of the town of Castine, for correcting an error in amount paid for state road work in the years 1917 and 1918.

Senate 216: Resolve in favor of the Madigan Memorial Hospital on account of the care of certain persons during the year 1917.

Senate 217: Resolve reimbursing the town of Norridgewock for money expended for State paupers.

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

Appropriations and Financial Affairs

By Mr. Rowe of Yarmouth: Resolve in favor of C. Sumner Buckley for services as clerk for the committee on insane hospitals.

Reports of Committees

Mr. Sanborn, from the committee on inland fisheries and game, on petition of F. L. Mooney and 32 others in favor of the resident hunters registration law, reported that the same be placed on file, as the subject matter has already been reported upon by this committee.

Mr. Barnes, from the committee on judiciary, reported ought not to pass on bill An Act relating to properties of dormant, disbanded or extinct religious societies.

Same gentleman, from same committee, on bill An Act to determine the compensation of special deputy sheriffs in Penobscot county, reported that the same ought not to pass as the subject matter is included in another bill before this Legislature.

Same gentleman, from same committee, on bill An Act to determine the compensation of special deputy sheriffs in Androscoggin county, reported ought not to pass, as the subject matter is included in another bill before this Legislature.

Mr. Maher, from same committee, reported ought not to pass on bill An Act relating to purposes for which corporations may be organized.

Mr. Hussey, from the committee on legal affairs, on bill An Act to amend Sections 2, 3 and 4 of Chapter 297, relating to the Fort Kent Village Corporation, reported legislation inexpedient as same subject matter is included in another bill.

Mr. Lanpher, from same committee, reported ought not to pass on bill An Act to repeal Chapter 6 of the Revised Statutes, relating to nominations by primary elections.

(Tabled by Mr. Dutton of Bingham pending acceptance of report of the committee.)

Mr. Dolloff, from the committee on towns, reported same on bill An Act to incorporate the West Benton Village Corporation.

Reports were read and accepted and sent up for concurrence.

Minority report of same committee judiciary, reporting ought not to pass, on bill An Act to grant a new charter of the city of Waterville.

(Signed) Messrs. DEERING
MURCHIE
MAHER
CHAPLIN
BUZZELL
CONARY

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

(Signed) Messrs. DAVIES
DEARTH
BARNES
BAXTER

(Tabled by Mr. Barnes of Houlton, pending the acceptance of either report.)

Mr. Barnes, from the same committee, on bill An Act to amend Section 5 of Chapter 118 of the Revised Statutes, relating to fees of sheriffs and their deputies, 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 joint rules.

Mr. ROUNDS of Portland: Mr. Speaker, does that refer to the salary of deputy sheriffs?

The SPEAKER: The Chair will state that it does.

Mr. ROUNDS: Why I speak of this is I do not know as I shall be here tomorrow. We are taking up the matter of sheriffs and deputy sheriffs in all the counties of the State and it will all come in in one bill. It seems that two committees have had this in charge. One may get through and one may not, and I do not like to see two or three bills on the same subject in this House.

The SPEAKER: Does the gentleman wish to move reconsideration of the vote whereby we accepted the report?

Mr. ROUNDS: I do.

The SPEAKER: Is it the pleasure of the House that we consider the vote whereby we accepted the report?

Mr. BARNES of Houlton: Mr. Speaker, it seems to me that that will be a mistake. Why not let it be printed? It is just as easy to kill it after it is printed as before. This bill has nothing whatever to do with salaries, except the salaries, if you may call them such, of special deputies; but is the bill presented by the sixteen sheriffs of the State, changing the fees of sheriffs for service of processes, and their mileage. It is a long bill, covering several typewritten pages, and if the gentleman from Portland (Mr. Rounds) would allow it to be printed, it would help us greatly in determining whether it is right or wrong. It will be just as easy to drop it after it is

printed as before. I would say further that a member of the Portland delegation was one of the sub-committees that drafted the bill. I am perfectly willing that it should be indefinitely postponed when we get to that, if a majority of the House so desires, but it is a long bill and let's have it printed. I am quite sure it will not conflict with any notion that the gentleman from Portland (Mr. Rounds) has.

Mr. ROUNDS: I will ask the gentleman from Houlton (Mr. Barnes) through the chair if there is no salary fixed for this or a per diem?

The SPEAKER: The gentleman from Houlton (Mr. Barnes) may answer through the chair.

Mr. BARNES: Only as I have stated. The deputy sheriffs assigned by the sheriff to special duty have a per diem. All the rest is fees and travel for service of papers as required by the statute.

Mr. ROUNDS: Mr. Speaker, I think that is just what we are trying to eliminate—this per diem and fees at the same time. I am willing it should lie on the table for printing if the gentleman from Houlton (Mr. Barnes) will agree that if I am not in my seat, he will table it until I can look it over. With that understanding I withdraw my motion.

The SPEAKER: The gentleman from Portland (Mr. Rounds) withdraws his motion, and the bill is tabled for printing under the rules.

Mr. Maher from committee on judiciary reported ought to pass on bill An Act to reenact Section 24 of Chapter 69 of the Revised Statutes, relating to when no succession tax shall be assessed on the stock, bonds, or evidence of debt of Maine corporations. (The rules were suspended and the bill was given its two several readings.)

Mr. Hussey, from the committee on legal affairs, on bill An Act to amend an act creating the Fort Kent Village Corporation, reported same in a new draft, under title of An Act to amend Sections 1, 2, 3 and 4 of Chapter 297 of the Private and Special Laws of 1907, relating to the

Fort Kent Village Corporation, and that it ought to pass.

Mr. Williams, from the committee on public health, on An Act amendatory and additional to Chapter 197 of the Public Laws of 1917, relating to the State department of health, and

Resolve in favor of the State department of health, reported bill and resolve in one new draft, under title of An Act amendatory and additional to Chapter 197 of the Public Laws of 1917, and Chapter 301 of the Public Laws of 1917, relating to the State department of health, and that the same ought to pass.

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

First Reading of Printed Bills and Resolves

House 445: An Act prohibiting weighers of coal, hay, straw, junk and other articles and measurers of wood, bark or charcoal from giving certificates of weight or measure until they have qualified for the faithful performance of the duties of their offices.

House 446: An Act to amend Section 7 of Chapter 62 of the Revised Statutes, relating to the name of State in title of a corporation.

House 447: An Act to amend Section 58 of Chapter 4 of the Revised Statutes, relating to the purposes for which cities and towns may raise money.

House 448: An Act to amend Chapter 51 of the Revised Statutes, as amended by Chapter 144 of the Public Laws of 1917, relating to the formation of corporations having stock without par value.

House 450: An Act to amend Chapter 147 of the Private and Special Laws of 1911, entitled An Act to amend Section 1 of Chapter 313 of the Private and Special Laws of 1864, entitled An Act to incorporate the Baskahegan Dam Company, as amended by Chapter 272 of the Private and Special Laws of 1903, and by Chapter 147 of the Private and Special Laws of 1911. (New Draft.)

House 451: An Act to exempt cer-

tain public bonds from taxation. (New Draft.)

House 449: Resolve, in favor of Frank Williams, administrator of the estate of Nicola DiNora, late of Boston, state of Massachusetts. (New Draft.)

Passed to be Engrossed

Senate 16: An Act granting to women the right to vote for Presidential electors.

It was reported from the committee on bills in third reading. Report accepted.

Mr. PIKE of Eastport: Mr. Speaker and gentlemen of the House: A few days ago a distinguished lady of this State wrote me a letter in which she stated that she considered that anyone who voted for a referendum upon the question of woman's suffrage would be distinctly unfriendly to the cause of suffrage. If you noted my vote yesterday, you know that I voted to submit that question to a referendum—not a referendum at a general election, because in the past it has been shown that a very small percentage of the voters who vote for Governor exercise their right to vote upon the constitutional amendments; but I voted that it be submitted to a special election in which the attention of the voters of Maine might be focused on that one question, and we would then get a fair expression of their views. I believe in the referendum and I believe in the justice of this measure now pending before this House. It has been the custom in prior Legislatures, and I think in this one, that if any member is opposed to any particular bill, he is opposed to the referendum upon it. That is not my position. I favor this bill, and yet I believe it is one of great consequence and that the people of Maine at a special election should decide it. The wisdom of this House, however, has ruled otherwise, and I submit to its judgment.

Gentlemen, the emancipation of women down through the ages has been mighty slow—very gradual. Under the old common law she was not recognized as a person with hardly any civil rights.

The husband had the right to inflict corporal punishment within reasonable bounds. I am not quite so sure about the present common law but he still retains that right. Not many generations ago women were burned at the stake for what men described as the crime of witchcraft, and that, gentlemen, be it said to its eternal disgrace, in territory of the State of Maine—or perhaps this territory belonged to Massachusetts at that time, Maine not having been set off as a separate State. Slowly and gradually she is securing to herself some of the rights to which she is justly entitled. When and by whose authority did man usurp to himself the right to set himself up as lord and woman as his vassal? Where do you find it, gentlemen? Is it in the temporal or spiritual laws? I fail to find it, and yet man has usurped to himself that right. It is his to dictate the laws; it is woman's duty to obey them—a condition where one-half of the country sets up a dictatorship over the other half.

Is woman's suffrage a new venture, gentlemen? Are we traveling along a new path? What is the experience of this country upon that? I desire briefly to call your attention to the states that have now adopted woman's suffrage and the countries also. Women have full suffrage in New Zealand, Australia, Great Britain—that limited monarchy Great Britain—Canada, Finland, Norway, Iceland, Denmark, Sweden and Holland. They have full suffrage in the following states of the union: Wyoming, Colorado, Idaho, Utah, Washington, California, Arizona, Kansas, Oregon, Alaska, Montana, Nevada, New York, Michigan, South Dakota and Oklahoma. Woman's suffrage was first inaugurated in this country in the territory of Wyoming in 1869. It worked so well that when that state applied for admission to the union in 1890 it was incorporated in the constitution of that state. Since that time the states which I have already mentioned have adopted that principle.

Now, gentlemen, we are largely guided in the decision of public questions by what the great leaders of them in this nation have said and I want to refer very briefly to the position that

the public men of this country have taken upon this question.

Senator Brady of Idaho has said: "Idaho has enjoyed the advantages and blessings of equal suffrage for 18 years and I can recommend it as a federal measure."

Senator Thompson of Kansas has said: "None of the objections raised against woman's suffrage have ever been experienced in actual practice."

Representative Brodbeck of Pennsylvania said: "I believe the granting of woman's suffrage will do more for the moral questions before the people than all the ministers in the pulpit have been able to do in the last two decades."

Lincoln has said, one of the greatest Presidents this country ever had, whose memory is respected by all irrespective of party: "I would have all share in the privileges of government who assist in bearing its burdens, but no means excluding woman."

And what has our late honored ex-President, Roosevelt, said in a posthumous article appearing after his death in a great publication in this country entitled "Eyes to the Front," appearing last month: "There should be no further delay in giving the women the right to vote by federal amendment. It is absurd to further haggle about the matter." That, gentlemen, is probably his last great message to the American people.

What, gentlemen, has the President of this country said upon this question? In a statement addressed to Congress very recently he said: "I believe that the full and sincere democratic reconstruction of the world, for which we are striving and which we are determined to bring about at any cost, will not have been completely or adequately attained until women are admitted to the suffrage, and that only by that action can the nations of the world realize for the benefit of future generations the full ideal forces of opinion or the full humane forces of action. The services of women during this supreme crisis of the world's history have been of the most signal usefulness and distinction. The war could not have been fought without them or its sacrifices endured. It is high time that

some part of our debt of gratitude to them should be acknowledged and paid and the full acknowledgment they ask is their admission to suffrage."

War has its heroes and war has its heroines. I shall not take much of the time of this House to discuss the part that women have played in this great struggle. I want and could expect to see no greater exhibition of bravery than the Red Cross nurse, Edith Cavell, who calmly and resolutely stood before the firing squad of the Prussian army, regretting that she had but one life to give for her country. Woman should have the right to vote. She prepares the child for the world, and I urge upon you with all the emphasis at my command—help her to prepare the world for the child.

Mr. Speaker, at this time may I inquire, through the Chair, of the gentleman from Augusta, Mr. Maher, I understood from his position yesterday that he was in favor of the referendum upon this measure. May I now inquire of him if he is opposed to the bill itself?

The SPEAKER: The gentleman from Augusta, Mr. Maher, may reply if he wishes.

Mr. MAHER of Augusta: I will answer, gentlemen, as simply and clearly as I can: Yes, I am. (Applause.)

Mr. PIKE: Then I say, gentlemen, by whose judgment shall we be guided? Shall it be by the experience of forty years? Shall it be by the judgment of the great men of this country, or shall it be by the judgment of the gentleman from Augusta, Mr. Maher? (Applause.) I respect his judgment, although I fundamentally disagree with him. I believe it to be the conviction of his heart, but yet in the face of the testimony that has been presented I cannot agree with him.

Something has been said that if this right were conferred upon women that they would not exercise it. Now that has not been true in practice. Out of a total of 808,093 Chicago voters registered in anticipation of a municipal election on April first 303,586 are women. This is said to be the best showing which

women in that city have made since they were granted a limited franchise. Those who persist in saying that women would not take the trouble to vote if given the chance should ponder on these figures. It ought to be added that in 23 of the 35 wards of Chicago, the names of more women than of men were recorded on the final day of registration.

Just one other note along that line. In answer to a set of questions sent out by the suffragists, 140 mayors in the four oldest equal suffrage states, Wyoming, Colorado, Utah and Idaho, and in cases where women had municipal suffrage at the time, unanimously replied, first, that women do vote in large numbers, second, that women are public spirited and take an intelligent interest in public affairs, and third, that the vote of disreputable women is a negligible factor.

I have been a consistent advocate of suffrage for many years. I was in favor of it in the first Legislature that I attended, several years ago. I have been a student of the subject since that time. I have seen absolutely no reasons why I should revise my judgment. Since that time states have been coming with me upon the matter, and men in public life, who heretofore were opposed to it, have swung into line; and I say to you, gentlemen, that I see no reason at this time why I should not re-affirm my judgment on this great cause. Volumes have been written of this question, and I might stand here and talk until the next National Congress submits this amendment to the people, and yet I would not have covered all the phases of this great question. I want to say to you, gentlemen, that I hope this resolve will have a passage. It will be a movement for better law in Maine. It is a movement that means better government for our good old State, and I hope to see the bill have a passage. (Applause.)

Mr. BEAN of Minot: Mr. Speaker, I would ask that when the vote is taken, it be taken by the yeas and nays.

The SPEAKER: The question is on the third reading of the bill. It is moved and seconded that when the vote is taken, it be taken by the yeas and nays. All those in favor of its being taken by the yeas and nays will rise.

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

The SPEAKER: All those who are in favor of the bill having its third reading at this time will say yes when their names are called, and those who are not in favor of its having its third reading at this time will answer no when their names are called. The clerk will call the roll.

YEA—Adams, Allan of Portland, Anderson, Arthur, Austin of Milford, Barnes, Baxter, Bean, Bowie, Bragdon Brann, Brewster, Brown, Burns of Madison, Buzzell, Carlton, Cates Chamberlain of Winslow, Chellis, Clason, Cochrane, Colcord, Cole, Conary, Corliss, Cowan, Crabtree, Cunningham, Dain, Davis of Old Town, Dolloff, Dunn, Dutton, Fagan, Farnsworth, Farrington, Foss, Fuller, Garcelon, Gray, Grinnell, Hatch, Hinkley, Holley, Hussey, Jordan of Cape Elizabeth, Jordan of New Gloucester, Lanpher, Macomber, Marr, Mason, Miller Millett, Mulligan, Murch, Murchie, Murray, Orff, Overlock, Perkins of Boothbay Harbor, Perkins of Orono, Pike Plummer, Porter, Putnam, Ricker, Ridlon, Rowe, Rowell, Sanborn, Smith Stacey, Stevens, Storm, Swift, Thomas of South Portland, Tilden, Varney of Windham, Warren, Washburn, Weatherbee, Williams of Auburn, Williams of Wells, Wilson of Presque Isle, Wyman—85.

NAY—Alden, Audibert, Austin of South Berwick, Berry, Burns of Eagle Lake, Carey, Case, Chamberlain of Lebanon, Chaplin, Clifford, Coulombe, Crane, Daigle, Davis of Freeport, Doyle, Dunning, Eaton, Flint, Fortes, Fowles, Gilmour, Granville, Greeley, Hammond, Hanson, Houghton, Jilson, Jones, Laisier, Leathers, Leonard, Maher, Mathews, McLeary, Mitchell, Morin, Nelson, O'Connell, O'Leary, Owen, Pattee Peabody, Reed, Ring, Roberts, Rounds Savage, Simons, Small, Stanley, Sweatt, Thomas of Harpswell, Varney of Jonesboro, Wilson of Portland—54.

ABSENT—Allen of Sanford, Brackett Bradford, Casey, Furbish, Hisler, Langelier, Love, Mace, Prillips, Sawyer Sullivan—12.

Eighty-five having voted in the affirmative and 54 in the negative, it was voted to give the bill its third reading at this time. (Applause.)

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

Senate 168: Resolve proposing an amendment to Article 9 of the constitution so as to provide for a bond issue for the purposes of building and maintaining public wharves and for the establishment of adequate port facilities in the State of Maine.

Senate 204: Resolve appropriating money for the public roads of Oxford county in accordance with an act of Congress approved May 23rd, 1908.

Senate 206: Resolve for laying the county taxes for the year 1919.

(Tabled by Mr. Rounds of Portland pending second reading.)

Senate 205: Resolve for the laying of the county taxes for the year 1920.

(Tabled by Mr. Rounds pending second reading.)

House 194: An Act to amend the charter of the city of South Portland.

Mr. ROUNDS of Portland: Mr. Speaker, Senate 205 and 206, the two resolves just tabled by me pending second reading, I wish to make a little statement in reference to. We have got to have more money for our taxes. The clerk of courts in our county, as I understand it, is six years behind in his records, and the court has ordered an auditor to look over his records. It was for that reason that I tabled these resolves until we can prepare an amendment covering the taxes.

The SPEAKER: This brings us to the matters specially assigned for today, and by agreement the Governor's veto message on bill, An Act relating to the construction of third-class highways, was to be considered first.

Mr. CLASON of Lisbon: Mr. Speaker, I suggest that the Speaker make the motion before I make any remarks.

The SPEAKER: Bill, An Act to amend Section 36 of the Revised Statutes as enacted in Chapter 258 of the Public Laws of 1917, and to provide for the construction of third-class highways. The Chair read the veto message on this bill. The question is, shall this bill become a law notwithstanding the objections of the Governor?

Mr. CLASON: Mr. Speaker and gentlemen, there are times when

men differ in their honest judgment. It is my desire, and I believe it is the desire of every member of this Legislature to comply with the wishes of the chief executive whenever it is possible; but I believe that the large majority of the people of this State desire the passage of this act amending the highway mill tax law in order to provide funds for the special road resolve passed by the members of the committee on ways and bridges. Mr. Speaker, I hope that the veto will not be sustained.

The SPEAKER: The question before the House is, shall the bill become a law notwithstanding the objections of the Governor? On this the Constitution provides for a yeay and nay vote. All those who are in favor of the bill becoming a law, notwithstanding the objections of the Governor, will answer yes when their names are called, those opposed will answer no. The clerk will call the roll.

YEA—Adams, Alden, Anderson, Arthur, Audibert, Austin of Milford, Austin of South Berwick, Barnes, Baxter Bean, Berry, Bowie, Bragdon, Brann Brown, Burns of Eagle Lake, Burns of Madison, Buzzell, Carleton, Case, Cates, Chamberlin of Lebanon, Chamberlain of Winslow, Chaplin, Chellis, Clason, Clifford, Colcord, Cole, Conary, Corliss Coulombe, Cowan, Crane, Cunningham, Daigle, Dain, Davis of Old Town, Dolloff, Dunn, Dunning, Dutton, Eaton Fagan, Farnsworth, Farrington, Flint Foss, Forbes, Fowles, Fuller, Garcelon Gilmour, Gray, Granville, Greeley, Grinnell, Hammond, Hanson, Hatch, Hinckley, Holley, Houghton, Hussey, Jillson, Jones, Jordan of Cape Elizabeth, Jordan of New Gloucester, Lanpher, Lausier, Leonard, Macomber, Maher, Marr Mason, Mathews, McLeary, Millet, Morin, Mulligan, Murch, Murchie, Murray Nelson, O'Connell, O'Leary, Orff, Overlock, Owen, Pattee, Peabody, Perkins of Boothbay Harbor, Perkins of Orono Pike, Plummer, Porter, Putnam, Reed Ricker, Ridlon, Ring, Roberts, Rounds Rowe, Rowell, Sanborn, Savage, Simons, Small, Smith, Stacey, Stanley, Stevens, Storm, Sweatt, Swift, Thomas of Harpswell, Thomas of South Portland, Tilden, Varney of Jonesboro, Varney of Windham, Washburn, Weatherbee, Williams of Auburn, Williams of Wells, Wilson of Presque Isle, Wyman—126.

NAY—Allan of Portland, Brewster, Carey, Cochrane, Crabtree, Davis of Freeport, Doyle, Leathers, Miller, Mitchell Warren, Wilson of Portland—12.

ABSENT—Allen of Sanford, Brackett Bradford, Casey, Furbish, Hisier, Langelier, Love, Mace, Sawyer, Sullivan

—II.
PAIRED—Grinnell (no) and Phillips (yes).

The SPEAKER: One hundred and twenty-six having voted yes, and 12 having voted no, it is a vote that the bill become a law, notwithstanding the objections of the Governor.

Mr. CLASON: Mr. Speaker, I move that the Governor's veto message and the bill be sent directly to the Senate.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: We have a matter specially assigned for today, report of the committee on legal affairs, ought not to pass, on Resolve proposing an amendment to the constitution providing for holding the biennial state election on Tuesday next after first Monday in November, House No. 314, tabled pending acceptance. The Chair will recognize the gentleman from Eastport, Mr. Pike.

Mr. PIKE of Eastport: Mr. Speaker and Gentlemen of the House: Having due consideration for you, I do not desire to inflict two speeches upon you at the same session, and as some of the matter which I intended to speak upon in reference to this subject I have not with me at this time, I would ask your kind indulgence, if you would permit it to go over until tomorrow and have it specially assigned for the first matter for consideration.

The SPEAKER: Is it the pleasure of the House that the matter be again tabled and specially assigned for the first matter for tomorrow morning.

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

Mr. PIKE: Mr. Speaker and gentlemen of the House, I have introduced a resolve to change the date of election from September to November because I believe it is right, in the first instance. If any of you gentlemen can show me why that every two years we should have two elections instead of one; if you can bring anything having a proper

bearing upon that matter to my mind, I shall be very glad to seriously consider it. The motto of our State is "Dirigo"—I lead; I direct—and yet gentlemen, upon this question 46 states of our union have their election in November, and we still continue to hold ours in September, and for what profit or purpose? Why is it necessary on every presidential year to put this state to the expense of holding two elections? Is it in the interest of economy and good government, or is it in the interest of partisan politics? Let us see. In the estimated expenditures, you will find in the pamphlet prepared by the state auditor that it cost \$5000 simply to print the ballots for the November election. Why not save that \$5000—you who are so anxious to economize; you who feel the necessity of saving every dollar possible at a time in the history of the state finances when we need it more than at any other time. Think of the expense that 20 cities and all the towns of this state are put to, to have two elections. Think of the time and energy that the municipal officers of the state put into one unnecessary election. My resolve is intended to have one election, and that in November. I was very much surprised to read in the Kennebec Journal under date of March 15, the following: "Pike of Eastport evidently intends to make another attempt for the passage of his act to amend the law so that the state election shall be in October instead of September, as he has tabled and specially assigned for next Wednesday the bill and report, ought not to pass, pending acceptance." Oh, for a fair and independent press in Maine, that the doings of this Legislature might go to the people. Think of that paper going out to its 13,000 subscribers in Maine, saying that Pike of Eastport wants to change the election to October! That is the official organ of the Republican party in this state, and that is the way it is molding public sentiment. What think you of 13,000 readers of that paper when they read that sort of stuff. They will say the gentleman from Eastport

should be on the other side of the river, instead of this side.

Now, what are the objections? Specious arguments will be advanced here to cover up and camouflage the real issue. The hearing was given before the legal affairs committee, that very able non-partisan body, consisting of 10 Republicans and absolutely no Democrats whatever. There is where the hearing was held. I appeared before that committee and made the best presentation of the matter that I could. A gentleman appeared before that committee in opposition to the measure,—a very distinguished Republican who ranks high in the party in this state,—and I want to read you from the report of his remarks in the Lewiston Evening Journal what he said. This is what he said, because I heard it. "Honorable Benjamin F. Cleaves spoke in opposition to the bill. His opposition, he said, was based on two things: first, on the pure ground of Republican politics. Representative Pike left the room at this point"—and I did, in disgust. "He said he had never known a Republican to introduce a resolution to make this change. Now, said Judge Cleaves, that we are about to lose the only real political issue we have ever had in this state in my time,—prohibition,—and after July all our tongues will be so dry that we cannot say prohibition, we must think this over well. I consider it very unwise; that it would have a tendency to mix our local issues and conditions with the national issues which, in his judgment, would be detrimental to the best interests of our state." Now there, gentlemen, is the reason—the real reason. It may be argued upon the floor of this house that it would be a great inconvenience to the lumber interests and the men who work in the woods to have an election in November. I submit that a very small fractional part of 150,000 or 160,000 voters in Maine are employed in the woods, and I submit that if the voters of northern New York, northern Wisconsin and northern Minnesota—those states in the north of this country—can have their

election in November, that we can also; so I think that that is no valid objection.

A great deal has been said and something has been written upon this important question. It will be argued in this House, I have no doubt, that there is no public demand for this thing. That is one of the arguments that is going to be advanced, I am very sure. No petitions have been presented for it; no one appeared before the legal affairs but myself in favor of it, and therefore no one wants to make such a change. Now, gentlemen of this house, you are passing constitutional amendments—they are going through here—in which there have been no petitions presented; for which, so far as you can judge, there is no great public demand. In the first place, how are petitions brought into a Maine legislature? If any member of the legislature is interested in any particular bill, and wants the support of his constituency or others he prepares petitions and sends them out to his constituents and to other towns, and they come in; but unless you have attempted to take away some of the cherished rights of the citizens of our state, you do not find the great public of Maine clamoring at the doors of this legislature in favor or against any particular measure. I will give a bond with satisfactory sureties that in the space of 60 days I will put a petition into this house of 20,000 voters, and I do not know but 50,000, in favor of it. The public sentiment is not organized. While a sentiment may exist, yet no one man of his own volition will go around in his community and solicit subscribers to a petition. At this stage of my address on the question of public sentiment, I want to state to the House that in my section of Maine there lives a very distinguished gentleman, whom eastern Maine respects, who has been a very close observer of public affairs in Maine for many years, who was candidate for the high office of senator in this state—Honorable John F. Lynch of Machias, a gentleman who has not a peer as a lawyer at the bar of this state. In his reminiscences upon public matters in

Maine, and especially upon the matter of the purity of elections, he has said the following: "I remember one year when the Democrats had gotten up more enthusiasm than usual, strange to say, the delegates to the coming convention brought their bands and the noise they made frightened some of the Republicans, and a few of them spoke to one of the leading men of the party about it. He was the leading member of one of the churches, but he did not think it a sin to buy votes to beat the Democrats. He told the fellows who were alarmed that it cost a good deal to bring three bands to a Machias convention, and he would rather have what it cost to pay for votes with, and the result of the election showed that his money got more votes than our bands. Human nature is very much alike the world over. Perhaps if the Democrats had had the same sources to get money from to use in the election they would have been as bad as the Republicans were. It was a common saying among the Democratic voters that if we could get some money to use, we would beat them, and it so happened one year that the Democratic committee in Machias got \$600 to use for political purposes. The confidence that the money created in the party was wonderful; a victory was looked forward to with delight. The committee had never been favored with anything like that amount of money, and after several consultations they decided that it was necessary to have some rum. The Republican committee, one of whom was a leading church member, had secured a good supply, and it seemed necessary to have the same tools to work with. It was a hot political contest in town that election day. I was not a candidate for office and had nothing to do with the party management, but was interested and worked around and talked with the voters—"

Mr. WILSON of Portland: Mr. Speaker, I rise to a point of order.

The SPEAKER: The Chair feels that the gentleman from Eastport, Mr. Pike, is not strictly addressing himself to the question. It hardly seems as if those matters relate to

the question of acceptance of the report.

Mr. PIKE: Mr. Speaker, I will prove that my remarks are pertinent in a moment.

The SPEAKER: The Chair does not wish to interrupt; only confine yourself to the question.

Mr. PIKE: Mr. Speaker, I want to bring to the attention of this House that the election held in September is merely for the purpose of making Maine a political barometer and for no other purpose, and along that line I have attempted—when I was interrupted—to show to you that the management of both parties make every effort by the use of intoxicating liquors and by the use of money to get out the largest possible vote. The Republicans desire that Maine shall roll up a large majority, so that it may be said, as it was said of old, on the evening of election day when a distinguished member of the national committee of the Republican party would wire to headquarters, "Glorious Republican victory. Maine has reaffirmed her allegiance to the principles of the Republican party by a majority of 45,000;" or the effect that it might have upon the elections in 46 other states of our union to be held in November. What other testimony have we upon this important matter. I introduce to you another witness, an honored ex-Governor of our State, a distinguished member of the majority party of this House, now your United States senator serving in Washington—Hon. Bert M. Fernald. In his inaugural address in 1909 he said: "I suggest to you also the consideration of legislation leading to the change of the date of our State election to November, so as to conform to the custom in other states of the union and to bring our election in presidential years on the same day as that of the election of presidential electors." He further said: "It is a waste of time and money to hold two elections where one can serve as well" I do not know what respect the majority side of this House will have for his judgment, but I respect it highly. This is a measure both in the interests of economy and honest and pure elections. You cannot argue

against either of those two propositions. In June of every presidential year a representative of the Democrat party is sent to the national committee to procure funds, and a representative party is sent to headquarters of the Republican national committee for that same purpose. How much better you are, holding your election in September, to present your case to the Republican national committee. Maine fires the first gun, gentlemen of the national Republican committee. We desire to roll up a large majority. You know the popular effect that it is claimed to have had on other states of the union. Help us all you can. That argument has been presented many times and was productive of good results. I want to eliminate the use of money in election, and this is one great step in that direction. Vermont hung onto that old discarded practice longer than any other state in the union except Maine, and some years ago she discarded it, and now holds her election in November. I hold in my hand a letter in reply to one which I wrote to the governor and secretary of state of the state of Vermont, which letter was referred to the legislative librarian. I want to briefly quote from it. It is under date of March 4th, 1919: "So far as our information extends, this change was made because it was thought that the holding of two elections in presidential years, was unnecessary; that there was no good reason why there should be an additional election necessitated by the September date. Since the change there has been some objection that it was unwise, because Vermont loses some prestige which it had otherwise had as a political barometer. How serious this objection is I am not able to state, although it has probably made it somewhat more difficult for the various party organizations to secure political aid from their national political organizations, because of the opinion that the result of the Vermont election is generally one-sided." Now that is the experience of the state of Vermont. I realize very, very fully that I cannot hope to convert one of the majority part of this House. The only thing I can attempt to do is to call this matter to the attention of the voters of Maine,

and I hope that some day, not very far distant, that the people of Maine will see to it that this change, which is in the interest of economy and good government, will be made. (Applause.)

Mr. BRAGDON of Perham: Mr. Speaker, I came here this morning with the idea of making a few remarks in favor of the acceptance of this report, if it became necessary; but it seems to me that the gentleman from Eastport, Mr. Pike, has so fully stated the Republican position upon this question, and as it appears that the 10 Republican members of this non-partisan committee were in their right mind and entitled to a seat on this side of the river instead of on the other side, and because of all of the evidence presented for and against this measure, that it will be unnecessary to debate it further unless some member of the House should have something upon his mind that would afford him a large measure of relief to get rid of. (Applause.)

Mr. HINCKLEY of South Portland: Mr. Speaker, I perhaps stand in that position. I am sorry that the Republican majority in this House, after the gentleman from Eastport (Mr. Pike) explained, as he did, the very awkward position he was in—that he had come here unprepared and left all of his papers at home—refused him the privilege of having this matter go over until tomorrow. It seems to me it was a very discourteous thing to do, to place him in that awkward position and force him to argue this matter without any papers or anything to refer to. Nevertheless, I always feel in an awkward position when I oppose the distinguished gentleman from Eastport (Mr. Pike). He is right on most questions. I respect his judgment in most matters; but history records the fact that great minds, who are generally right, on certain occasions get on the wrong track, and I assume that rather great men have found themselves in this awkward position. It is nothing against the distinguished gentleman from Eastport (Mr. Pike) that he might find himself in like position.

Now I repeat the words of the gentleman from Eastport, the motto of the State of Maine is "Dirigo"—I lead. I direct. Forty-six states now hold

their elections in November and Maine holds its election in September. I cannot conceive of anybody but a Democratic leader, who has been accustomed to discussing Democratic sophistries, who could try to argue, persuade, influence and cause to be believed, the proposition that November leads September. It sound like Democratic politics and Democratic reasoning; generally more than three months behind, but they limit themselves this time to three months.

Mr. Speaker, this matter came before the committee on legal affairs. We listened very attentively; we appeared, at least, to be profound, or tried to be, and tried to be courteous. We heard the spirited eloquence of the distinguished Republican leader, who was referred to, and we listened attentively to the moderate eloquence of the distinguished gentleman from Eastport (Mr. Pike). After listening to the arguments on both sides, we took the matter under serious consideration, and we decided that it was proper, and for the best interests of the entire State of Maine, to report this bill as we did, ought not to pass.

Now, men, to my mind—and the distinguished gentleman has told us that he in making this argument does not expect and does not intend, or hope, to change the vote of one Republican; he expects them to vote against it; but he has made his argument and he is putting his argument in this record for a specific purpose. I say to you, that outside of the political considerations, there are many pertinent reasons why the State of Maine should continue to have its elections in September, as it has through the past decades. We are entering, I believe, upon a reconstruction period—upon a period of development; upon a period when the young men who have been leaving our cities and going into the larger states of the Union;—who have been enticed away from our State by the great industrial and commercial activities of other states—are coming back. We are entering that period of development in the State of Maine when great and im-

portant questions are coming before us; questions which will mean much to us; and I say to you, men, that it is in the interests of the State of Maine that when the time for election comes around, and when these great questions of state are to be decided, that they should not be mingled—they should not be mixed, with these national questions. We have got great problems in Maine to decide, and we can decide them better when we decide them in September without being encumbered or bothered by the great national problems. For this reason, and for no other, I feel that the State of Maine should continue to vote in September and elect its state officers and its county officers without being bothered and hampered by these other matters.

Mr. BARNES of Houlton: Mr. Speaker, is there a motion before the House?

The SPEAKER: There is no motion, but the pending question is the acceptance of the report.

Mr. BARNES: I move the previous question.

The SPEAKER: All those who are in favor of giving consent to entertain the motion for the previous question will indicate it by standing.

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

The SPEAKER: Shall the main question be put now? All those in favor say aye; those opposed no.

A viva voce vote being taken, the main question was ordered.

Mr. PIKE of Eastport: Mr. Speaker, I omitted to make the motion to substitute the resolve for the report, and I desire to make that motion now.

The SPEAKER: The Chair will be compelled to rule that the gentleman having failed to make his motion, and the pending question being acceptance of the report, that it must put that question.

Mr. PIKE: Mr. Speaker, I arose to make it, and the Chair did not recognize me.

The SPEAKER: When a motion for previous question is put, the

Chair entertains no other motion until that matter is settled. If it is the pleasure of the House to reconsider the vote whereby the previous question was ordered, it can do so.

Mr. PIKE: Mr. Speaker, I sincerely hope the members of the House will grant me that privilege. It was an oversight on my part.

The SPEAKER: Is it the pleasure of the House to reconsider the vote whereby the previous question was ordered?

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

Mr. PIKE: Mr. Speaker, I move the substitution of the resolve for the report, and I further move that when the vote is taken, it be taken by yeas and nays.

The SPEAKER: The motion is made that the resolve be substituted for the report, and the same gentleman moves that when the vote is taken, it be taken by yeas and nays. As many as are in favor of taking the vote by yeas and nays, will rise and stand.

A sufficient number failed to arise.

The SPEAKER: The question is the motion of the gentleman from Eastport, Mr. Pike, that the resolve be substituted for the report. As many as are in favor of the motion will say aye; those opposed no.

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

The SPEAKER: It comes now to the question of the acceptance of the report.

On motion by Mr. Hinckley of South Portland, it was voted to accept the report, ought not to pass.

The SPEAKER: This brings us to the tabled and unassigned matters. The Chair wishes to call the attention of the members of the House that these are important matters, and they should be given your attention and not be hurried too much. I want to make the suggestion that this is Wednesday, and we want to take care of all matters possible on the table; that while it is within the province of the House to do as they please, the Chair suggests that all

matters possible be taken from the table and advanced.

Mr. BARNES of Houlton: Mr. Speaker, I move that we take from the table Senate Document No. 34, majority report, ought not to pass, minority report, ought to pass, on bill, an Act relating to the granting of lobster licenses.

The SPEAKER: The Chair will state that these matters are all coming off in the order in which they appear upon the calendar.

Mr. MAHER: Mr. Speaker, I rise to a point of order. I wish to make a parliamentary inquiry. I understood the Chair to say that this was Wednesday?

The SPEAKER: The Chair will state that we are on recess, and that yesterday is today.

Mr. PERKINS of Boothbay Harbor: Mr. Speaker and gentlemen of the House, I move that the matter lie upon the table without assignment. I am perfectly willing to argue the bill at this time, but I am restrained from doing so at the request of members of this House who are waiting the arrival of some amendments. I put that bill in the first day I was in this House and I am willing to argue it at any time, but I make this motion at their request.

Mr. HINCKLEY of South Portland: Mr. Speaker, just a word in explanation. I have realized for some time that the gentleman from Boothbay Harbor (Mr. Perkins) was in an awkward position. I think it is fair to him to say that it has not been at his request, but at the request of several members of this House, including the gentleman from Belfast (Mr. Buzzell) that this matter was held up. There are several matters pertaining to the lobster laws in different committees, and in different stages, and it has been the hope of several members of this House that we could get together, have a conference and agree, so as to have them all go through and save time. The gentleman from Boothbay Harbor (Mr. Perkins) has very kindly consented to this, and

has been tabling it from time to time. I do not know what is best to do, but I believe it will be for the best interest of this House and that it will facilitate business, if this matter still lies on the table until we get all these matters together and try to thresh out and decide upon something definite.

The SPEAKER: The Chair will state that the motion to lay on the table is not debatable, but of course it is glad to have the explanation.

A division being had,

One hundred and three having voted in the affirmative, and none in the negative, the motion by Mr. Perkins of Boothbay Harbor that the bill be laid upon the table without definite assignment prevailed.

Mr. BARNES of Houlton: Mr. Speaker, it would be a pleasure to stay here all summer, but some of us cannot. Let me ask the gentleman from Boothbay Harbor (Mr. Perkins) through the Chair, when he will assign that hearing? —

The SPEAKER: The gentleman from Boothbay Harbor, Mr. Perkins, may reply through the Chair.

Mr. PERKINS: Mr. Speaker, in reply to the gentleman from Houlton (Mr. Barnes) I think that next Tuesday will be all right. The amendments ought to be here by that time.

Mr. BARNES: Mr. Speaker, in order that there may be no uncertainty as to our future action, I give notice now that I shall call this from the table each day until it is disposed of.

Mr. PERKINS: That is perfectly satisfactory to me.

The Chair lays before the House, Senate Document No. 196, An Act for the better protection of alewives in this state, tabled by the gentleman from Nobleboro, Mr. Mulligan, pending reference to committee.

On motion by Mr. Mulligan of Nobleboro, the bill was referred to the committee on sea and shore fisheries.

The Chair lays before the House, An Act relating to the pollution of

the waters of the state by sawdust and other mill waste, House Document No. 382, tabled by the gentleman from Minot, Mr. Bean, pending second reading.

Mr. BEAN of Minot: Mr. Speaker and gentlemen of the House, I wish to enter a motion that this bill be indefinitely postponed, and I desire to say a few words in support of the motion. The position which I find myself in this morning reminds me of the story about the country youth and the village parson. The boy was in the habit of swearing and it so happened that one day when he was tearing it off, the minister came along, and being attracted by the boy's language, approached the youth and began saying, "I am afraid." The youth immediately responded, "Why in Hell don't you run?"

Now this matter is one which I am afraid of, but I am not going to run. On looking this measure over I tried first to settle in my own mind whether this proposition was drafted by a country squire or a city attorney, but on further consideration I became convinced that it must have been drafted by a full fledged sport. Arriving at this conclusion, my next impression was, this being the case, that possibly his sympathies had gotten away with his better judgment. Now, gentlemen, just what is it that the friends of this measure wish to accomplish? If I understand correctly, what is printed on pages 2 and 3, and at the top of page 4 is the law, as it at present stands, and I wish to call your attention to the provisions in this law from lines 50 to 59 on page 3. "No person or corporation shall place or deposit in any of the lakes or ponds of the state, or into any of the following named rivers, brooks and streams, * * * or allow the same to be done by anyone in their employ, any slabs, edgings, sawdust, chips, bark, mill waste, shavings or fibrous material created in the manufacture of lumber, or place or deposit the same on the banks of any of the above named waters in such negligent or careless manner that the same shall

fall or be washed into said waters, or with the intent that the same shall fall or be washed into said waters. Whoever violates any provision of this section shall pay a fine of not less than five or more than one hundred dollars and costs for each offense."

Now, gentlemen, as regards this section of the old law, I wish to say this, that I am somewhat acquainted with the saw-mill business, and I challenge any man to say that it is possible for a man to operate a saw-mill that sets out into a stream and prevent any of the slabs, bark, sawdust or any of the mill waste from going into that stream. It is an absolute impossibility. Now what becomes of the mill operator, if any one makes a complaint? He would be obliged to appear in court, with not one chance in a thousand of his acquittal. He simply would have to pay his fine. There cannot be any defense. I wish to say that in my humble judgment it is one of the most unreasonable, unjust and absurd pieces of legislation that we have printed in our statutes today. Nevertheless this is the law, and it has been regularly passed by a preceding legislature and it applies to the waters named in the first section of this printed law as we have it before us. Now what more do they want? Instead of coming here before this legislature and asking for this law to be applied to the waters in our state, they propose the following: Let us read page four, line one, "Provided further,"—and, gentlemen, remember it was "the last straw that broke the camel's back." "Provided further, that the commissioner of inland fisheries and game shall have authority." Now listen, it is authority they want, and for what purpose? Why, first to act as judge, and secondly as legislator and then what do they propose to do with the laws they make? Why, have them printed three times in some paper in the county and then send them to the clerk of courts for preservation. Now, gentlemen, I do not know but what you are going to ascribe to such a proposition; but I, for one, am not and I think that there are others here

who probably wish to say something on this matter, and I will now refrain from discussing the question further.

Mr. WILSON of Presque Isle: This is a bill that has been on the statutes for some time. It is to save the lives of the young trout and salmon that run up the stream to their breeding grounds. The provision of the law is that it shall be under the direction of a game commissioner on petition of twenty-five that he shall have a hearing and investigate with reference to any stream that he wished to keep sawdust, shavings and other pollution from. The law says 25 citizens of the state. It should be 25 citizens of the locality in which the stream is situated.

Mr. BUZZELL of Belfast: Mr. Speaker, we are, it seems to me, losing valuable time. I assume that the gentleman from Minot (Mr. Bean) is against this bill. At this time I move you that it be given its second reading.

The SPEAKER: The Chair will state that there is a motion already before the House. The gentleman from Minot, Mr. Bean, has moved the indefinite postponement of the bill.

Mr. LANPHER of Sebec: Mr. Speaker, I would like to say just a word on this topic, and I will be very brief. I think this is the only time this session that the gentleman from Minot (Mr. Bean) and I have agreed on any question, but I am on his side this morning. It seems to me that when the interests of our fish and game conflict with the interests of our great lumbering industry or any of our great industrial enterprises that the fish and game interests ought to give way. It strikes me that it is rather a dangerous thing to allow the fish and game commissioner, representing special interests as he does, to have the absolute decision on a question which concerns not only the fish and game interests, but the lumbering and sawmill industries as well, and that at least if this bill is given a passage, it should be amended so that somebody besides the fish and game commissioner should have some say in the

matter. It seems to me that if this bill became a law it might well be that in some instances injustice would be done; that some sawmill industry that was employing many men might be put out of business when 25 citizens of the locality who were interested, not in lumbering, not in sawmill industries, but in fish and fishing, signed a petition and brought it before the fish and game commissioner—that injustice might be done and some worthy enterprise be put out of business. Where the rivers and streams are being polluted, where abuse is being made in any case, they have the privilege now of coming before the Legislature and getting a special act to close that stream to sawmill waste. This bill includes a long list of streams and brooks in the State of Maine where that has been done, and it is proposed hereafter to leave it to the fish and game commissioner to say on petition of 25 citizens of the locality that any sawmill on that brook or river may be put out of business. I think it an unsafe and an unwise thing to do.

Mr. HINCKLEY of South Portland: Mr. Speaker, let me just say a word. I know something about he sawmills of the State, and I know that many of them are not today permitting their sawdust and other pollution to go into the river. I see no reason why every sawmill and every other manufacturing industry should not be restrained from polluting by sawdust or otherwise these waters. I believe the State of Maine and her citizens have some interest in the great industries which we are so glad to have; but it must be recognized that the people have rights that should not be taken from them. It is true that practically every stream and river in the State of Maine has been so polluted that the person who wants to go out fishing is absolutely deprived of that right. The streams and rivers are ruined for these purposes, and that is an unalienable right of the citizens of this State, and it should be enjoyed. I hope this bill will have a passage.

Mr. FLINT of Monson: Mr. Speaker, I think if this bill is indefinitely postponed it practically does away with what laws we have. We have a law that prohibits sawdust in mill streams

getting into ponds and lakes, and this includes streams and rivers. I do not know if we indefinitely postpone this bill whether it will do away with the whole effect or not.

The SPEAKER: Is the House ready for the question?

Mr. BEAN of Minot: Mr. Speaker, I do not understand that the indefinite postponement of this measure would have anything to do with the laws that now stand.

Mr. HINCKLEY of South Portland: I move the previous question.

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

A viva voce vote being had, the motion to indefinitely postpone failed of passage.

The SPEAKER: The pending question is the second reading of the bill.

Mr. LANPHER of Sebec: Mr. Speaker, I offer an amendment and move its adoption.

House Amendment A to House Bill No. 382.

Amend by adding after the words "commissioner of inland fisheries and game" in the first and second lines of the last paragraph of said bill, the words "and the forest commissioner." Also by adding the words "and the forest commissioner" after the word "game" in the 16th line of said paragraph.

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

Mr. DUTTON of Bingham: Mr. Speaker, I hope this measure will not pass with that amendment. The fish and game laws of the State of Maine are placed under the jurisdiction of the commissioner of inland fisheries and game, and I can see no just and valid reason why we should attach to it any provision which will implicate the forest commissioner in something in which he is not concerned. I move that the bill lie on the table.

The SPEAKER: Is it the pleasure of the House that the bill as amended be laid upon the table? As many as are in favor will say aye; those opposed, no.

A viva voce vote being taken, the mo-

tion to lay the bill as amended on the table failed of passage.

The SPEAKER: The pending question is the second reading of the bill as amended.

The bill then received its second reading as amended by House Amendment A and was specially assigned for its third reading tomorrow morning at 9 o'clock.

The Chair lays before the House House Amendment A to bill An Act relating to protection of landlocked salmon, trout, togue, black bass and white perch, House Document No. 237, tabled by the gentleman from Monson, Mr. Flint, pending adoption of the amendment.

Mr. FLINT of Monson: Mr. Speaker and Gentlemen of the House: As a member of the inland fish and game committee, and at the request of the gentleman from Rangeley, Mr. Furbish, I think at this time it is not out of order that I should give you a little history of the plug fishing matters at Rangeley lake, as the committee heard them.

The first bill upon this subject to be introduced was an act presented by the gentleman from Rumford, Mr. Eaton, accompanied by two petitions bearing the names of 118 residents of Rumford and vicinity, asking that the present plug fishing law on Rangeley lake be repealed. This was followed by a bill introduced by Representative Houghton, providing that the plug fishing regulations on Rangeley lake be extended to the other lakes of the chain.

Hearing was first assigned on these bills on February 12th, at which time the gentleman from Rumford, Mr. Eaton, expressed his regret that the proponents of the measure were unable to be present, and asked leave to be permitted to present their side of the case as soon as the parties at interest could attend.

Cyrus N. Blanchard, Esq., of Wilton, representing the opponents, stated that while it was somewhat unusual for the defense to present its case without having the case of the proponents set forth, he appreciated

Mr. Eaton's position, and was willing to go ahead and present the opposition at that time, particularly as there were people from out of town who had come some distance to attend the hearing, and who wished to be heard in opposition, reserving the right, however, to put in, in rebuttal, any further evidence they deemed necessary after hearing the case of the proponents.

Mr. Blanchard then proceeded to explain the conditions, stating that two years ago, on account of the fish becoming so scarce in Rangeley lake, a law was passed prohibiting still or plug fishing in that lake. He stated that the past year had shown the beneficial effect of such a law, as the fishing the past season had been much better. He said that the request for this change came simply from some people at Rumford who come up the southwesterly shore of Rangeley lake for week-end trips and Mr. Blanchard emphatically stated that there was no demand on the part of the people really interested in Rangeley lake, residents of Rangeley, or property owners around the lake, for any change in the law. Several other parties, including Senator Butler and Representative Furbish, expressed their opinion that the law should be retained, calling attention to the importance of the fishing interests to this community.

At the conclusion of the hearing on February 12th the committee adjourned this hearing until such time as the proponents on Representative Eaton's bill could appear.

At the meeting on February 18th the plug fishing matters at Rangeley were taken up. The proponents at this meeting were represented by Judge Stearns and Dr. Bisby of Rumford, who stated that the opponents did not believe that plug fishing in Rangeley lake was a menace. Claiming that they do not get any great number of fish while plugging and that they did not think it fair to single out Rangeley lake as the only one.

And I will say right here that if I remember correctly both the pro-

ponents and those in opposition to these measures with the exception of Representative Eaton, were agreed that if plug fishing was prohibited in Rangeley lake it should extend to the rest of the chain. When the matter was taken up in executive session the committee voted ought not to pass on the proposition providing for the repeal of plug fishing on Rangeley lake and voted ought to pass on the bill prohibiting still or plug fishing in all of the Rangeley chain. When these reports came up in the House they were tabled by the gentleman from Rumford, Mr. Eaton, who in the meantime introduced a bill prohibiting still or plug fishing in all the lakes, ponds, of the State inhabited or stocked with trout, salmon, and togue. This bill was heard by the fish and game committee on the 12th instant, Tuesday last. In the executive session the committee voted unanimously ought not to pass on this proposition.

Now, gentlemen, it seems to me that the people in and around Rangeley, in the town where the waters are situated, should have something to say as to the regulations as how fish should be taken from these waters. I see no reason why the people from Rumford and vicinity cannot go to Rangeley and enjoy the fishing in those waters in the same manner and under the same restrictions as the people from Rangeley do. I do hope, gentlemen, that you will accept the report of the committee on these several bills which was a unanimous report of the entire committee.

Mr. EATON of Rumford: Mr. Speaker, I beg leave to inquire if there is any motion before the House.

The SPEAKER: There is no motion. The pending question is the adoption of House Amendment A to the bill.

Mr. EATON: I had hoped not to take the time of the House this morning to explain this matter, and believed that if the bill could be recommitted to the committee it would be taken care of there and expedite the business of the House much better. The talk made by the gentleman from Monson, Mr. Flint,

has applied only to the Rangeley lake and not to the other lakes in the Rangeley chain which are affected by this House bill No. 237. What he says with reference to the Rangeley lake is true. The residents there and the camp owners on Rangeley lake, we believe, should have something to say as to the method of fishing in that lake, and we also say that the sportsmen who go to the other lakes in the chain, and who own camps there and have large investments in hotels, should have something to say as to the method of fishing in those lakes. The title of this bill, House Bill No. 237, does not indicate the real object of the bill unless it was read. It states among other things that it is "an Act in relation to the protection of land-locked salmon, trout, togue, black bass and white perch," when as a matter of fact it is a bill to prohibit still or plug fishing, not only in the Rangeley lake but in Mooselucmaguntic lake, Cupsuptic lake, Upper Richardson lake and Lower Richardson lake, they being with the Rangeley lake what is known as the Rangeley chain of lakes. On account of the misleading title to the bill the parties in interest knew nothing of what was coming up and did not attend the hearing. Since it became known just what the bill contained, many protests have been received. These parties want to be heard, and I move you that the matter be recommitted to the committee on inland fisheries and game for re-hearing.

Mr. HOUGHTON of Weld: Mr. Speaker, as a member of the committee from Franklin county, or as a member of the Legislature from Franklin county, I would like to say that I think this question, after having had the unanimous report of the committee, should not go back to the committee for a rehearing, or that any amendment to this bill should be accepted. I hope you will not send it back for another hearing. I think the bill is right and I hope you will not change it.

Mr. HINCKLEY of South Portland: Mr. Speaker, many matters have come up this morning that I feel I should say a word on, and I wish to say a word on this matter, believing, as I do, that it is very far-reaching and very important to the

state. As a matter of fact, 99 citizens of the State out of 100 know no other way of fishing except plug fishing. Fly fishing is a gentleman's pastime, and I want to say that this Legislature, in my judgement, has no right, and that the citizens who have camps up around Rangeley lake or any other lake, have no right to say that a boy cannot take his fishing line and put an angleworm on his hook and go out and catch a trout. This would be absolutely unfair and improper. If we keep on making rules and regulations in regard to fishing and hunting, it will be necessary to carry around a copy of the Revised Statutes every time we go away from home; and I am not sure, if some of the laws are enacted which are coming up, that it will not be necessary when we are in the house to have a copy of the Statutes with us. We talk about its being the land of freedom and equality, but I say that we are tied down in Maine by more rules and regulations in regard to hunting and fishing and every other conceivable proposition than is any foreign country; and I say to you that I shall oppose any proposition which will say to the boy who lives on the farm, and the boy out in the country, you cannot go to work and cut your alder pole and go out and catch a trout wherever you want to, provided you do it within the time prescribed by the laws of this State. I shall oppose any proposition which says to the boy or the girl on the farm that you cannot go out in your pasture and shoot a rabbit when you feel like it. (Applause.)

Mr. BERRY of Waterville: Mr. Speaker, I will not take but a moment of time. I discovered something in this bill regarding Messalonskee lake and the Belgrade chain of lakes. I do not know what it refers to, and before any action is taken on the bill I want to inquire what this is. In the press of the many matters coming before this Legislature one cannot keep track of every thing. Mr. Speaker, is there a motion before the House.

The SPEAKER: There is a motion

to recommit to the committee on inland fisheries and game already before the House.

Mr. BERRY: Mr. Speaker, will a motion be entertained to lay on the table?

The SPEAKER: The Chair will state that a motion to table the bill takes precedence.

Mr. BERRY: I make that motion. A viva voce vote being taken, the motion to table failed of passage.

The SPEAKER: It now recurs to the gentleman from Rumford, Mr. Eaton.

Mr. FLINT of Monson: I would say to the gentleman from Waterville (Mr. Berry) that if this amendment is adopted, it will leave the matter just as it was two years ago. This amendment of Representative Eaton's simply takes out four lakes. I am just handling this for Representative Furbish, and I am perfectly willing that it should be adopted.

Mr. EATON of Rumford: Mr. Speaker, that being the case, I will withdraw my motion and move the adoption of House Amendment A.

The house thereupon voted to permit the gentleman from Rumford, Mr. Eaton, to withdraw his motion to recommit.

The SPEAKER: Now is it the pleasure of the house to adopt House Amendment A to House Bill 237?

Mr. HINCKLEY of South Portland: Mr. Speaker, I move that the matter be tabled until tomorrow.

Mr. MAHER of Augusta: A point of order, Mr. Speaker.

The SPEAKER: State your point of order.

Mr. MAHER: Have we not just voted on that?

The SPEAKER: The Chair will rule that a motion to lay on the table can be renewed. Is it the pleasure of the house that the bill and amendment be laid on the table and assigned for tomorrow morning?

A viva voce vote being doubted,

A division of the house was had.

Fifty-seven voting in the affirmative and 36 in the negative, the bill and amendment were tabled and specially assigned for tomorrow morning.

The Chair lays before the house house amendment A to bill An Act relating to public health, House Document No. 331, tabled pending adoption of the amendment.

Mr. BRAGDON of Perham: Mr. Speaker, I know there is a strong feeling in this house against retableing any matters unnecessarily, and I will say that I share in that feeling; but I feel that this is an exceptional case. It is a matter in which I have no personal interest. It was merely tabled by me at the request of the gentleman from Fort Fairfield, Dr. Sawyer, who was unable to be present. As many of the members of this house know, he has been very ill and confined to his bed a short distance from the State House. He is very anxious to be here when this matter is taken up. I called in to see him this morning, and he felt that it would be possible for him to be here the first of the week; so I move that the matter be retabled.

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

Mr. BARNES of Houlton: Mr. Speaker, the resolve appropriating money for fire-proof vaults for the adjutant general's department, House Document No. 211, is in the peculiar situation of apparently carrying more money than was provided for it, and at the request of the chairman of the House committee on appropriations I move that that be tabled for twenty-four hours.

The SPEAKER: Does the gentleman want to limit that to twenty-four hours or simply tomorrow.

Mr. BARNES: Tomorrow, Mr. Speaker.

A viva voce vote being taken, the resolve was tabled until tomorrow morning.

The Chair lays before the House bill An Act relating to the duties of superintending school committees, Senate Document No. 109, tabled by the gentleman from Bingham, Mr. Dutton, pending third reading.

On motion by Mr. Dutton of Bingham, the bill then received its third

reading and was passed to be engrossed.

Mr. DUTTON of Bingham: Mr. Speaker, I desire to give notice at this time of my intention to move to reconsider the vote whereby we accepted the report of the judiciary committee, ought not to pass, on An Act preventing the illegal assessment of taxes or the abatement thereof.

The Chair lays before the House Resolve appropriating money for Reformatory for Women at Skowhegan, House Document No. 386, tabled by the gentleman from North Anson, Mr. Holley, pending second reading.

Mr. HOLLEY: Mr. Speaker, in view of the fact that this is a resolve carrying money which is outside of the budget entirely, and in view of the fact that we shall probably by tomorrow have some complete program worked out in relation to the budget, I ask that this be re-tabled until tomorrow morning.

A viva voce vote being taken the motion to re-table prevailed.

The Chair lays before the House bill An Act relating to schools in unorganized territory, Senate Document No. 38, tabled by the gentleman from Eastport, Mr. Pike, pending third reading.

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

The Chair lays before the House bill An Act relating to headlights on motor vehicles, House Document No. 311, tabled by the gentleman from Poland, Mr. Ricker, pending first reading.

On motion by Mr. Ricker of Poland, the bill received its two several readings.

The Chair lays before the House resolve providing funds for vocational education, Senate Document No. 191, tabled by the gentleman from Houlton.

Mr. Barnes, pending commitment to committee on bills in third reading.

On motion by Mr. Barnes of Houlton the resolve was committed to committee on bills in third reading.

The Chair lays before the House resolve in favor of Western State Normal school at Gorham for addition to the recitation building, tabled by the gentleman from Houlton, Mr. Barnes, pending reference to a committee.

On motion by Mr. Barnes of Houlton a viva voce vote being taken, the resolve was tabled until tomorrow morning.

The Chair lays before the House resolve in favor of the Farmington State Normal school at Farmington, tabled by the gentleman from Houlton, Mr. Barnes, pending reference to a committee.

On motion by Mr. Barnes of Houlton a viva voce vote being taken, the resolve was tabled until tomorrow morning.

The Chair lays before the House bill An Act relating to the protection of certain fur-bearing animals, House Document No. 403, tabled by the gentleman from Patten, Mr. Cunningham pending third reading.

On motion by Mr. Cunningham of Patten the bill received its third reading and was passed to be engrossed.

The Chair lays before the House resolve proposing an amendment to the constitution of Maine, providing for the continuation of the right of suffrage to a person otherwise qualified to vote for Governor, senators, representatives in any town or plantation where his residence for suffrage purposes has been established for a period of three months after his removal therefrom to any other town or plantation in this State, House Document No. 166, tabled by the gentleman from Eastport, Mr. Pike, pending second reading.

Mr. COWAN of Winterport: Mr. Speaker, the gentleman from Eastport (Mr. Pike) desired me to move that this resolve have its second reading.

On motion by Mr. Cowan of Winter-

port the resolve had its second reading and was passed to be engrossed.

The Chair lays before the House resolve in regard to wild lands for the purpose of taxation, House Document No. 407, tabled by the gentleman from Portland, Mr. Baxter, pending passage to be engrossed.

Mr. BAXTER of Portland: Mr. Speaker, I wish to offer House Amendment A and move its adoption.

House Amendment A to House Document 407.

Amend said resolve by striking out the word "five" in the first line thereof and substituting therefor the word "ten."

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

The Chair lays before the House Resolve relating to animal husbandry, House Document No. 432, tabled by the gentleman from Gardiner, Mr. Simons, pending second reading.

On motion by Mr. Simons the resolve received its second reading and was passed to be engrossed.

The Chair lays before the House, bill an Act to create the Maine Water Power Company, House Document No. 436, tabled by the gentleman from Eastport, Mr. Pike, pending second reading.

Mr. BAXTER of Portland: Mr. Speaker, I have House amendment A which I offer and move its adoption.

The SPEAKER: The Chair will state that this bill on the calendar is mistitled. It is an act to create the Maine Water Power Commission, House Document No. 436.

House Amendment A to bill an Act to create the Maine Water Power Commission.

Amend Section 13, line 16, by striking out the word "twelve" and substituting therefor the word "ten."

Mr. BAXTER: Mr. Speaker, although the hour is late, I think that we should pass a few minutes in discussing this bill as it is one

which has great possibilities for the state of Maine; and although it comes to us on a unanimous report from the committee on judiciary, I believe we can well spend 10 or 15 minutes, so that every member of the House may understand its provisions. The members of this House will agree that this is in some respects the most important piece of legislation before the 79th Legislature. Much good should accrue to our state in the years to come by reason of the passage of this bill. It has great possibilities. For these reasons, notwithstanding the fact that a favorable and unanimous committee report usually means a bill will pass, I feel that it deserves more than our formal and perfunctory action. This bill has been in the hands of the committee for two months and has received the careful and painstaking attention of each member of the committee. Speaking in behalf of the committee, I can assure you that this bill represents more thought and discussion than any bill yet presented by us for your action. I want to outline the provision of the bill and the reasons for its passage.

The members of this House will admit that there is no issue before the people of Maine of more importance, and none in which our citizens at large take a greater interest than in the water power question. What is to be done with Maine's water powers.

Party differences, and the clash of political argument are forgotten when water powers come up for discussion, and the long standing sectional rivalries of the eastern, western and northern sections of our state are quickly merged when this subject is introduced. A new line of cleavage appears, revealing the people at large on the one hand, with most of the water power owners on the other.

You do not need at this time to be told about the great water power resources of Maine. You have in mind the broad, fundamental facts regarding them. Such newspapers in our state as are free to speak frankly on this subject have, since

the last Legislature, given you a vast amount of information. You know that we have over a million idle, undeveloped water horsepower, running to the sea, its usefulness gone forever. You know that this represents the energy of millions of tons of coal. You know that our state and our people in the cities and on the farms would prosper as never before if this great waste could be stopped and this energy could be harnessed for the benefit of Maine people and Maine industries. And above all, you know this: that the people of Maine are determined that this waste shall cease and that this energy shall be used in Maine for the good of our own people.

The first work of importance on Maine's Water Powers was published by Walter Wells, in 1869. This work was, and still is of much value. Its author had a clear vision of the possibilities of the future. From that date until 1899, little or nothing was done for the benefit of the public at large on the Water Power question. The individuals and corporations, however, who owned these water powers were not idle during this period of thirty years. They were busily at work acquiring these powers and studying their possibilities, while the people at large slept in calm unconsciousness, awakening occasionally to indulge in praise of the scenic beauties of our lakes and rivers.

In 1899, the State Survey Commission was appointed. One of its duties was "to investigate and map out the water resources of the streams, lakes and ponds of the State with reference to the complete development of its water power." This commission does not appear to have been in sympathy with the idea of giving the public the benefit of its water power investigations, for all its data on this subject was promptly forwarded to Washington to be buried in the files of the great departments there. One of its members, when asked to furnish certain water power data of public interest, made the historic reply: "We do not want anyone

sniping around our affairs." The corporations were as busy in those days as they are today; but the people of today have at last taken an active interest in this subject.

Ten years elapsed after 1899, and nothing was done. In 1909, the Legislature created the Water Storage Commission. Senator Fernald was Governor, our present Governor was a State Senator, and several members of the present House and Senate, including myself, were members of that Legislature. That commission performed work of real value. For the first time in our history, we had an independent commission charged with the duty of studying the entire water power situation for the purpose of safeguarding the interests of the people at large. The commission was free from the self-interest of water power owners. Had the work of that commission been allowed to continue until now, Maine would have made great strides in her water power development. The work of that commission, however, not being in accord with the selfish interests of water power owners, it was quietly absorbed and done away with in 1913, when the Public Utilities Commission was created. Of the position of this commission, I shall speak later.

Today, from one end of Maine to the other, our people demand that they be told in plain language all about Maine's water powers. Elaborate technical reports will not satisfy them. They will not rest, and they will give us no rest until the facts are so clearly placed before them, that they may intelligently choose what course they shall pursue in the future. Many of you were sent here for this very purpose, and every member of this House was elected on a platform calling for an investigation. Basing their conclusions on the partial information now at hand, some of our people advocate a continuance of private ownership, some desire State regulation and partial State control, while a good many of our people insist on complete state ownership. Our citizens who compose

these three groups, leaving aside those whose personal interest and business connections affect their judgment, are sincerely and honestly desirous of promoting the public welfare. Though long delayed, the time has arrived in the history of Maine when a forward step must be taken. The forces of corporate ownership and of ultra conservatism are arrayed against us. Their agents circulate freely among us, with one story or another. They have special arguments for each little group of listeners, but behind them all is the power of the corporations who send them here. Should these forces now succeed, the next twenty years of Maine's water power history will be but a repetition of the twenty that have passed. We must give the facts and the figures to the citizens of Maine on which they may intelligently base their future policies. These are my reasons for preparing and advocating the establishment of the Maine Water Power Commission.

In 1917, two years ago, I presented a bill similar to the one now before us. The house passed it by a unanimous vote, the opponents not caring to go on record against it. This was accomplished regardless of the fact that the report of the judiciary committee was seven against, and but three for the bill. The senate of those days killed the bill by a vote of 18 to 10. Two years later, while some of the senatorial opponents of the bill fell by the political wayside, most of its advocates who were candidates for re-election today have the honor of sitting in that dignified body. This action of the senate caused a loss of two years time, but I have faith to believe that the coming two years will not be lost to the people of Maine.

The proposed commission consists of ten men, the number we are accustomed to have on our joint standing legislative committees. The governor is to appoint all the commissioners. At this point a departure is made from the usual practice. This water power question is of so great importance, and its proper solution is

so essential to the future welfare of our state, that your committee desired to cover the widest field in search of men who would represent the different elements, opinions and interests of the state. While the governor has the absolute appointing power, he is to have the benefit of the advice of several groups who are to nominate or recommend candidates for the positions. The governor's council is to nominate three men: this Legislature will be represented by three men, one senator suggested by the president of the senate, and two representatives suggested by the speaker of the house. The State Grange, State Board of Trade, State Federation of Labor and State Savings Bank Association are each to nominate one of their members for the commission. By this means it is planned to bring these groups of men into a full and earnest discussion of the question in order that we may arrive at the correct solution of our problem. My original plan was to have a commission of three members. The suggestion was made to the committee that the commission be enlarged as outlined above, and although I feared this might make it unwieldy, the idea appealed so strongly to the other members of our committee that I adopted it, and hope that the results will justify the committee's action.

The members are to receive \$5.00 per day and expenses. Some well may say that this compensation is inadequate for the service to be rendered. It is inadequate if a member of the commission accepts the position for the salary paid him. The members of this commission, however, will have the opportunity to perform a public service for this state such as has rarely been in the power of any citizen to perform. If properly done, their work will be of inestimable value to their fellow citizens. The satisfaction of doing this work will be the only reward any man should win. There are men who possess the qualifications for this responsible position to whom this salary would mean but little. There are men of equal character and

ability who would gladly serve their state without pay, but who could not afford to take the position unless some small salary was attached to the office. A man's true worth is not necessarily measured by his wealth. The state of Maine should not be deprived of the services of a man because he cannot afford to contribute them without reward. On the other hand, a position of this importance should not be filled by a man who accepts it for the salary. There never was a time when unselfish, fearless, upright men were needed upon a commission more than now. There must be such men in Maine, and a small salary is provided in order that the governor in making his selection need not be restricted in his choice to men of independent wealth. Politics and water power ownership will have no place on this commission. Disinterested service must be its motto.

The duties of this commission are to investigate and report upon the entire water power resources of the state, with the view of suggesting a future state policy regarding the storage reservoir systems and the undeveloped water powers within the state. The commission is expressly charged with the duty of placing before the people of Maine the relative merits of private and of public ownership. Section 8 of the bill provides that

"The commission is hereby given full power and authority to administer oaths, to compel the attendance of witnesses, the production of books and papers, to punish for contempt and to do everything necessary and proper to secure all the facts required to properly place before the people of the state the true situation in regard to the present status and future possibilities of the water power resources of the state, and at as early a date as possible the commission shall present a comprehensive and practicable plan whereby the water power resources of the state may be conserved, used and developed for the benefit of all the people of Maine."

A total of \$30,000 for the years 1919 and 1920 is appropriated for the investiga-

tion work of the commission. An additional \$10,000 is appropriated for the continuance of the topographical survey maps with which you all are familiar. This amount of \$10,000 has been regularly appropriated for many years, having been handled by one commission or another. The United States government contributes a like amount of \$10,000 paying one-half the most of the work. These maps are of special value in water power investigation, and this work should be carried on in connection with the other work of the commission. The former Water Storage Commission of 1909 handled this survey work. To show you how little interest the Public Utilities Commission really had in this work, you should know that they spent in the two years 1917 and 1918 a total of only \$5,109.74 instead of the \$10,000 allowed them. The balance of the appropriation lapsed and they thus lost for the State \$4,899.26 which the United States government stood ready and willing to give to help carry on this map work. We have lost this \$4,899.26 of United States government money forever. This is poor economy for the Public Utilities Commission to indulge in.

Whether we are advocates of private or of public ownership, and whatever our views may be as to the future of our water powers, we are almost unanimously agreed that Maine's water powers shall not be taken out of Maine. Both party platforms insist upon this principle. The State Federation of Labor, the State Board of Trade and other representative organizations throughout our State have taken their stand on this point. Public sentiment has been definitely crystallized. The people at home, who sent us here, demand that we stand loyally behind this principle, and their wishes must be our law. I do not believe a bill or charter allowing electricity to go out of Maine would get a dozen votes in this House. I do not believe that any water power charter can pass this House unless it contains an amendment by which the proposed corporation makes a contract with the State never to take electric current out of Maine. This has been definitely accomplished. Very few water power charters will come before us

this session, for their promoters do not want a charter that binds them firmly on this point. They prefer to bide their time, to arrest development, all the time waiting for a change in public sentiment so they can then take power out of Maine.

Gentlemen, do not for a minute allow yourselves to believe that all the water power owners accept this decree as final. Certain of them are planning to achieve their purpose. Should we lessen our efforts for one moment, should public interest on this question relax, Maine's water powers will be taken from us forever. The law of 1909 prohibits taking power out of Maine; but power is today being taken out of Maine by corporations that had the legal right to do so before 1909. It may be that electric power is illegally being taken out by other corporations. I do not believe that this situation has ever been investigated. At all events, the people of Maine should have an exact statement placed before them showing what corporations have the legal right to take power out of Maine, how much they are now taking out, and what companies, if any, are violating the law. Section 6 of the proposed bill, if properly carried out, provides for a complete report on this phase of the question.

The people of Maine are solidly behind the demand for an investigation. They have expressed themselves in no uncertain terms through the regular channels.

The Republican party platform says: "The Republican party urges that the next legislature authorize and direct a special investigation of the character, value and cost of the development of the water powers of Maine, ascertaining the rights of the people in the undeveloped water powers; how far development is being retarded to prevent competition with existing water power companies and all other issues involved in this important question; appropriating sufficient moneys therefor and providing that after full investigation, with full opportunity for all parties to be heard, a complete report shall

speedily be rendered to the people, with recommendations for such legislative action as is necessary."

The Democratic platform says: "We believe that a thorough and impartial investigation of this great and vital question, including the question of the taxation of water powers, should be made by a competent body clothed with full power and authority in order that our people may be in possession of all the facts necessary for the proper and final solution of our water power problem."

The Labor platform uses the same language as used in the Democratic platform, and concludes with the following:

"We urge the laboring men of Maine, regardless of party affiliations, to carefully inquire into the opinions and records of all candidates for legislative honors, and to support only those whose opinions and records on the water power question are in accord with the purposes of these resolutions."

It is to be regretted that the State Grange has not spoken officially, but, notwithstanding the views held by the State Master of the Grange, I believe the members of the Grange are overwhelmingly in favor of this investigation. These men and women of the Grange are far too intelligent and much too independent to allow themselves to be unduly influenced by the views of their chief executive. This official, as I understand it, voices his individual opinions only, while the great body of men and women who honor him as their state master, reserve the right to their own views on this vital question.

The Governor in his message demands an investigation. In short, the situation is placed squarely before you where you must either pass this bill which provides for an impartial, fearless commission of experts, or must leave the whole question where it has been left for the past six years, and where the water power companies would like it to remain for the next twenty; that is, in the hands of the Public Utilities Commission.

At the outset, let me say without fear of successful contradiction, that the heart of the Public Utilities Commission is not in this work on the side of the people. Their six years' record establishes this. Created in 1913, the present commission took over the work of the Water Storage Commission. They were charged with the DUTY of continuing the water power work. This was not made optional with them; it was their unmistakable duty. The excuses they offer in their recent report for not having done so, are poor excuses. They allege that because certain water power bills did not pass the Legislatures of the years 1911, 1913, 1915 and 1917, the commission felt that the people of Maine were not sufficiently interested in this question to warrant their continuing the work even though \$5000 was annually appropriated for this purpose. This was a different \$5000 appropriation and was made for investigation work, wholly apart from the map work elsewhere referred to. I ask you: What chance did the people of Maine have to get the proposed bills through those Legislatures, when the heart of the Public Utilities Commission was cold toward them, and when the water power corporations maintained lobbies at Augusta such as they had during those sessions, especially during 1917? The people of Maine have never lost their interest, but the lobbies were too powerful for them. What chance would this bill now have, had the matter not been advocated during the past two years from one end of the State to the other, and had not some of us been returned to fight for this very issue? Do you for a moment believe that the Public Utilities Commission would have made their recent report unless forced to do so? The chairman of that commission, a man bred in the corporation school, in February, 1918, just a few months ago, gave "what was intended to be a knockout blow to the movement to have the State take over the water powers and develop them for the people." He referred to some of us as "exceedingly well-meaning people with visions but without vision." He said "we (the people of Maine) need only a

small part of the remaining 644,000 undeveloped horse power to fully supply all possible needs;" that only such water powers as are "conveniently located with reference to existing developments" are worth developing, and the owners of others "should not be subjected to any considerable tax." He concluded by frightening us with the statement that \$150,000,000 would be required for the State to enter into full ownership. Regardless of our views on public or private ownership, shall we plead the cause of Maine's water powers before this commission whose presiding officer has already rendered his decision?

Will the people of Maine be content with an investigation made by a body whose leading member publicly states that his mind is closed to one side of the question?

The people of Maine demand that this investigation be made by new men, not connected in any way with corporation interests; men who will look into this subject from a new angle. There must be no cloud upon this report, and nothing will really be settled unless our people have complete confidence in the report rendered them, and in the commission that makes it. The very fact that the water power companies display such anxiety to send this to the Utilities Commission creates a prejudice against that commission and reflects upon the corporations that advocate such action.

From 1913 to 1918, the Public Utilities Commission issued two small reports on the water power question. These reports contain stream flow and other uninteresting statistics, but no amount of such material would bring us near to the real solution of our problem. During the legislative session of 1917, that commission remained passive, but the weight of its influence could be distinctly felt against any progressive legislation.

Notwithstanding the State-wide public interest that was aroused by the water power fight during the winter of 1917, the Utilities Commission did not heed the call of the people that some progress should be made. The nine months of 1917 fol-

lowing the legislative adjournment, saw nothing done. The year 1918 opened with a continuance of water power discussion, and in February of that year, the chairman of the Utilities Commission announced his position in the quotations just given. Evidently, he supposed he had settled the case. The State-wide primaries approached. The water power corporations felt that at last they could terminate the agitation, and they were confident that certain troublesome persons would be conveniently left at home. They entered the primary campaign. In March, 1918, with the aid of a well organized and costly publicity bureau, they began their campaign. Mr. Maynard S. Bird of Portland and Rockland, announced himself as their spokesman, and in an unguarded moment proclaimed that the 16 water power corporations he represented had combined and were prepared to "buy the front page of every newspaper in Maine." They have certainly lived up to their program. The State has been covered with advertisements in defense of this self-confessed water power trust. They appealed to the people of Maine to save themselves from themselves. Added to this work, in certain sections of the State, the representatives of certain corporations friendly to the water power combination joined with them in their determination to defeat unfriendly candidates and no stone was left unturned to keep the 1919 Legislature well in hand. In 1917, these same corporations killed an investigation saying none was needed. They then proceeded to make one of their own, and with childlike simplicity, offered it to the people of Maine as a final settlement of the question.

Gentlemen, do not forget that during all this time, our Public Utilities Commission was charged with the DUTY of investigating Maine's water powers. Do not forget that the 1917 Legislature gave that commission \$10,000 extra money with which to do this work. How well did they perform this trust? Instead of spending the \$5000 given them for the year 1917 as a special fund given for that very purpose, they spent exactly

\$219.41, and the balance of \$4780.59 was allowed to lapse into the State treasury, another example of the Public Utilities Commission's policy of economy! From January, 1918, to June, 1918, a total amount of \$10 was spent by the Public Utilities Commission on this important work. This all showed where the heart of the Public Utilities Commission was in 1917 and up to June, 1918. A year and a half passed. The people of Maine were talking water powers and the war and shortage of coal, were calling for their development more eloquently than human tongues could plead. The reason was this: It had been given out by the corporate interests that the primaries would quiet matters. Their calculations were again at fault. It looked as though some of us might really come back. The Utilities Commission then bestirred itself. They realized that an accounting would be called for, and over a year and two months after the adjournment of the Legislature, this commission issued an urgent appeal to the Governor and Council to pay them back their lost \$4780.59. The Governor and Council heeded the call and the money was taken from the contingent fund. The Utilities Commission did not care to face the Legislature empty-handed. It went to work; spent \$9363.36, and this report of December, 1918, is the result. This report is of some value; such information as it gives is probably accurate, and the ground that has been gone over will doubtless not need to be covered again. Most of the information, however, was furnished the Utilities Commission by the same 16 corporations that formed Mr. Bird's combination and by the St. John River International Commission. I congratulate the Utilities Commission on their being able to get together so presentable a report in so brief a time. Fortune certainly favored them. They made a quick turn-about and assumed a bold front. Their report, however, leads nowhere. It is padded with uninteresting statistics and copies of corporation rates. It is confusing, and the average man cannot wade through its 400 pages. The commission in its

report offers to continue the work, but a dozen such reports would help but little in the solution of our problem.

The people of Maine are becoming impatient of delays; the water power companies themselves are in a doubtful position, and development is retarded. We all demand conservation, but conservation means USE, not WASTE; and USE means DEVELOPMENT. If ever this State stood in need of a separate commission to examine into a special subject, a commission free from outside political and business connections, it needs it NOW. In all the State of Maine it must be possible to find the three men needed for this work.

If we have none, the manhood of our State is in a precarious condition.

In my comments upon the attitude of the Public Utilities Commission on the question of water powers, I do not wish to be understood as in any way reflecting upon their ability or integrity. That commission has many important duties to perform, and its members are men of high standing. They are beset on all sides by conflicting interests which they are attempting to adjust. The interest which our people at large have in the water power question does not seem, however, to have made much of an impression upon the commission. They are already overburdened with work. With one of our railroads in receivers' hands, with rate and fare adjustments and hearings, with accident investigations, and the hundred other details of their work, the commission has no time to deliberate upon the public's interest in Maine's water powers. It is unfair to load this added work upon them, for they have more than enough to occupy their time, and they admit that subordinate officials in their department have done this water power work for them. This work demands the personal attention of the commissioners themselves.

The opposition to this bill seems to have subsided somewhat but the water power corporations who comprise the sixteen companies that have formed themselves into the trust, are

ready to fight any progressive legislation if they see a chance of defeating it. These corporations would have us believe that they are taking a stand never before taken by corporations; that is, that they are fighting for the interests of the people. They would have us understand that their only desire is to protect the people against their own folly and against the selfish motives of ambitious leaders. In Maine, this is a new role for the corporations to play. Read their State wide advertising that cost them tens of thousands of dollars! Many of you members received a letter from the publicity agent of these companies, a former sheriff of Cumberland county, requesting you to provide him with an audience in your home town. He wanted to set you right on this question. He wanted to address your constituents on behalf of his clients, the water power corporations. He claims to have made a personal investigation of the Ontario plan, on the spot. You may be interested to know how some of Maine's corporation attorneys "investigated" the Ontario plan. One of the prominent attorneys who opposed the 1917 water power bill and who has been in constant attendance at this session, also "investigated" the Ontario plan, and spent some time in that Province under salary from his home company, but he never once called upon the hydro-electric power commission to get their side of the case. He interviewed the Ontario corporations who were fighting "hydro," and to use his own words, obtained a large part of his information from men in charge of "cigar stands, barber shops and hotel pool rooms." Did the trust's publicity agent "investigate" in this way, also? This publicity agent presumably is amply paid for his work, and could well afford to travel all over Maine, and Ontario as well. Doubtless the more audiences he addressed, the larger his salary. His pamphlets have done much to awaken public interest, but not exactly along the lines intended. They have been of real worth in showing Maine people the great value of this natural resource. The corporations,

as will be shown hereafter, have ample means to pay for this propaganda. It is only a question of hiring men and paying them liberally. Convictions and principles do not enter into their calculations. If the people's side could offer larger inducements, the propagandist orators of the corporations would soon desert them and come over to our side. The cost of this corporation propaganda, though it runs into many thousands of dollars annually, is of little moment to them. The capital assets of these sixteen corporations who are behind this propaganda, amounts to \$146,655,770.62. With a source of supply of more than \$146,000,000 from which to draw the sinews of war, their state-wide newspaper advertising, pamphlets, lectures and long railroad journeys seem matters of trifling expense. The cost of all this and of a lobby means nothing to them. When I see what goes on about us, I often ask myself this question: "Who lobbies for the people?"

This Legislature will not adjourn without having taken some action on the water power question. We cannot return to our constituents, empty-handed. Unmistakably, the next step in Maine's water power program is to pass this progressive bill. If you are urged to be "conservative," remember that Maine for the past fifty years has been conservative, while during that time the water power men have been sufficiently progressive to obtain all the water powers. Our people can well afford to become progressive, while those on the other side may well rest on their achievements. This bill does not commit us either to public or to private ownership. It is a bill calling upon the people of Maine to look before they leap, and to look carefully. You need not for a moment consider the various scarecrows erected by the Public Utilities Commission: such as how many million dollars will be needed to develop the Kennebec and Penobscot rivers. This does not concern us now. You need have no concern about their bogey of there being "no market for the power." There will be

time enough to pull down their scarecrows after the crops of information has begun to sprout. The danger of public, and the drawbacks of private ownership, are moot questions now. You must justify the faith which the people at home showed in you when they sent you here as their representatives.

The time is not far distant when every factory wheel in Maine will be turned by water power, and when our steam railroads will be electrified. On the Maine Central, Grand Trunk and Bangor & Aroostook railroads alone, this would save 962,000 tons of coal annually, and all the cars and ships and labor necessary to handle it. Why should the Chicago, Milwaukee & St. Paul Railroad have 660 miles of electrified steam railroad, while Maine has none? Why should steam power be used in Maine when the Bath Water District, serving a population of 15,000 people, is today saving \$600 per month because it pumps its water by electricity made from water power, instead of by steam made from coal? Do not forget that all this water comes from the great lakes and ponds of Maine in which we all have a vital property interest. Why should the industries of

possible, although today the cost of current as compared with the cost of coal makes general heating too expensive. Auxiliary heating is already available for cooking and for small units. A year ago today, the man would have been thought insane who announced that a gun would hurl a shell 70 miles. This is now a commonplace. This electrical development will be accomplished either by public or by private ownership, or by both, but certainly it must always be under State regulation and control. Whatever is done, existing rights must be respected, and Maine must always have a clean and honorable record. We must see that no injustice is done, no sharp practices indulged in. This is no longer a stand-still world, and it is for you, gentlemen, to here and now lay the foundation for real water power progress in the State of Maine.

PUBLIC UTILITIES COMMISSION ACCOUNT OF SPECIAL WATER POWER INVESTIGATION APPROPRIATION.

Year	Appropriation	Amt. Expended	Amt. Lapsed
1917	\$5,000	\$219.41	*\$4,780.59
1918	5,000	9,363.36	636.64

* Restored by Executive Order, June 1918.

ACCOUNT OF TOPOGRAPHICAL MAP APPROPRIATION.

Year	State Appropriation	U. S. Aid Appropriation	Total Appropriation	State Amt. Expended	State Amt. Lapsed	U. S. Aid unused and Lapsed	Total Amt. Lapsed
1917	\$5,000	\$5,000	\$10,000	\$2,248.35	\$2,751.65	\$2,751.65	\$5,503.30
1918	5,000	5,000	10,000	2,852.39	2,147.61	2,147.61	4,295.22
Totals:	\$10,000	\$10,000	\$20,000	\$5,100.74	\$4,899.26	\$4,899.26	\$9,798.52

the city of Portland for instance, today stand in need of 15,000 horse power when a single development a few miles away in an adjacent county would provide it? I expect to see electric trunk transmission lines extending up and down and across Maine, supplying power where needed, and distributing it so that one portion of the State with its water supply reduced by drought can be carried along by power from another section where there is a surplus of water. I expect to see 90 per cent. of all the farms and homes in Maine using electricity for light and power; not perhaps lighted at 30c. per month, as in Ontario, but at rates fair to both consumer and producer. Heating may be

*Item of \$13.56 revenue added to appropriation and spent on this work.

With these few remarks, Mr. Speaker, I move that the bill be given its second reading.

The SPEAKER: The question before the House is the adoption of House Amendment A. Is it the pleasure of the House that House Amendment A as read by the Chair be adopted. All those in favor will say aye; those opposed no.

A viva voce vote being taken the amendment was adopted, and the bill received its second reading.

Mr. BAXTER: Mr. Speaker, I move that the rules be suspended and that the bill be given its third reading.

Mr. BARNES of Houlton: It may be

necessary to inquire whether the additional sum is taken care of in the budget; and I move that the matter be tabled, pending commitment to committee on bills in third reading.

The motion prevailed.

Mr. BARNES of Houlton: Mr. Speaker, the next matter is bill an act relating to the observation and care of persons to the State Hospital. This has been so done as not to conform at all to our fashion of drafting acts and statutes and there are errors and omissions therein. I move that it be recommitted to the committee on insane hospitals for the purpose of amendment.

A viva voce vote being taken, the motion to recommit prevailed.

The Chair lays before the House bill an act relating to the attendance of children at school, Senate Document No. 68, tabled by the gentleman from Augusta, Mr. Maher, pending second reading.

On motion by Mr. Maher of Augusta, the bill then received its second reading.

The Chair lays before the House bill an act relating to affidavits of plaintiffs, House Document No. 358, tabled by the gentleman from Eastport, pending passage to be enacted.

On motion by Mr. Barnes of Houlton in the absence of the gentleman from Eastport, Mr. Pike, the matter was tabled until tomorrow morning.

The Chair lays before the House bill an Act to prohibit persons, firms or corporations through unjust and designing methods from preventing persons seeking employment obtaining the same, tabled by the gentleman from Belfast, Mr. Buzzell, pending further consideration.

The SPEAKER: This was by leave allowed to be placed on the table. The Chair rules, and still rules, that the bill covered matter already reported adversely, and cannot be received by the House without the three days' notice which was not given. No action can be taken on it except by suspension of the rules.

Mr. BUZZELL of Belfast: Mr. Speaker, I want to say just one word in connection with this bill at this time. I was responsible for the bill. Well you remember the Brann bill the other day, and soon after that I conceived the idea that there might be a condition somewhere in the State of Maine that would call for a law at this time written as I wrote this bill. I will say that no condition obtains in the county where I live that will warrant the passage of a bill of this kind. Therefore, at this time the House can take such action in connection with this bill as it sees fit.

Mr. MAHER of Augusta: Mr. Speaker, I am impressed with the merit of this bill, and I will move suspension of the rules, and that it be committed to the committee on judiciary.

Mr. MILLER of Auburn: Mr. Speaker and gentlemen: I do not propose to take any time now to discuss this bill. It seems to me that it is inadvisable, to say the least, to introduce a measure of this nature at this stage of the game. Here we are nearly at the close of this session with more matters than can possibly receive proper attention if we are to finally adjourn anywhere near the time expected or desired. The subject matter of this bill has been fully considered in the committee and discussed in the House. I do not believe that legislation along this line is either necessary or desirable. I move, Mr. Speaker, that the House refuse to receive the bill.

Mr. COWAN of Winterport: Mr. Speaker, I would inquire through the Chair if the gentleman (Mr. Miller) has read this Buzzell bill?

The SPEAKER: Does the gentleman wish to reply through the Chair?

Mr. MILLER: I have read it.

The SPEAKER: The motion before the House is suspension of the rules in order to receive this bill. It requires a two-thirds vote. All those who are in favor of suspending the rules to receive the bill will rise and stand until counted, and the monitors will make the count.

A division of the House was had, and

Twenty-four voting in the affirmative and 48 in the negative the motion to suspend the rules was lost.

On motion by Mr. Miller of Auburn, a viva voce vote being had, it was voted to indefinitely postpone the bill.

The Chair lays before the House, report of the committee on judiciary, ought not to pass, on bill An Act to amend the charter of the city of Waterville, House Document No. 87, tabled by the gentleman from North Anson, Mr. Holley, pending acceptance of the report.

On motion by Mr. Holley of North Anson, the House, by a viva voce vote, accepted the report of the committee, ought not to pass.

The Chair lays before the House, bill, An Act creating the bureau of animal husbandry, House Document No. 431, tabled by the gentleman from North Anson, Mr. Holley, pending third reading.

Mr. HOLLEY: Mr. Speaker, there is an error in the title of the bill, and I move you that it be referred to the committee on agriculture.

The SPEAKER: The Chair will state to the gentleman from North Anson (Mr. Holley) that if it is purely a matter of amending the title, the Chair believes it can be gotten at more quickly from the floor.

Mr. HOLLEY: Mr. Speaker, I make the motion at the request of the department. However, if we can arrive at this in some easier way, I will ask that it be tabled until I am able to prepare an amendment.

A viva voce vote being taken, the bill was re-tabled and assigned for tomorrow morning.

The Chair lays before the House, An Act relating to temporary loans by the county commissioners, House Document No. 323, tabled by the gentleman from Portland, Mr. Rounds, pending passage to be enacted.

On motion by Mr. Rounds of Portland, the vote was reconsidered whereby this bill was passed to be engrossed.

Mr. ROUNDS: Mr. Speaker, I of-

fer House Amendment A to House Document No. 323, as follows:

Amend House Document No 323, Section 21, by striking out the words "Cumberland and" in the first line of said section and striking out the word "counties" and inserting in its place the word "county" and by striking out the words "their respective counties" in the third line and inserting in place the words "its county" and by striking out the words "their respective counties" in the seventh line and inserting in place the words "the county" and by striking out the words "their respective counties" in the eighth line and inserting in place the words "the county," and by adding the following section:

"Section 22. Said county commissioners of Cumberland county may issue bonds to the amount of fifty thousand dollars in place of those destroyed on account of Portland bridge."

On motion by Mr. Allan of Portland, the amendment was tabled for printing, pending its adoption.

The Chair lays before the House, bill, An Act concerning the granting to the county commissioners of the county of Cumberland the right to sell or lease certain property, House Document No. 302, tabled by the gentleman from Gorham, Mr. Alden, pending passage to be engrossed.

Mr. ALDEN of Gorham: Mr. Speaker, I wish to offer House Amendment A and move its adoption

HOUSE AMENDMENT A.

"By striking out the first six lines of said section and the word "repealed" at the beginning of the seventh line and inserting in place thereof the following words:

Section 2. The county commissioners of the county of Cumberland are hereby authorized to bargain, sell, lease and convey to the State of Maine all the property, real, personal and mixed, and all rights and property, rights in contracts and other choses in action acquired or held by virtue of any of the before-mentioned acts hereby repealed, or

any portion thereof, and to lease said above mentioned property, if not sold or leased to the State as aforesaid, and to sell any or all of said personal property as in their judgment may seem best.

A viva voce vote being taken, the amendment was adopted, and the bill was then passed to be engrossed as amended by House Amendment A.

Mr. ALLAN of Portland: Mr. Speaker, I would like to take from the table a bill that I tabled yesterday morning, House Document No. 411. The motion was to recommit. I would like to reconsider the vote whereby it was recommitted to the committee on salaries and fees.

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

Mr. ALLAN: Mr. Speaker, I offer Amendment A and move its adoption.

Amend by striking out the words "fifth and sixth lines" in the fifth line of Section 1 of said act, and inserting in place thereof, the words "seventh line."

A viva voce vote being taken, the amendment was adopted, and the bill received its third reading and was passed to be engrossed as amended by House Amendment A.

Mr. ROUNDS of Portland: Mr. Speaker, last Monday, I asked to have recalled from the committee on engrossed bills, House Document, No. 378. I would like to know if it has been recalled.

The SPEAKER: The Chair will state that it is in the possession of the clerk.

Mr. ROUNDS: Mr. Speaker, I would like to present an amendment. The clerk in the engrossing department said that this was not right.

Mr. Rounds then presented the following amendment:

House Amendment A to House Document No. 378.

House Document No. 378, entitled Resolve in favor of Andrew Egan for military pension, is hereby amended by striking out everything after the title and inserting in place thereof, the following:

Resolved that there be paid to Andrew Egan of Portland, the sum of eight dollars per month during the pleasure of the Legislature; and sum to be paid out of the funds appropriated for military pensions.

The House, by a viva voce vote, reconsidered the action whereby the bill was passed to be engrossed.

By further viva voce vote, it adopted House Amendment A and the bill, as amended by House Amendment A, was passed to be engrossed.

Mr. BAXTER of Portland: Mr. Speaker, I would like to inquire if certain papers were returned from the Senate in regard to a bill to provide medals and testimonials for honorably discharged soldiers and sailors, and if it is in possession of the clerk? It is a committee report.

The SPEAKER: The Chair is informed by the clerk that that matter came through the regular course this morning as a Senate report.

Mr. BAXTER: Mr. Speaker, what action was taken on it?

The SPEAKER: The Chair cannot inform the gentleman at this time.

Mr. BAXTER: Mr. Speaker, rather than to delay, I will wait until tomorrow.

Mr. BARNES of Houlton: Mr. Speaker, is the osteopathy bill in the possession of the clerk? I wish to offer an amendment to correct an error, a change of one word in the fifth section.

On motion by Mr. Barnes of Houlton, the House voted to reconsider its action whereby this bill was assigned for tomorrow morning for its third reading.

The SPEAKER: The gentleman from Houlton, Mr. Barnes, presents House Amendment A to Senate Document No. 220.

Amend Senate Document No. 220, by striking out in the seventeenth line of Section 5, the word "therein."

On motion by Mr. Barnes of Houlton, House Amendment A was adopted and on further motion by the same gentleman, the bill as amended was assigned for its second reading tomorrow morning.

Mr. PIKE of Eastport: Mr. Speaker, may I inquire if House Document No. 358, which I tabled, has been disposed of?

The SPEAKER: The Chair will state that in the absence of the gentleman from Eastport, (Mr. Pike) it was re-tabled. Does the gentleman wish to make any motion on it?

Mr. PIKE: Mr. Speaker, if I am in order at this time, I desire to move the indefinite postponement of the bill and for this reason: This amendment seeks to amend a law which the supreme court of this State has already ruled upon. I shall have to read the bill which is very brief—the amendment, as follows:

“Section 127 of Chapter 87 of the Revised Statutes is hereby amended by inserting after the word ‘writ’ in the second line of said section, the following words, viz: ‘Except in any action brought against the estate of deceased persons’, so that said section as amended shall read as follows:

‘Sect. 127. In all actions brought on an itemized account annexed to the writ, except in any action brought against the estate of deceased persons, the affidavit of the plaintiff, made before a notary public, using a seal, that the account on which the action is brought is a true statement of the indebtedness existing between the parties to the suit, with all proper credits given, and that the prices or items charged therein are just and reasonable shall be prima facie evidence of the truth of the statement made in such affidavit, and shall entitle the plaintiff to the judgment, unless rebutted by competent and sufficient evidence. When the plaintiff is a corporation, the affidavit may be made by its president, secretary or treasurer.’”

Now this was a statute which was passed in 1913, and provided that in all actions sounding in assumpsit that

the plaintiff might file an affidavit in court—did not need to bring in his witnesses—file an affidavit in court, sworn to, which should be prima facie evidence of the plaintiff's side of the case. The language was broad. It said “all actions sounding in assumpsit.” There is a salutary rule in this State that when actions are brought against the administrators of estates of deceased persons, that the plaintiff shall not testify because the lips of the dead man are closed. In an opinion recently handed down by Judge Philbrook, and in which the supreme court of this State concurred, it was unanimously held by the judges that this law did not repeal that very salutary rule! but notwithstanding that, the committee on legal affairs of this House, has had a hearing upon such a bill and moves to have it amended exactly in accordance with what is now the law of the State, and as handed down by the full bench of our State. I submit, Mr. Speaker, that it is idle for the Legislature at this time to consider this amendment. It is already the law of our State. Why should there be any amendment to cover that which has already been provided for by the decisions of our court? Now I do not want to take any unfair advantage of anybody. I am willing that it should remain upon the table, if that is agreeable; but knowing that I am sound upon the legal position that I take, I move its indefinite postponement. If any friends of the measure would like to have it tabled to look the law up, it is perfectly agreeable to me.

A viva voce vote being taken, the motion to indefinitely postpone prevailed.

On motion by Mr. Pike of Eastport,

Adjourned until 9 o'clock tomorrow morning.