

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

Thursday, March 20, 1919.

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

Prayer by the Rev. Mr. Boothby of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill, An Act to amend Chapter 80, Section 21, relating to distribution of life insurance payable to an estate.

This was on March 17 by the House referred to the committee on mercantile affairs and insurance on a report from the committee on legal affairs. The papers came back from the Senate that branch non-concurring, and re-committing the bill to the committee on legal affairs.

On motion by Mr. Lanpher of Sebec, the House voted to recede and concur with the action of the Senate in re-committing this bill to the committee on legal affairs.

From the Senate: Bill, An Act to amend Section 8 of Chapter 6 of the Revised Statutes, relating to ballots in primary elections, and providing that the order of the names of candidates on said ballots be determined by lot.

This was passed to be engrossed by the House on March 12. It comes from the Senate indefinitely postponed.

Mr. DUTTON of Bingham: I move, Mr. Speaker, that we concur with the Senate.

Mr. LANPHER of Sebec: Mr. Speaker, I think one of the men very much interested in this bill is not here this morning, and I move that it be temporarily tabled until later in the day.

The motion prevailed.

From the Senate: Bill, An Act to amend Section 20 of Chapter 68 of the Revised Statutes, concerning ad-

ministration granted without bond under certain conditions.

This was passed to be engrossed by the House on March 10. It comes from the Senate indefinitely postponed.

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

From the Senate: Report of committee on temperance, on bill, An Act to amend Section 21 of Chapter 127, Revised Statutes, relating to sale of intoxicating liquors, reporting the same in new draft under title of An Act to amend Section 21 of Chapter 127 of the Revised Statutes, relating to the sale of intoxicating liquors prohibited, and that it ought to pass.

On motion by Mr. Rounds of Portland, it was voted to temporarily table this report.

Unanimous consent being given Mr. Dutton of Bingham presented the following order out of order:

Ordered, that the Senate return to the House, bill, An Act relating to the illegal assessment of taxes or the abatement thereof, in order that reconsideration thereof may be had.

The SPEAKER: The Chair will state that the gentleman from Bingham, Mr. Dutton, gave notice yesterday that he would move reconsideration.

The order received a passage.

Communciation from the Governor

Governor Carl E. Milliken on Thursday, March 20 again used the authority given him by the Constitution of Maine and returned without his approval the resolve authorizing Michael Burns of Augusta, Me., to sue the State to recover for loss of liquors seized from him in 1887. The veto message was sent to the House of Representatives, the resolve having originated in that branch and was as follows:

To the Honorable House of Representatives:

I respectfully return herewith without my approval House Document No. 322, "Resolve, authorizing

Michael Burns to bring a suit at law against the State of Maine."

This resolve was apparently introduced, referred to a committee, reported in new draft, printed and finally passed without at any time being accompanied by the written statement of facts required by House Rule No. 51.

So far as I understand the facts, the resolve proposes to confer upon a seller of intoxicating liquors special authority to bring suit against the State of Maine to recover expenses alleged to have been incurred by him in 1887 in attempting to evade the Maine law against the sale of intoxicating liquor.

The State's immunity from being sued by an individual is an attribute of sovereignty and should be waived only upon rare occasions when there is urgent and conclusive evidence that only by such extraordinary means can the ends of justice be served.

The Legislature in considering such a request is performing a function analogous to that of a court sitting in equity, and the well known maxim of equity jurisprudence "He who comes in equity must come with clean hands" or "He that hath committed iniquity shall not have equity" applies to this case with compelling force. This maxim, according to one learned writer, means "that whenever a party, who, as actor seeks to set the judicial machinery in motion and obtain some remedy, has violated conscience, or good faith, or other equitable principle, in his prior conduct, then the doors of the court will be shut against him in limine; the court will refuse to interfere on his behalf, to acknowledge his right, or to award him any remedy."

Applying this doctrine to the case in hand, this petitioner, a confessed violator of the laws of the State, claims to have suffered financial damage in the course of his transgression. He violated the law at his peril; let him suffer the conse-

quences. He is entitled to no remedy at the hands of the State.

(Signed) CARL E. MILLIKEN,
Governor.

Dated
At the Executive Chamber
March 20, 1919

Mr. ROUNDS of Portland: Mr. Speaker, it was brought out in evidence before the committee on claims two years ago that Mr. Burns was selling liquor in Augusta here, not in defiance of the Maine law, but as legalized. It was there stated and by the county attorney at that time before the committee that he told the Governor of the State of Maine that they had no right to take this liquor, and he protested to the Governor at that time that they should not be allowed to take it because he was within his rights. It has been before the Legislature for years and years, and something should be done so that every Legislature should not have this Michael Burns matter brought before them. Therefore, I would like to have this matter settled by the court of Maine, and I would move—

The SPEAKER: The Chair will state that the motion will be put automatically by the Chair, and the Chair would suggest that inasmuch as some of those who are interested in the matter are not here, it be laid temporarily on the table.

The resolve and communication from the Governor were thereupon temporarily tabled.

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. Clifford of Reed Penta-tion: Resolve in favor of Louise G. Cony for services as clerk and stenographer to the committee on claims.

By Mr. Berry of Waterville: Resolve in favor of Louise G. Cony for services as stenographer and typewriter to the committee on Indian affairs.

By Mr. Bragdon of Perham: Resolve in favor of Willis A. Frost for services as clerk to the committee on public health.

Orders

On motion by Mr. Porter of Mapleton, it was

Ordered, that the use of the hall of the House of Representatives be granted to the Girl Scouts of Augusta for Saturday evening March 22, and Monday evening, March 24, 1919, for the demonstration of Girl Scout work and for a moving picture exhibition of girl camp life in Maine by Mrs. Luther H. Gulick.

Reports of Committees

Report of the committee on public utilities, reporting ought not to pass" on bill An Act to amend section 2 of chapter 56 of the Private and Special Laws of 1895, as amended by chapter 203 of the Private and Special Laws of 1903, relative to water supply of Boothbay Harbor.

(Signed) Messrs. LORD,
THORNTON,
FOLSOM,
ALLAN,
WILSON,
ROBERTS,
COWAN,
RIDLON,
RICKER,
MATHEWS.

(Tabled by Mr. Perkins of Boothbay Harbor pending acceptance of the report, to be taken up later in the session.)

Mr. Cunningham, from the committee on State lands and forest preservation, reported ought not to pass on bill An Act to provide for the purchase of land by the State for forestry purposes.

(Tabled by Mr. Baxter of Portland pending acceptance of the report.)

Same gentleman, from same committee, reported same on bill An Act to permit the acquisition of forest and other suitable lands by municipalities, for the purpose of establishing municipal forests; and providing for the administration, maintenance, protection and development of such forests.

Reports were read and accepted and sent up for concurrence.

Majority report of the committee on inland fisheries and game, on bill An Act to repeal section 73 of chapter 33 of the Revised Statutes, as amended by chapter 219 of the Public Laws of 1917, prohibiting Sunday hunting. Reporting ought not to pass.

(Signed) Messrs. BABB,
CLASON,
SWEATT,
SANBORN,
HOUGHTON,
PUTNAM.

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

(Signed) Messrs. METCALF,
CHICK,
FLINT,
WILSON.

(On motion by Mr. Wilson of Portland, a viva voca vote being taken, the majority report, ought not to pass, was accepted.)

Majority report of the committee on public health, on bill An Act to amend sections 40, 41, 42, 43, 47 and 48 of chapter 16 of the Revised Statutes relating to medical inspection of school children. Reporting ought to pass.

(Signed) Messrs. GORDON,
COBB,
PARENT,
WILLIAMS,
SIMONS,
WILLIAMS,
PHILLIPS.

Minority report of same committee, on same subject matter, report ought not to pass.

(Signed) Messrs. BRAGDON,
DAVIS.

(On motion by Mr. Bragdon of Perham, it was voted that pending the acceptance of either report, both be laid upon the table, and that 500 copies of the bill in new draft be printed.)

Mr. Crane, from committee on banks and banking, reported ought to pass on bill An Act to enlarge the powers of trust companies.

Same gentleman, from same committee, on bill An Act to amend paragraph 1 of section 7 of chapter

19 of the Public Laws of 1917, concerning industrial banks. Reported same in a new draft, under same title, and that it ought to pass.

Mr. Berry from the committee on indian affairs, reported ought to pass on bill, An Act to amend Section 44 of Chapter 14 of the Revised Statutes, relative to the sale of timber on Indian Township.

Mr. Hinckley from the committee on legal affairs, on bill, An Act amending Chapter 277 of the Private and Special Laws of 1907, relating to People's Ferry Company, reported same in a new draft, under title of An Act amending the charter of the People's Ferry Company, and that it ought to pass.

Mr. Berry, from the committee on military affairs, reported ought to pass on Resolve to promote patriotism by displaying the American flag at polling places during elections. (The rules were suspended and the resolve given its first reading.)

Same gentleman, from same committee, reported same on Resolve in favor of Esther M. Giles.

Mr. Williams, from the committee on public health, on bill, An Act to amend Section 25 of Chapter 18 of the Revised Statutes, relating to appointment of members of the Board of Dental Examiners, reported same in a new draft, under same title, and that it ought to pass.

Mr. Cunningham, from the committee on State lands and forest preservation, reported ought to pass on bill, An Act additional to Chapter 8 of the Revised Statutes, relating to the burning of brush.

Same gentleman, from same committee, on bill, An Act to provide for the acceptance by the State of gifts of land and for the establishment of a State park and forest in the Mt. Katahdin region, reported same in a new draft, under title of An Act to provide for the acceptance by the State of gifts of land and for the establishment of a State park and forest within the State of Maine, and that it ought to pass.

(Tabled by Mr. Baxter of Portland pending acceptance of report.)

Reports were read and accepted,

and bills and resolves ordered printed under the joint rules.

Passed to be Engrossed

Senate 68: An Act to amend Section 66 of Chapter 16 of the Revised Statutes relating to the attendance of children at school.

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.

Mr. PHILLIPS of Bar Harbor: Mr. Speaker and gentlemen: I rise regretfully to offer some amendment to this bill, regretfully because they have not done as they promised to do. I am not speaking for myself alone for I have telegrams from the presidents of the medical boards of Bangor, Lewiston, Portland and all over the State. It was agreed—and certainly the chairman of the judiciary committee will bear me out in saying that I was perfectly willing to assist and help in every way within reason in straightening out this bill and getting it into shape to be satisfactory to all sides. Now they try to leave in the bill parturition—childbirth—God in Heaven attends to parturition 99 times out of a hundred in perfect shape; but all the treatment in acute Bright's disease, convulsions, septicemia, and all those things which are attendant upon obstetrics, are left open to them by the way the bill is left. Hence I offer this amendment B, Section 5, line 11, omit the words "so far as the same relates to parturition." That leaves the bill as they promised us they would leave it.

I also am advised by these gentlemen that Section 12 shall be stricken out entirely. The section, without going into the details of it, is the section by which they claim not to be practitioners of medicine. I offer these two amendments which I hope

they will accept. If not, I shall ask this House to indefinitely postpone.

The SPEAKER: The gentleman from Bar Harbor (Mr. Phillips), offers the following amendment to Senate Document 220:

Amendment B to Senate Bill 220, Section 5, line 11. Omit the words "so far as the same relates to parturition."

Section 12: To omit Section 12 entirely.

Mr. COWAN of Winterport: Mr. Speaker, as I understand it, the first amendment covers a matter which was an oversight, a mistake on the part of the attorney who drew this bill; and he agreed in good faith to word it as the gentleman from Bar Harbor (Mr. Phillips) says that it should be worded. Therefore, no blame should attach to anyone for that omission to make that change. In regard, however, to this other amendment, I would like to examine the matter a few minutes before the House takes action upon. I would like to have it temporarily tabled to take up later.

A viva voce vote being taken, the amendments were temporarily tabled.

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

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 191: Resolve to provide funds for vocational education.

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 1919.

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 in favor of the town of Norridgewock, reimbursing said town for money expended for State paupers.

House 311: An Act to amend section 1 of chapter 272 of the Public Laws of 1917, entitled An Act to require certain vehicles to carry lights at night and to control the glare of head lights.

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 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.

House 451: An Act to amend sections 61 and 72 of chapter 9 of the Revised Statutes, and paragraph II of Section 6 of Chapter 10 of the Revised Statutes, relating to exemption of certain public bonds from taxation.

House 140: An Act to re-enact section 24 of chapter 69 of the Revised Statutes relating to when no succession tax shall be assessed on the stock, bonds, and evidences of debt of Maine corporations.

(On motion by Mr. Clason of Lisbon tabled pending third reading.)

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

House 449: Resolve in favor of Frank Williams, administrator of the estate of Nicola Dinora, late of Boston, state of Massachusetts.

(Tabled by Mr. Holley of North Anson pending third reading.)

Passed to be Enacted

An Act to amend Sections 73 and 74 of Chapter 16 of the Revised Statutes, and Section 75 of Chapter 16 of the Revised Statutes, as amended by Chapter 67 of the Public Laws of 1917, relating to the classification of high schools.

An Act to amend the charter of the city of Calais providing for biennial elections.

An Act to revise, consolidate and amend the charter and laws of the city of Augusta.

An Act authorizing the Clark Power Company to construct and maintain a dam or dams on Saco waters in the cities of Saco and Biddeford.

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

An Act to regulate the employment of legislative counsel or agents to provide a legislative docket in secretary of state's office open to public inspection, disclosing information in relation to such employment.

An Act amendatory of and additional to Section 12 of Chapter 127 of the Revised Statutes, relating to tools and implements for gambling, counterfeiting and burglars' tools.

An Act providing for the preparation of the State budget; creating a committee on budget; prescribing its powers and duties; making an appropriation to defray the expenses of this committee; and repealing Sections 92, 93, 94 and 95 of Chapter 2 of the Revised Statutes.

An Act to amend Section 86 of Chapter 16 of the Revised Statutes, relating to returns from towns showing expenditure for high school tuition.

Finally Passed

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

Resolve to reimburse C. H. Robinson Company of Portland, Maine, for goods

sold and delivered to the State, and for which purchaser failed to file with the State auditor a copy of the order.

Resolve to reimburse certain cities and towns for money expended for the support of dependent families of members of the National Guard.

Resolve providing for the compilation, printing and distribution of an index to the Private and Special Laws and to the Resolves of the State of Maine.

Resolve providing for the payment of certain deficiencies that accrued prior to January first, 1918.

Resolve in favor of Mary F. Fernald for military pension.

Orders of the Day

On motion by Mr. Rounds of Portland it was voted to take from the table, Senate Document 213, An Act to amend Section 21 of Chapter 127 of the Revised Statutes, relating to sale of intoxicating liquors prohibited.

Mr. ROUNDS of Portland: I move, Mr. Speaker, that we concur in the indefinite postponement of the bill.

Mr. COCHRANE of Monmouth: Mr. Speaker, may I inquire what bill is now under consideration?

The SPEAKER: The bill is Senate Document 213, An Act to amend Section 21 of Chapter 127 of the Revised Statutes, relating to sale of intoxicating liquors prohibited.

Mr. COCHRANE: Mr. Speaker and gentlemen of the House: I have no desire to speak on this question, and I certainly will not attempt to make a formal speech. We are all too anxious to reach our homes now to consider for a moment any gentleman who wishes to unload rhetoric on this body. I was told before I came into this Legislature that I would get into a set of cut-throats. I did not give this matter full credence, but I was led to believe that the members of the Maine Legislature was here to get something and to carry a scalp home. I was led to believe that the only reason that the gold was ever put on the figure that surmounts the dome of this building was to get it so high that the Legislature could not reach it. But since

coming into this body I have made up my mind that you could not with the aid of a fine-tooth comb find a more honorable and sensible body of men than sit in the House of Representatives in Augusta today. We differ in opinion concerning some essential things, but it is an honest difference of opinion every time. When we approach a matter of this kind, we approach it sincerely, and I believe that we shall approach this question with the utmost sincerity this morning.

Those who are trying to honestly enforce the laws of the State of Maine tell us that they cannot do so with this three per cent. clause in the statute, and there have been appeals from men who are trying to enforce the law honestly and impartially. We are faced with something today, gentlemen, that we cannot dodge. There is a certain floating factor in our politics today that determines positively which side shall win. The Democratic party and the Republican party must take into consideration this fact. Two or three years ago we had a certain overthrow in our political system, and how did that come about? Only last night I heard a gentleman say that the last Democratic administration could not be criticized except on one point, and that was its financial policy. Well, now, I do not think that gentleman was joking. The matter we was then considering was a matter of too great importance to allow any man to indulge in levity. But you cannot expect that, having only three years in which to recover from the effects of that administration—you cannot expect any man to be very sober. We all know that the reason why we turned from a Democratic administration to a Republican administration was because we felt that we had a man as our leader who would do his utmost to enforce the law and who is sincere in his purpose; and you know that a few months ago when we went into the last contest, we came pretty near losing as Republicans, because the Democrats put up a man who was absolutely beyond criticism, and

every last man of us, Republicans as well as Democrats, had absolute confidence in that man, and felt that he, too, if placed in the position of Chief Executive, would enforce the law sincerely.

Now, gentlemen, we are facing this floating factor in politics, and it is a dangerous thing for us to ignore this factor. These people who determine what the result shall be are not to be dealt with insincerely. We must have this one-half of one per cent. introduced into our statute provided we have an honest enforcement of the law. Yesterday in the Senate the honorable senator from—

The SPEAKER: The Chair must rule that the gentleman cannot make reference to any action taken in the other body.

Mr. COCHRANE: I apologize to the Chair and to this body. Am I at liberty to use the plea that he made at that time and to answer the debate?

The SPEAKER: The Chair would rule that the gentleman is if he makes it his own.

Mr. COCHRANE: It has been stated—if I can find the debate of yesterday. Does anyone know on what page that debate is? I cannot recall the words used at that time, and therefore I shall not be able to speak further on the question. If anyone can find it, I would thank him for giving me the page.

Mr. O'LEARY of Bangor: It is on page 5.

Mr. COCHRANE: The gentleman stated that this State has for years and years laid down a principle that the question of whether or not any liquor is intoxicating is a matter of fact for a jury to determine, and when they say that that is a matter of fact for a jury to determine they have fixed the law better than any way we can fix it by the passage of a statute which enacts something which is not there. I submit, gentleman, that if we leave this matter to a jury to determine that jury must pass judgment on every specific case; and I submit to you that if a jury should pass judgment upon every specific case it might not be able to exercise its functions as a jury.

It was also stated in this debate that

"the State of Maine has in practice and by law for the last 50 or 60 years been a prohibitory State, and we do not need anybody who is just beginning and who has not yet passed any rules and regulations in regard to what is intoxicating and what is not to tell us in this State just what portion of alcohol in a certain liquor makes it intoxicating." I agree with the honorable gentleman that this State did formulate the first prohibitory law and it took the initiative in this matter; but other states have gone far ahead of it. We are the only State that today has a three per cent. law in its statute. A certain state—I cannot recall which one—within three or four days has refused to consider even one-half of one per cent. It absolutely refuses to have any liquor sold within its borders that contains any percentage whatever of alcohol.

Now, gentlemen, we not only in the State of Maine gave prohibition birth, but in America we gave democracy birth; and I want to ask you if you would consider for a moment adhering to the principles that obtained in the days of Washington, Hancock and Hamilton? Would you consider standing still on that point? Supposing a few months ago, when we were called upon to defend our democracy, we had put on the knee breeches and the swallowtail coat and the cocked hat of Revolutionary times, and shouldered our flintlocks and gone out to whip the Germans. What would have happened? Other countries have gone ahead of us, and we have had to meet them, and we must keep ahead of them. Other states have gone ahead of us, gentlemen, since we formulated this prohibitory law, and we have got to keep up with the trend of civilization; and I do not believe there is a man in this body who would tolerate for one moment the thought of having that legend that for well-nigh a hundred years has appeared on our escutcheon changed from "I lead" to "I slump." Now I submit this matter to you, gentlemen. I believe it is our duty, not only to ourselves but to our constituents, to keep up the traditions of the old State of Maine.

Mr. ROUNDS of Portland: Mr. Speaker, as I understand it the courts

have decided that anything less than three per cent is not intoxicating.

Mr. COCHRANE: I rise to a question of privilege. I am greatly interested in what the gentleman says and he will have to speak louder.

Mr. ROUNDS: If you want to hear me you will have to come over here—

The SPEAKER: The gentleman from Portland, Mr. Rounds, is out of order.

Mr. ROUNDS: The gentleman who has just spoken (Mr. Cochrane) had some nice coffee, I understand, last night. Did he know that when he got the sugar in that coffee he was drinking more than one-half of one per cent alcohol and as a beverage? That is what you are up against, gentlemen, with this law. Now the courts of this state have decided that less than three per cent is not intoxicating. I would like to read some of the things that are being sold in this state and being drunk in this state. Young men are being ruined in this state by taking ingredients like these into their stomachs in preference to light beers. Here it is: Essence of checkberry, 91 per cent alcohol; essence of peppermint, 85 per cent alcohol; sweet spirits of niter, 92 per cent alcohol; essence of lemon, 91 per cent; essence of anise, 95 per cent alcohol; spirits of lavender, 94 per cent; bay rum, imported, 50 per cent; witch hazel, 80 per cent. That is what they are putting into their stomachs today—and old cider! It was brought out in a case in Cumberland county that every countryman has three or four barrels. Now this is what they are drinking in the State of Maine, and lots of grave juice is being brought into the country and mixed with this old cider. The gentleman from Monmouth (Mr. Cochrane) comes from an apple-raising country, where there is a lot of cider made, and lots of grape juice goes in there to mix with it and intoxicate the boys. And if the gentleman does not know that fact, his neighbors do, because they use a lot of grape juice over in that country. (Laughter and applause.) Now, gentlemen, everything that you put

into your stomachs has got more than one-half of one per cent alcohol in it. Therefore, I hope my motion will prevail. (Applause.)

Mr. COCHRANE: Mr. Speaker, I frankly confess and admit the truth of all the gentleman from Portland (Mr. Rounds) has said. I admit that the mixtures to which he has alluded are intoxicants and the entire purpose of this bill is to prohibit their sale as a beverage.

Mr. BUZZELL of Belfast: Mr. Speaker and members of the House, I am really sorry for the action of the House here this morning. I was very much pleased when I heard what the Senate did yesterday. I was not aware that we, as representatives of the State of Maine, were going to take part this morning in such levity. We all know what Maine's stand has been relative to prohibition. We know how the people—a majority of the people—have regarded it; and when I heard yesterday that our Maine Senate had simply said that this is no time for us to bother with the law of this kind, I felt that they felt that our national government had taken care of the situation; but knowing something of the temper of this body, I felt that when it got in here, if it was brought to debate—I knew what was going to happen. I believe—

A message was received from the Senate, through its Secretary, proposing a joint convention of the two branches of the Legislature, to be held in the hall of the House of Representatives this morning at eleven o'clock, for the purpose of listening to an address by United States Senator Jones of Washington.

Thereupon the House by a viva voce vote voted to concur in the proposition for a joint convention; and the clerk of the House was charged with a message to the Senate signifying the concurrence of the House in the proposition for a joint convention.

The clerk of the House subsequently reported that he had discharged the duty assigned him.

Mr. BUZZELL resumes: Now gentlemen, you have all had a chance to

take into consideration what has happened here this morning. You know the history of the prohibitory law in this State for years and years. Within 48 hours I advanced the idea that if this proposition was debated it would be made a laughing stock of—and you have all seen what has occurred here this morning. It is too bad to carry this proposition too far, and for sane men to advocate that there is great harm in drinking 97 swallows of water to get two and three-fourths swallows of alcohol. Let us be fair about this proposition. We pass cider, we wink at cider, and then we try to get a clip below the belt at a little of this Bevo or "Beno" or something of that kind—this slop beer. The cider bill went by the board, but they have sandwiched cider into this bill; now they have cider and beer together. I wonder if the gentleman has thought of this, that the State of Maine has taken this stand that it was against license in any form? If that bill there is passed counternancing the sale of a beverage that contained one-half of one per cent. of alcohol, what are we doing? Are not we passing a license law, licensing a man to sell a beverage with one-half of one per cent. of alcohol in it? Is that right according to the stand you have taken for years in this State? Gentlemen, let us be serious about this question. The Federal government has got this proposition in hand, and I trust that it will handle it as it ought to be handled. I, for one, feel that we have had all of these prohibitory measures that we need at this time. There is such a thing as carrying the proposition too far. When you go to meddling with such small things as this, when you get down to the mole hills as compared with the mountains that you have been considering and taking care of, it is going to have its reaction and the people are going to treat it as we have treated it here this morning. Already they have commenced to ask the question how long is it going to be before they are going to tackle the cigarette proposition—cigarettes, tobacco, chewing gum. Before they get through they will try to regulate how high the heels of our wives' shoes are going

to be or what kind of corsets they shall wear. I, for one, feel like this, gentlemen, that I want to support with all my heart the motion of the gentleman from Portland (Mr. Rounds) that we concur with the Senate.

The SPEAKER: Is the House ready for the question?

The question was called for.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Rounds, that the House—

Mr. COCHRANE: Mr. Speaker, I would like to have this matter tabled, probably pending an amendment.

A viva voce vote being taken on the question of tabling the report and bill, pending an amendment, the motion failed of passage.

The SPEAKER: The question is on the motion for indefinite postponement in concurrence with the action of the Senate.

A viva voce vote being taken, it was voted to indefinitely postpone the bill.

Mr. BUZZELL of Belfast: Mr. Speaker, I move that we reconsider the action we have just taken.

A viva voce vote being taken, the motion to reconsider the vote whereby the above bill was indefinitely postponed in concurrence with the action of the Senate, failed of passage.

The SPEAKER: The House is under special assignments and the Chair will take in order the matters specially assigned for today.

The Chair lays before the House, bill An Act to provide for the registration of resident hunters, House Document No. 400, tabled by Mr. Small of Brewer, pending first reading.

Mr. SMALL of Brewer: Mr. Speaker, I move the indefinite postponement of this bill.

Mr. CLASON of Lisbon: Mr. Speaker, before that motion is put I would like to offer Amendment A to House Document No. 400, and I would like to reserve the right to speak on both the bill and amendment after

the amendment is read by the Speaker.

The SPEAKER: The gentleman from Lisbon, Mr. Clason, presents the following amendment to House Document No. 400.

Amend House Document No. 400 by inserting at the end of the first paragraph thereof the following: "nor shall the provisions of this act be construed as applying to unprotected wild birds or as affecting the right of a bona fide resident of this State, or his immediate family to hunt without such license on land owned by him or on land leased by him and on which he is actually domiciled, and which land is used exclusively for agricultural purposes."

Mr. CLASON of Lisbon: Mr. Speaker and gentlemen, it is not my intention this morning to take much of your time in discussion of this amendment and the bill before us, for I fully realize the need of haste in order to perform our duties within a reasonable time; but the importance of this bill demands our careful attention. It has seemed to me that a large majority of the people who are interested in hunting, and the proper protection of our game, desire the passage of this bill.

We find, upon investigation, that the states where there is game to any extent have resident hunters' registration laws of some sort with the exception of four states, namely: Maine, Delaware, North Carolina and Mississippi. What are the game conditions in the state where the resident hunters' registration laws exist? Let me quote from some of the reports of the commissioners of inland fisheries and game in some of these states. Massachusetts report of the commissioners of inland fisheries and game states as follows: "Deer held their own in all sections, so numerous in some counties that farmers claim deer must be exterminated or reduced so as to no longer be a menace to fruit-growing industries." The Massachusetts commission calls to our attention that the American public is slowly awakening to the fact that under

the present conditions the wild life of our forests will soon become extinct, unless protected by efficient laws. Even from a selfish standpoint, the state cannot permit the destruction of its wonderful wild life without suffering a loss which cannot be repaired. The enforcement of practical legislation is necessary for the protection of wild birds and wild animals. The tendency in all states is to charge residents as well as non-residents a reasonable fee for the privilege of hunting.

Now, gentlemen, is the wild life in the state of Massachusetts any more valuable to them than the wild life in the state of Maine is to us? Let me give you a concrete example to show you the value of the wild life in the state of Maine. The total valuation of the town of Rangeley in 1905 was as follows: Resident real estate and personal \$335,219; non-resident real estate and personal \$218,392, making the total valuation of the town of Rangeley in 1905 \$553,611. The total valuation of the town of Rangeley in 1915, resident real estate and personal, was \$733,094; non-resident real estate and personal \$468,750, making the total valuation of the town of Rangeley in 1915, \$1,201,844, an increase in valuation in 10 years of 117 per cent and, gentlemen, the entire increase in the valuation of the town of Rangeley was due to the wild life in that section. I will venture to say that there are many men here who can think of instances in their own districts where the population has been increased by means of the wild life in their section.

Now in the report from Pennsylvania for 1917, the commissioners of inland fisheries and game say as follows: "Deer appear to have increased in a wonderful way, and are now found in territory where no such animal has been seen for many years." In their report for 1918 they say as follows: "Game animals, such as deer and bear, are undoubtedly increasing in the section of the state where they are found at all. Each of these species in certain sec-

tions have already grown in numbers to a degree that really threatens the peace and well-being of those residing in the section." In New York, with a shorter open season on deer than in Maine, from October 1st to November 15th, 12,000 deer were reported killed last season in a territory vastly smaller than the hunting regions of Maine. New York had a similar experience in enacting their resident hunters' registration laws that we are having here in Maine. When this bill was presented to the legislature in New York for the first time, it was bitterly opposed and heavily defeated. When this bill was presented the second time it was bitterly opposed, but was defeated by a very narrow margin, and the third time it passed. In discussion of this subject with a man from New York who is interested in hunting and fishing, he told me that the very ones who opposed this bill the most bitterly were now the most friendly to the enactment of the law. They realize that they have made a mistake and it was for their advantage.

In South Carolina, the report of the commission states that the hunters' license law shall apply to the whole state and to every person in the state, to all game birds and animals, and they go further and express the opinion that it should apply to fish also.

In Wyoming, thousands of dollars are brought into the state each year by hunters and tourists. To encourage this class of hunters, we must make it possible for them to secure good specimens of wild game, which means that our game must be kept up to standard. The average citizen does not realize what the game department means by way of revenue to the state. Wyoming begins to realize what it means. In New Hampshire, the deer are reported very plentiful throughout the entire state in the past two years. Hunting conditions have not been the best the past two seasons, but plenty of deer have been seen and many killed. At this time, I would like to read a clipping that I took from one of the leading daily papers

of this State: "Game in Maine is rapidly disappearing. This is no longer a subject for debate. It is known by the woodsmen, the guides, the wardens and hunters. What are we going to do about it? Are we going to sit idly by and see it go? We certainly hope not. If ever a law was absolutely sensible, economical and far-seeing, it is the law to register every person, man, woman or child, that goes into the woods bearing a firearm. The army that now goes hunting is enormous as compared with 25 years ago. As it now is we have no means of distinguishing the non-resident from the resident. Scores of non-residents come here and hunt without a license, and when caught in the woods, assert that they live in some remote part of the State and the warden has no means of disproving the statement. We are losing money, game and prestige." What are the provisions of this bill? Does the new draft impose a hardship upon the people of this State? What are the objections? Are they reasonable? Let us see. The amendment which I have just introduced says as follows: "Amend House Document No. 400 by inserting at the end of the first paragraph thereof the words "nor shall the provisions of this act be construed as applying to unprotected birds," that, gentleman, was simply an error in the original bill. We did not intend for this act to apply to such birds as the crow, the hawk, the English sparrow and the mud-hen. This is a point where we think the bill could be improved --"or as affecting the right of a bona fide resident of this State, or his immediate family, to hunt without such license on land owned by him, or on land leased by him, and on which he is actually domiciled, and which land is used exclusively for agricultural purposes."

At the hearings and during the sessions when this bill has been under consideration, there has been one bone of contention—that the farmer could not be allowed to hunt on his own land; that Johnnie could not take his gun when he went down

after the cow to shoot at that deer or at that partridge, under the shade of some old apple tree. We wanted to be fair; we wanted to do away with anything that might create a hardship; and I suggest and now recommend that this amendment be added.

Now in regard to the bill itself: Another contention by the opponents of this proposition is the inconvenience for some persons to travel eight or ten miles to the office of the town clerk in order to get his registration card. It says here, "any resident of the State may make written application to the clerk." If he does not care to go and get it himself, he may receive it by a written application.

Another contention has been the fee. Gentlemen, so far as I am concerned personally, I had just as soon see no fee at all; but it was the belief of the committee of inland fisheries and game that there should be at least fee enough to pay for the expense of registration. Fifteen cents goes to the town clerk and ten cents for the cost of the registration cards and office work. Twenty-five cents is the fee asked for. The opposition may say that this is an entering wedge—twenty-five cents temporarily, one dollar two years from now, five dollars four years from now, and ten dollars six years from now. Gentlemen, that is not the intention of the committee on inland fisheries and game nor is it mine; and, if I thought that at any succeeding legislature they would attempt to increase this fee, I would come over here and fight against it, if this bill became a law. It is not for revenue that I ask the passage of this bill, but it is for identification—to identify the non-resident and to identify the poacher. The non-residents are coming into this State in abundance, claiming that they live in the State of Maine, and getting by without paying their fee of fifteen dollars; and it means, gentlemen, a considerable sum when you figure up the total at the end of the season. I think it a conservative estimate when I say

that in an average season we are losing from twenty to twenty-five thousand dollars, and the Lord knows we need this money to improve our warden service.

Section three of this bill, the second clause there, has also been a bone of contention. It says: "Every person holding a certificate of registration by virtue of this act, shall, at all times, while hunting, have such certificate on his person, and shall exhibit the same for inspection to any person authorized to enforce the inland fish and game laws. Failure to produce such certificate, or satisfactory evidence of the issuance of same, upon such request shall constitute a violation of this act." Just keep in mind "or satisfactory evidence of the issuance of same." Previous bills did not have that clause; so that if any man should happen to lose his registration card or leave it at home or leave it in his machine or in his team by the side of the road, and the warden detected him and asked for his card, he would be a criminal; but this provision provides that if he can give satisfactory evidence that he has a registration card, he is not a criminal. It further says: "No such certificate shall be granted to any person under sixteen years of age unless by written consent of parents or guardian is attached to the application for such certificate." I wonder if there are any gentlemen here who would desire to have their boys go into the woods hunting without their knowledge or consent.

Gentlemen, the State of Maine did not realize the value of its forests until it was too late. The State of Maine did not realize the value of its water powers until it was too late. Now, gentlemen, is the State of Maine going to fail to realize the value of its wild life until it is too late? I certainly hope not. There is no one who enjoys hunting better than I, nor is there anyone who guards it more carefully. If I thought this bill was a detriment to the hunters who were interested in the protection of fish and game, I

should oppose it; but I believe in the bill and hope it will receive a passage. Mr. Speaker, when the vote is taken I hope it may be taken by a rising vote.

Mr. HINCKLEY of South Portland: Mr. Speaker, I feel that I ought to say that no person in the State of Maine is more interested in the fish and game than I. I have hunted and fished in practically every section of the State. I have hunted and fished in the hunting and fishing grounds of the Province of New Brunswick. I have hunted and fished on the Cascades of the Pacific slope. I have hunted and fished in the Canadian Rockies and in the canyons of British Columbia, and I know something about fish and game, and realize the importance of protection of fish and game. I want to say to you men that there is no place, and there has been no time during my life that I appreciated hunting and fishing as much as when I was a barefooted boy down in Washington County, hunting and fishing the hills and streams of that section of the State. It is one thing to be a professional hunter and think of game from that standpoint, and it is another thing to be an unprofessional hunter; and I want to say to you that the very great majority of the people of the State of Maine who enjoy its hunting privileges are not professional hunters. Farmers and the farmers' boys do not make a business of hunting; it is very incidental to their business. The average farmer and farmer's boy in the State of Maine does not plan a hunting trip, but almost invariably has his gun, and when he goes through his pasture, when he goes to market, he often—very often—carries his gun along with him.

A member of this House came to me yesterday, and he said this: "I have three boys who are now in France. They have been fighting over there for freedom. I have got their three guns at home where they left them, and I am keeping them for them, and I do not want when those boys come back to tell them that a member of the Legislature of which I am a member has during their absence and while they have been fight-

ing for freedom, taken away that right which has always been theirs, and was mine, and has been the heritage of the people of this State—to take away that right to go out in the pasture and shoot a rabbit.” I tell you men it is not right; it is un-American; and, as I suggested yesterday, we are binding ourselves hand and foot with these regulations and with these license propositions, and it is time for the State of Maine to come to a halt on this matter. This bill as originally put in here—an amendment has been offered this morning—but this bill as originally put in, if a skunk was out in your hen coop, you could not go out and shoot it without being haled before the court. That is what the original bill is here. It has been amended to some extent, and I want to take up the bill just a little in connection with these amendments. I want to say to you that the amendment does not cure the proposition which the proponents are trying to tell you it cures. This amendment says that a person can hunt on his own land, providing it is used for agricultural purposes; but Section 1 says, “No resident of this State shall hunt in any manner, at any time, or pursue, take, catch, kill, destroy or have in possession, within the limits of this State, any wild animals.” etc. Now, I say to you men that if you go out in your back pasture and shoot a deer or shoot a partridge even, and have it in your possession, you are liable to be arrested. Having it in your possession is prima facie evidence that you shot it at some other place. Why let us just take an example in this State! For instance, the lobster law provides that a person cannot take any lobster in this State under ten and one-half inches. That is the law. Naturally, you would assume that if it was gotten in some other State or in some other part of the world, it would be all right; but the courts have held that a person having a lobster under ten and one-half inches in his possession, he is liable to this law. Down in Nova Scotia, for instance—our lobster smacks go to Nova Scotia and they cannot bring into the State of Maine a lobster of

less than ten and one-half inches in length, even though caught down in Nova Scotia. That is exactly where you are left with this amendment. If you have it in your possession, you are liable, and there is nothing in this amendment that cures that proposition. I want also to say to you that the proposition in this amendment, which applies to your own pasture, or your own field, is not sufficient. You might possibly get up some morning, as I have done, and see a deer across in a neighbor's pasture, and you would like to get a shot at it. You ought to have the right to do this.

I am interested in game, but I am more interested in the people of the State of Maine. This is a big proposition, it is true. It is a big business proposition, and we should consider protecting the game; but I tell you that the citizens of the State of Maine mean more to me than all the game in the State of Maine. Their rights mean more to me than the rights of all the game in the State, and I am absolutely opposed to any law which says to any citizen of this State that in proper time, under proper regulation so far as close time is concerned, he shall not take his gun and go out and hunt whenever he wishes to. It is his right. I tell you men it is an entering wedge, and the next time they come back they will take your field away if they can, or they will take your pasture away from you. There is no doubt about it at all. I think we should stop this regulation.

Now I want to call your attention to this next question: “Every person holding a certificate of registration by virtue of this act shall, at all times, while hunting, have such certificate on his person and shall exhibit the same for inspection to any person authorized to enforce the inland fish and game laws. Failure to produce such certificate, or satisfactory evidence of the issuance of same, upon such request shall constitute a violation of this act.” Does that say anything about the fellow who does not have his license? Does it mention that? You hear about these jokers in these bills, and it seems to me this amendment is all a joker. It leaves the bill substantial, where it is so far as the effective part is concerned. “Fail-

ure to produce such certificate, or satisfactory evidence of the issuance of same, upon such request shall constitute a violation of this act." Now what does that mean? Is there any provision there that if you are hunting on your own land you are not obliged to show your certificate or give satisfactory evidence that it has been issued? There is nothing in this amendment that gives you the right to explain why it has not been issued. That has not been taken care of at all, and you would be haled into court.

Now look at Section 9: "The possession of any firearm in the fields or forests or on the waters or ice of the State by a resident of this State, unless the person having such firearm in possession has in his possession a certificate of registration, as herein provided, duly issued to him and covering the period such firearm is found in his possession, or give satisfactory evidence of the issuance of such certificate, shall be prima facie evidence of hunting in violation of this act."

I tell you men that no resident of the State of Maine can have any firearm in his house even under that provision. Now is not that a ridiculous proposition? I say men it is absurd; and with the consent of the gentleman from Brewer (Mr. Small) I would like to amend his motion and have it include an indefinite postponement of the amendment as well as the bill.

Mr. BARNES of Houlton: Mr. Speaker, after listening to the gentlemen from the cities, I wonder if the House would indulge a man who comes from the backwoods section? After listening to theorists and men who are looking only for votes from their constituents, I wonder if the House would listen awhile to a man who was a registered guide in 1890 and who got quite a portion of the money that put him through college in that kind of work? After hearing the lawyer deliver his speech for his clients, would you think for a minute what the State of Maine comprises, and that if you fold this map across here (indicating) all the section above the crease is the wild land, the game land, the paradise of wild life, and the Elysium of the hunter from all over the round world?

Now I have never hunted in Canada, nor on the Cascades of the Pacific, nor in British Columbia, nor in any other state of the union but the State of Maine; but I stood by my watch just 23 minutes on the steps of the hotel at Patten one afternoon—Patten way up there in the woods—and saw automobile number plates from eight different states of the union pass, going up to the woods, loaded to the limit with hunters.

The subject is so fertile that one does not know where to begin upon it nor where to stop. I would speak of the hunting. Now these fellows think that shooting a half peck of buckshot at a robin is hunting. These fellows talk about letting loose a 30-30 rifle cartridge at a crow and call that hunting. Hunting as I understand it is life in the open woods for a day, or a period of a week or so, where a man shuffles off for a little while the dust and the cobwebs of the artificialities of life, and goes back to Nature and lets his soul expand under the influences that God pours down upon a man whose soul is open to receive them in the summer under the shelter of a forest or on a lake in the woods of Maine, where the boy learns self-reliance and a lot about the verities of life, and learns if he is in the hands of the right kind of a man that it is better to snap the catch of a camera at a moose, or a moose bird, than to pull the trigger of a shotgun. Would you listen to a man who has failed to get his two deer but once since he can remember, who never fired out of a wagon or an automobile, who never shot from under his Jack-light, and who in the last four trips in the woods did not shoot 20 cartridges? If you would for a minute think of that last proposition! Train the boy right on the 25 proposition, let him alone and he will be proud to pay the town clerk and get the ticket showing that he is a recognized hunter of the State of Maine. The 25 cents is only one-eighth of the price of one box of cartridges, and the gentleman from South Portland, or from any other place under the sun, could not buy one vote with that argument.

Now you have little idea of the

magnitude of the hunting section of Maine. Do you know, gentlemen, that if the state of Massachusetts could be picked right up by its four corners, the whole great state of Massachusetts, and dropped right here in the wild lands of Maine, that from either edge of Massachusetts out to cleared land would be 40 miles? You know that we have got a domain there that is tremendous, to which under proper restriction we can invite the real hunters of the whole world, and we can just as certain perpetuate the game there, so that your grandchildren can know by actual observation what the front teeth of a beaver look like. We can assure that just as well as we can assure them of the fact that there will be timber trees standing there if the rules of forestry are observed.

Now there is a sterile zone around every city in the State of Maine today where the ignorant and untutored have shot the song bird off. And do you know that if they were protected as they should be, every street in every city that has trees in it would furnish an orchestral chorus to you if you were walking down the street just after sunrise of many mornings, and the number and variety of birds you would hear if your ear were attuned to it is simply astounding.

Gentlemen, the progress of civilization and the wonderful speed of it during the last two years have sounded the doom of great game. You know that the moose is a contemporary of the great elk of Ireland. The moose is an animal of an age that is long past. He is one of the animals contemporaneous with the melting away of the glacier—the ice age. A pair of them produce one young in a year. The moose is a tremendous, great target. I never shot a moose, but he is a terrible temptation to an unlicensed and unrestrained man who is in the woods, and even now in the close time all that wander out to the edge of the woods are pretty sure to meet with sudden death. The majority of them when killed are not used. They are shot and lie dead and rot because the coward that shot the moose is too much of a coward to go back at night and even cut out

any of the meat and take it to his house or camp; but the progress of civilization has spelled the doom of the large game for this reason: A man can leave Boston at noon of a Saturday and be in the heart of the forest at daylight on Sunday morning. One of the greatest of the timberland concerns—remember this has not a railroad on it, (referring to map), it is the so-called trunk line of the State of Maine—one of the greatest concerns in the business have built from Masardis in Aroostook county an automobile boulevard right through to the Seven Islands in the Saint John river; and you turn a crew in a hired automobile into the heart of those woods, and just as Grant cut the Confederacy in two and reduced it in sections, so will those high-powered repeating rifles establish a dead line where the deer can go neither north or south, and where they are rapidly approaching extinction.

Now maybe the game is not worth preserving. You are spending a lot of money to educate your children, and in the schools they are by the most ludicrous artificial propositions trying to teach the children to be observing. Our boys and girls can be taught more in 20 minutes in the woods about being observing when it is absolutely necessary to notice in order to get back to the camp that it is a hemlock beside a birch where they turned to the left, and a spruce beside a birch where they turned to the right. Your children can be taught infinitely more in half an hour of that very splendid attainment of the human mind in the woods under the right tutelage than they can in term after term at school. You just start it right and the child will do the rest. You have not got to give him line upon line and precept upon precept on anything except the moral proposition. You start the child right and the mind will develop just as the flower develops. So much for the citizen!

Is the game worth preserving from a financial point of view? Oh, I suppose it makes a man glow with pride to bring down an English sparrow with his shotgun. I suppose he

swells back to the day when his ancestor was a cave-man and slew the saber-toothed tiger. But they come into the State of Maine by thousands, and they bring their children, to show them, forsooth, where the red deer comes down in the evening to drink, and call their attention to the wonderful—

At this point the Senate came in and a joint convention was formed.

IN CONVENTION

The President of the Senate in the Chair.

The Chair appointed Senator Davies of Cumberland and Representative Barnes of Houlton a committee to notify his Excellency, the Governor and guests that the joint convention is now assembled and awaits their pleasure.

The committee retired and subsequently reported that they had attended to the duties with which they were charged, and asked leave to report that they will attend upon the convention forthwith.

Thereafter the Governor and guests came in.

The PRESIDENT: Members of the joint convention, it gives me great pleasure to present to you and welcome to our state in behalf of the State of Maine, Senator Jones of Washington. (Applause, the convention rising.)

Senator JONES: Mr. President and gentlemen of the convention: In the fall of 1884, as an awkward country boy looking forward with much pleasure to the casting of his first vote, I attended a great meeting in Evansville, Indiana, gathered from southern Illinois and all around in Indiana. The Republicans of that section, with their brass bands and glee clubs and all that sort of thing, created in Evansville the ideal of the young man in politics of that time. I also remember that on going home that night in a crowded train, pretty tired, with my best girl with me, that before we got home she got her head on my shoulder. She is still my best girl. (Applause.) We had just been attending a meeting,

or a great rally, addressed by "the Plumed Knight of Maine," James G. Blaine. (Applause.) I little thought then that I would be welcomed by the convention of his state in his home city, and it is with peculiar pleasure that I meet you.

This is my first visit to the State of Maine. I have long desired to come here and see the state and the people who have had so much to do during the last fifty years with the political history and development of this country. No state in the Union has had such an influence in Congress and the councils of the nation as the State of Maine. Frye and Hale and Blaine and Fessenden and Milliken and Dingley and Boutelle and Littlefield, and many others that could be named, are names that are known all over the land, names of men who directed destiny in the halls of Congress during many years. And so I am very glad indeed to be here.

Furthermore, I am glad to be here because I come from the far western state, northwestern state of Washington, to which many of your best citizens have gone, and we have found them there among the very best of our citizens, sturdy, staunch, true Americans, and splendid citizens in everything that that signifies. They have done much toward the upbuilding of our state, and they have shown themselves there just as they no doubt did here, to be among the best of the earth. I am glad to have in part the honor of representing men of that character, and I am pleased to come to their home state so that I may take a message back to them—if I ever get a chance to go back—as to how things are coming along here.

Now I do not come with any special message to you in this section. I am simply glad to come, as I say, expressing greetings from the state of Washington to the people of the State of Maine. We have many interests in common. There are many activities of the government that our people are interested in that are of vital importance to you. I shall not take your time

to discuss them at any length. I am simply going to suggest one or two matters, and I do not consider that this is a time when anything of a partisan character should be discussed. We are all citizens of this great country of ours. And I am glad that partisanship is not so strong as it used to be. There is not so much real partisanship in the country now, I think, as there was at the time of my first trip that I have referred to. I remember during that campaign that I tried to make a few speeches. I do not think they had very much influence on the voters, but they seemed to arouse some of my friends to a very considerable degree. I remember that some of my good friends refused to go to Sunday school because I attended there, because I had made some speeches of a certain character; and I remember also the day when they had a great long torchlight procession in my town and they told me that I probably had better stay in—I probably better not go out on the streets that night.

Well, those things and those times have passed away. I am really sorry that the torchlight procession seems to have passed away because we used to have a mighty good time—I know that. But I am glad that those narrow, intense, partisan conditions have passed away and that we are coming more and more to look at these great questions that confront our people in a patriotic and American way rather than with narrow, restricted partisanship. I think it is a mighty good thing for the country. It is a mighty good thing for the people that we can do that. And the further we get away from partisan politics, especially along great fundamental principles of difference, the better it will be for us. And there are not many questions that there is really a fundamental difference among our people upon. There are a few. There are enough to make party lines and party divisions, and in my judgment we cannot have a really effective government in this country without parties, political or-

ganizations for the people to hold responsible for carrying out great fundamental ideas of government.

There is one question that the people of our State are very much interested in at the present time, and I think you are, and that is the development of American shipping. I remember that the State of Maine has been active along those lines. I remember, since I entered Congress, one of your great leaders Senator Frye of Maine, took a very earnest and patriotic interest in the question of the development of an American merchant marine. We were not able to pass legislation that it was thought would develop it. The war has come on. We have invested about three billions of dollars in the building of ships. These ships belong to the government. We have a merchant marine. The great question is: Are we going to keep it? The great question is: Are we going to maintain it and operate it and keep it going under the American flag? I hope that we will. (Applause.) I would like to see American ships in every part of the world's commerce. I would like to see the American flag flying over ships carrying our produce, manned by Americans, and carrying the principles of Americanism all over the world. I believe when this war is finally concluded by its treaty of peace, that we will have one of the greatest merchant marines in the world. I want us to keep it. How are we going to do it? The ships belong to the government, and of course the great question is: Shall they be operated by the government or shall they be operated by private capital. I am not going to discuss that question at this time. I am simply going to say this, that I hope that we can devise legislation under which American ships can be operated as American ships and under the American flag. And I want to say this, that whatever is deemed necessary to bring about that great accomplishment, I am going to favor. (Applause.) And I would like to see those people who are interested financially in American shipping, those people who are interested as laborers in American shipping, and

the American business man who is interested in having American transportation for his produce—I would like to see them get together, put partisanship aside, lay aside their Democracy, lay aside their Republicanism, keep in mind only the glory and welfare of the American Republic, and see if they cannot devise some way under which the American flag can continue over these ships and that they may be sailed, carrying our products throughout the ends of the earth in competition with other nations. (Applause.)

We must remember this, that other nations, when this war is concluded, are going to look after their interests. Great Britain is going to look after Great Britain's interest. France is going to look after the interests of France. And Great Britain is going to do everything in her power to maintain her supremacy on the sea in a commercial way. And if we do not look after the interests of the United States, there isn't anybody that is going to do it. I want to see our people, and our representatives, and our different interests get together, with the idea of promoting and advancing the interests of this country, all our industries, all our business. That is not only legitimate, in my judgment, but it is patriotic. It is American. So I reiterate, if it should be my great fortune to be placed at the head of the committee in the Senate that was so long and so ably filled by the great senator from Maine, Mr. Frye, I propose to do everything that I possibly can to promote the development and growth and operation of an American merchant marine. (Applause.)

Then we are greatly interested in our section of the country in the development of water power. You may not be so directly interested in governmental action as we are, and yet I note by the papers that you as a legislative body are dealing with this question looking towards the development of the water powers in this state. We have in our State over eight millions of horse-power possible of development. It is tied up.

It is held up. Nothing is being done because of the failure of the national government to pass legislation under which development could take place. Our people are anxious to see something done. Why is it that nothing has been done? Simply because of the contention between two great ideas as to how it should be controlled, as to what control or lack of control the national government should exercise with reference to these great powers. I hope and I believe that during the present Congress legislation along these lines will be enacted under which the millions of horse-power throughout this country of ours that are now going to waste will be developed and great industries grow up, great interests be promoted, valuable property almost in fact be created. It will be of tremendous benefit not only to our State, your State, but to the nation as a whole. And so we are hoping that Congress in a patriotic way, in a non-partisan way, in a way looking solely to the welfare of the people of this country and the development of their industries and the growth of their business, will act upon this very important subject. I believe that legislation will be passed before this Congress is over.

Now, Mr. President and gentlemen of the convention, a word or two about a proposition that there is really no difference of opinion upon, and a matter that I suppose we talk about sometimes when we feel that there isn't anything else to talk about that we want to talk about, and yet it is a matter that in my judgment cannot be talked about too much at this time—and that is, I want to say just a word or two about Americanism and about the enforcement of the law and the reverence of our people and the devotion of our people for the law. We talk about Bolshevism, and I. W. W.'ism, and radicalism, and all that sort of thing, and probably you people think that we way out in Washington, haven't very much out there but Bolshevists and I. W. W.'s and all that sort of thing. Well, we have a good many out there that have

not grown out there. They have come from the East. (Laughter and applause.) I do not know that there are many who have come from the State of Maine, but where do they come from? They come from the great congested centers of the country. They came from the cities of New York and Chicago and Philadelphia and St. Louis, these great congested places where the riffraff and the scum and the bad elements from all sections of the world seem to congregate. They came out into our country, and from information that I have had, the indications are that they came out there to a certain extent with a well-defined purpose of endeavoring to overthrow our system of government as it is established in the particular locality. They came out to Seattle in our state and we had a great strike—a great strike in our shipyards, 25,000 men out of employment. These men from different sections in the country seemed to think that this was their opportunity. They came into Seattle, flocked there, controlled the labor unions, ordered a sympathetic strike, and 65,000 men went out on a strike—65,000 idle men in a city of three or four hundred thousand people. They said, We will take possession of the street car lines and we will run them; we will furnish assistants and attendants at the hospitals; we will furnish milk for the babies and those who are suffering; we will maintain order; we will do all this.

What about our local authorities? What about the duly constituted authorities to maintain order and run the public institutions, look after the public health and all that sort of thing? They seemed to disregard them. But we had at the head of the government of that city a man who believes in American institutions, in American principles, in American laws, and we had behind him an American citizenship that believed in law and in order, and with the backing of this American citizenship Mayor Hanson said, "I propose to execute the law, I propose to maintain order, I propose

to protect life and property." And he did it. (Applause.)

Why is it, my friends, that his example creates so much surprise and amazement throughout the country? Why is it that the very fact that an executive officer maintains and upholds the law should cause so much comment? Why, I am glad that we praise an executive officer when he does his duty. But we ought to have such a public sentiment throughout this country that no public executive officer would dare not to do his duty. My friends, if we would have the spirit of Americanism control and direct the destinies of our people, we must have reverence for law and devotion to its enforcement stronger and deeper-seated than it appears to be. Men in high position, men in every position, should recognize that the very life of the republic is reverence and observance of law and the maintenance of order. There are thousands of people, I haven't any doubt, who have come over to this country believing that it is a country of license, believing it is a country of liberty without law. They must learn there isn't any liberty in a republic except liberty under law. (Applause.)

We have men throughout the country today denouncing legislation because they say it takes away their personal liberty—legislation approved and adopted and enacted by the great majority of the people of this country. These men who come here claiming that they have the personal liberty to do what they please should be taught—and the quicker it is done the better for our institutions—that no man has the personal right in a republic to do what the majority have said shall not be done. (Applause.) This is the real essence of Americanism. This is what I want to see taught everywhere and at all times, to see our people who know our institutions, who know our principles, who believe in our institutions and who believe in our principles—I want to see them a living exemplar from day to day of the spirit of Americanism, which is the spirit of liberty under law, justice under law, without which a republic cannot exist.

And so in line with this I want to see an Americanism that knows no flag except the Stars and Stripes (prolonged applause). I want to see an Americanism that will insist throughout this broad land of ours that the public school shall be made the vehicle of but one language (applause) and that is the language that means justice and liberty, law and order. When we do that, when we insist upon that and secure it, we will have one great homogeneous, powerful people, animated by one thought, one motive, one aspiration, one hope, and that is that these one hundred and ten millions of people here on this western hemisphere shall be the beacon light, carrying liberty, justice and democracy to all the corners of the earth, maintaining at home equality under the law, liberty without licence—a real, genuine, permanent, liberty-loving Americanism. (Applause).

The PRESIDENT: The purpose for which this convention was called having been accomplished, the Senate will retire to the Senate chamber.

Whereupon the Senate retired.

IN THE HOUSE

The Speaker in the Chair.

Mr. BARNES of Houlton resumes: Now if we can divert from the consideration of great problems of statecraft, if you can just hear the tinkle of a forest brook, if you will get right back to the idea of what is best for those two weeks' vacation! As the Senate came in I was discussing with you just a bit as to what it is that brings into the State of Maine thousands from the outside, men, women and their families. As I was saying, the wise father and mother bring their children here that they may see the wonderful developments of nature in the wilds. Is it worth while? Now to a resident up along the fringe of the woods, it means a great deal. During the last 12 months he has labored from an hour before sunrise in the morning—four hours before you get up—until after dark at night, day after day, and he stored his produce in his cellar and it is worth today 50 per cent. of what it cost him in cash, let alone his labor; but last fall after the season opened,

and after the frost came, he had 30 or 40 days in which as a guide he earned money enough to buy the flour for this winter and to pay his taxes this spring. Now he is interested. Are you? Down on the coast of Maine by law we say that the seagull shall not be shot, so that the residents may enjoy the graceful motions of those beautiful birds. Up in the back woods, from the very selfish interest, we say that the game should not be shot off so that those who have the money may come in and bring some of their money there to help us.

Now when I began to know the woods of Maine it was just before the days when the B. & A. came up through there and the year before the right of way was created I went with a party to Katahdin, leaving the west branch of the Penobscot river. For 30 miles the Appalachian Club of Boston and spotted a trail and cut out a little of the underbrush from the Penobscot up to Caucomgomuc Lake, over across the Katahdin Lake and up to the pinnacle of Mount Katahdin, and they brought up the first camera that ever went to Katahdin. That is getting back. Just as my father could remember when there was not a cottage along the shores of Casco Bay, so can I remember when this destruction of game began, that is, when the people began to consider it profitable to go into the forests. Now eight years after that trail was spotted—this is to show how thick the game was—another fellow and I took a party up on to Katahdin. The caribou were so thick there that they had made an open road from the crossing of Caucomgomuc Lake up to the top of Mount Katahdin. On any fine day you could see the caribou come out on the table-land of the mountain and stand there and look off for long, long minutes. I have seen the caribou go until there is not one in Maine. Talk about herring being afraid of a weir! The caribou were shot and harried and driven until many were killed and the rest migrated over to Canada.

I have seen the moose brought

down to such a position that a man who loves game and who would be willing to pay the price would have to stay in the woods of Maine a whole month long to see one good set of antlers. There were cows in plenty and the bulls were young ones. We have had close time on them for four years. Since the automobile has come in I have seen the deer reduced to such a condition that no sporting camp owner dares guarantee a head these days, and I have seen men carrying down to the station on their way home the body of a little fawn that you could hold in your two hands.

Now, gentlemen, we can reduce the game supply in Maine. Shall we do that or shall we preserve it? What has that got to do with this matter? Just this: When the B. and A. was opened up there, the greatest sporting country we knew was Twin Lake from Staceyville and Grindstone to Katahdin. It was just as thick with game as you can imagine, and in from other states by railroad came crowds of men who stopped their private cars or their chartered cars, right there and they infested that wilderness until now you can rake it with a finetooth comb and you find nothing large enough but what it will go right in between the teeth of the comb; and that same class of men are now going way up there and turning around toward Masardis on the Ashland branch. It is done in this way: They bring all their supplies, provisions, and their tenting outfit, and they come just before the open season. The crowd stays eight or ten days, and before they go, along comes another crowd and another. They care nothing for the Maine game. If it is a warm season and the deer have not left the water, the sportsmen will float our lakes in a canoe in the evening, and they will shoot every living thing they see, or shoot at it. An American citizen would not do that. A deer that weighed one hundred pounds last year was worth 20 in the woods. What do they care about our game? They are brought up with the idea that Johnnie must have a gun

just as soon as he is big enough to hold it, and must shoot everything he sees. They come and they do not bring a cent into the state. They do not hire any guides. They set up their tents and stay until the first of December, and their friends come and go. They come from every state in the Union and they are cleaning out the game.

Now what can a warden do? The warden meets one of them in the woods. The warden is just a good citizen of the locality. He meets one of them in the woods, a man with a burr on his tongue like a New Yorker, and he is suspicious of him. The man says he comes from Eastport, over toward the Canadian line; and they talk there just about as they do in New York! Perhaps the man speaks French, and he asks him "Where do you come from?" "Why I am from Biddeford and you can go plumb to the devil. I am a Maine citizen and I am going to shoot." What is a warden going to do? If the warden arrested the man, he would have to take him fifty miles before he could reach a trial justice, and then the fellow would say that he was a citizen of the State of Maine, and the warden would go home and would not get a cent. What do we want? We want the non-resident to pay a \$15.00 license, and he would be delighted to do so. They have to pay more for them in Canada or in any of the progressive states of the Union. We want to make the non-resident pay his license and know who he is and where he is from and how many deer he takes out. You take a great big Marmon car running by your place at three o'clock in the morning and you cannot tell whether there is one deer or 17 in it. The deer are not going out on the railroad these days, they are going out in the automobiles, and in that way we have no knowledge of what they are doing. We are after the non-residents, and we have been after them for six years. When we started out, we started out alone—for men who loved the game; and the first men we came to were the men shooting birds over dogs. They

saw the point and now we have got them in the western part of the State and the southern part of the State and everywhere, and a majority in every county but one in the State. I will guarantee to address any audience in any county in the State of Maine, and if you will give me just 35 minutes, I will give you three-quarters of the vote of everyone in the audience. We have got all but one county, and certain men in certain cities must see the bugaboo they are bothering about as to the expense. Twenty-five cents for a man to send his whole family to the movies four nights a week! Twenty-five cents once in 365 days from the fellow who pays \$1.75 for a box of chocolates to give somebody's else girl! Twenty-five cents will ruin the man! This is like the fakir who used to sell medicine on the street in Houlton "Just a dollar. Ten dimes will neither make, break a man or set him up in business." What is twenty-five cents once a year? Leave it to the boy and I will tell you that he will save his pennies so that he can go to the town clerk and register as an honest hunter in the State of Maine. Let them shoot at targets. A man has got to be able to shoot at still objects before he is fit to shoot at wild life. Too young! Oh, I had to go into the woods one time and bring out a little fellow fourteen years old who was shot in the ankle, and when I got him to his father and mother, he was dead, and the mother was pretty nearly dead. Boys ought not to have guns until after they are fourteen years old unless their parents are with them all the time. They ought not to go into the woods unless somebody goes with them. If you want the boy to have a gun before he is sixteen, all you have got to do is to write a note to the town clerk and he can have it. We have to put a little fee on it because the town clerk has got to issue the papers and it costs something to print. It is only fifteen cents for the town clerk and ten cents for the recording and printing.

Now they say it makes a criminal of a man to be out without his license. Now in the back woods I

have got some reputation as a lawyer. It has not circulated around much, but the wind may shift some day. At any rate, I will put my reputation against anybody who wants to go on record on this proposition; "Failure to produce such certificate or satisfactory evidence of the issuance of same" puts you in a class where you ought to be punished. What is satisfactory evidence of the issuance of same? The warden will go to the telephone. Say my home is Island Falls, and he calls up the town clerk of Island Falls. Now there is not a place in Aroostook County but what every man, woman and child knows the name of every soul in it. He calls up Island Falls, and he says: "Is John Jones a citizen of Island Falls?" "No, there ain't no Jones here," and the fellow that tells you he was an Island Falls man when he was not was a liar and criminal. His certificate has got to be with him or satisfactory evidence that it was issued to him—not a bit worse than the driver of an automobile has to have—and the evidence of the firearm in your possession without the certificate, or getting satisfactory evidence of the issuance of the certificate, is prima facie evidence of hunting in violation of this act.

Now, anybody who has ever practiced law knows what "Prima facie" means. If they did not work this Latin on us, we would get along very much better. "Prima facie," like the word "unconstitutional," is sufficient to scare some men into their boots, and "prima facie" is the greatest club that some men can wield when they cannot think of anything else to say. Why, prima facie evidence amounts to absolutely nothing. When the least little scintilla of real evidence pops up, "prima facie" is gone.

Now maybe you do not care anything about it, but think it over, gentlemen. Is the game worth preserving as long as we have the timberlands? And, gentlemen, we will have the timberlands just as long as your descendants speak English. Is it worth while, so long as we have the timberlands, to give an opportunity for people to go into the woods, and on the shore of a lake, look up at an old dead pine stub and wonder how

the osprey could take that large amount of cord wood and put in on the top of that old pine stub and arrange the nest without any adhesive stuff or binder, and it stays there through the storms of winter for ten long years; or how the oriole with her little shuttle will weave out of nothing a nest that holds her family and herself and always on so slight a twig that a large bird cannot stand on it, and always with so long a pendant that so long a necked bird as the hawk cannot stand on it and reach down and pick out her offspring.

Gentlemen, I am a crank on some subjects. I taught school for years, and I tell you that I know as an educational proposition you want to save the game of the State of Maine, and you want to change your habit of vacations. Do not send your wife and children off to the seashore or to the White Lights of the Great City. Take your boys and your girls with you and go up and engage an outright Maine guide, of the wise, soft-spoken, intelligent, gentle kind. Try it once and you will be just as big a crank on the subject as Barnes.

I hope, Mr. Speaker, that the amendment offered by the gentleman from Lisbon (Mr. Clason) will be adopted.

Mr. BRAGDON of Perham: Mr. Speaker and gentlemen, after listening, as has been suggested, to the remarks of lawyers and theorists of the cities and large towns of the State, and having given patient attention to the gentleman from Houlton (Mr. Barnes), who has spoken in behalf of the residents of the back lots, which he assumes to represent, I hope you will extend the same courtesy to one of the real ruralists. I am not attempting to lure the members of this House up to the point where in their imagination they will be allowed to sleep by the warbling of the feathered songsters, but I wish to call to your attention one or two matters as they appear to a plain resident of the State.

Now it has been told us that the fish and game department was absolutely in need of this law; that they needed it to get after the non-

residents. Let us consider for a moment just how that will affect the non-residents. Where do the most of our non-resident hunters come from? I think you will answer me that they come from Boston, New York, Philadelphia, and those places, and that on their way down here to Maine they come through a town known as Portland. Now I want to say that while Portland might be regarded as a straggling village in some states, that here in Maine we have to regard it as some town; and I think it is safe to assume that the city clerk of Portland is not acquainted with all of the residents of that municipality. Now it occurs to me that when these non-resident hunters are coming in here from New York, Philadelphia, and those places, they may perhaps pass through the city of Portland, and it might occur to them that instead of getting a non-resident hunter's license at a cost of fifteen dollars, they might go to the city clerk and take out a resident hunter's license. I know that we have been told that this is provided for and that the clerk shall satisfy himself that the applicant is a resident of this State. It provides a fee of fifteen cents for the town clerk for doing this business. Just how far fifteen cents goes in the city of Portland in paying for clerical work, and in making examinations to satisfy the clerk as to the residence of the applicant I do not know; but I have an idea that in some instances he may take the statement of the hunter as to his residence.

It is said also that if we make false representations in regard to this that penalties are provided; but the hunter comes into the State and stays a week or two, gets his game, and goes back again to New York or Philadelphia. How is your warden going to get at him?

I contend, gentlemen, that this will not help the department in the least in compelling non-residents to take out non-resident licenses.

I will not weary you to any great extent by what I have to say; but I want to say that last week I went up through the State of Maine,

through one of the grandest game regions of the world, and I found that the people of that section had their eyes upon us. They knew what we were doing just as well as we knew it, and I found that they were particularly interested in regard to how this resident hunters' license law was coming on; and in the several hundred miles that I road, going up and back, I talked with quite a number of people about it, and about nine out of ten asked what the Legislature was going to do with this damned resident hunters' license law, and the tenth man would perhaps be a clergyman or some kind of a conscientious objector, and he would ask the question in a different language. (Laughter and applause.)

Yes, gentlemen, the people of this State have got their eyes on us and know what we are doing, and we cannot pause in our deliberations to pile up a great many ghastly jokes, if I may be permitted to use the classical language of the newspapers, without the people back home knowing about it. I want to suggest that if we pass this law that some of you had better come here with your minds made up to stay until we repeal the direct primary law, because, if you do not, you certainly will be sorry for it.

Mr. Speaker, I move that when the vote is taken on this question, it be by the yeas and nays, because I, for one, have no objection to my constituents knowing how I voted upon this matter.

Mr. HINCKLEY of South Portland: Mr. Speaker, it strikes me that the gentleman from Houlton (Mr. Barnes) has brought this matter to us in exactly the light it should be presented. He has lined it up very clearly and very distinctly as a question with the sporting camp owners, the guides, and the non-residents on one side and the residents of the State of Maine on the other. He has suggested that the gentleman who spoke previously had, as an attorney, delivered his argument for his clients. I accept that statement as true, but I want to say to you

men that my only clients in this matter, and my only clients in any matter which I shall discuss before you during this session will be the men and women and the boys and girls of the State of Maine. My only interest is their interest, and when a question comes up and the men and women and boys and girls of the State of Maine have no opportunity to be heard, and have no opportunity to come here and speak for themselves, then I will endeavor to the best of my ability to voice what I believe is their sentiment, and protect what I believe is their right.

Now, Mr. Speaker and gentlemen, I just wish to take up one or two of these matters very briefly that were discussed by the gentleman from Houlton (Mr. Barnes). I believe in discussing these matters fairly and frankly. I do not believe in covering them up with legal verbiage so they cannot be understood by the average man—by the members of this Legislature. I stated, if you remember, and my argument was to the effect that this amendment did not take care of the man who did not have the license, who happened to be hunting perchance on his own land as the amendment provided he should. I still maintain that as a fact, and that particular matter was not discussed or was not mentioned by the distinguished gentleman from Houlton (Mr. Barnes); but he tries to cover the matter up apparently and blind your eyes by throwing the dust, which is of course natural to an attorney who is arguing the matter. I am going to read again a part of the section I read before as follows: "Failure to produce such certificate, or satisfactory evidence of the issuance of same, upon such request shall constitute a violation of this act." It is true that if a person is apprehended and has no certificate, he can explain the fact that he has a certificate or give satisfactory evidence that he has, but he has no right to explain why he has not one. That is the proposition, and that is why this amendment is no good—why it does not mean anything.

Then he talks about prima facie evidence. That it does not amount to anything, and that which is simply a particle of evidence will turn prima facie. That is true; but prima facie evidence, if you are arresting men without a license, means this: that you have got to go into court and defend yourself. That is what prima facie evidence means—that on the face of it you are guilty and the law says you must explain, and you have got to explain and you have got to go into court to explain.

It is true, perhaps, that the game of this State is being depleted, but who is depleting it? Is it the resident of the State of Maine? There was plenty of game in this State until the commission was organized, and they made this a hunting spot for the nation—plenty of game here until that time. It is the man from New York and Boston and Philadelphia and the large centers of this country who is depleting the game in this State. Is there any doubt about that? If it is true, as the gentleman from Houlton (Mr. Barnes) says, that if a resident of the State of Maine is found without a license, and it can be telephoned into his town, where everybody knows when one changes from rubbers to overshoes, why cannot the same thing be done when you catch a person whom you suspect of being a non-resident? And if the commission in this State is in a position or frame of mind so that they cannot find a way of catching the non-resident poacher without penalizing a matter of 700 citizens of the State of Maine, then we had better get a new commission. That is what it means, men. They say that this is the only way they can enforce the law by forcing hundreds of thousands of people in the State of Maine to take out a license. It may be that 25 cents does not mean anything to the gentleman from Houlton (Mr. Barnes), who pays \$1.75 for a box of chocolates and his children go four times a week to the movies, but I will say to you men that a large majority of the citizens of the State do not spend \$1.75 for a pound box of chocolates, and the large majority of them are not in a position to send their children four nights a week to the moving pictures,

because frequently they do not have them anyway in their town. Those are the people who are being affected here. It is a question between these special interests and the great mass of the people, 25 cents men! There was a time when 25 cents looked larger to me than any amount of money does today. There are many thousands of boys and men in this State of Maine today to whom 25 cents does look large. One dollar and seventy-five cents for a box of cartridges! Yes, to a man who is a professional hunter; but the boy who lives on the farm does not buy a box of cartridges. He takes his old shotgun, he loads his own shells, and he shoots a partridge perchance once a year. He does not spend a dollar and seventy-five cents for a box of cartridges, and those are the fellows we want to protect. I agree with the gentlemen who just spoke, and I say that if this Legislature passes this bill, if this majority votes in favor of it, I warn you men—and I think I know the temper and the sentiment of the people of men—I tell you that it will mean 10,000 votes to our party. Take your chances if you dare to.

Mr. BERRY of Waterville: Mr. Speaker, I will take your attention but just a moment. I thank God, gentlemen of this House, that I am not playing politics with the game interests of the State of Maine; that I care not whether I ever receive a vote from the constituents which I represent in Waterville or not. I shall vote in favor of this measure. It was my privilege two years ago to sit as a member of that committee, and I know something of the game interests. The gentleman from South Portland (Mr. Hinkley) calls attention to the largeness of that 10-cent piece. I recall nearly 50 years ago when I was a boy and thought a 10-cent piece looked large; but I want to ask you gentlemen if the times have not changed? I want to know how far you think that 10-cent piece will go today. The quicker you get down to brass tacks and cut out the question of politics and get back to the conservation of interests in the fish and game, the quicker you will get at something tangible.

I would like to inquire of the gentle-

man how he would arrange for the wardens of this State to catch poachers? It seems to me the easiest and best solution is that proposed in the bill, that the nominal sum of 25 cents be placed upon the hunters, and I agree with the gentleman from Houlton in what he said that the boy would be proud to pay his little fee and have the right to hunt. Gentlemen, I hope this amendment will prevail.

Mr. O'LEARY of Bangor: Mr. Speaker and gentlemen of the House, it was my pleasure earlier in the session to present to this body petitions of remonstrants against the passage of this bill, aggregating 1200 or more, residents of the city of Bangor and vicinity. Accordingly I feel it my duty to protest with them against the passage of this measure. Among those petitions was one signed by over 88 members of the Bangor high school and I am proud to stand here as a representative of that number. After an investigation among the people of my city I found only one man who was in favor of the passage of this measure, and he was a warden. After consideration I have come to the conclusion that the fish and game commission of the State of Maine is to be a burden upon the people. I agree with the gentleman from South Portland (Mr. Hinckley) that if the fish and game commission cannot enforce the hunting laws of this State, attention should be paid either to the commission or to some of the laws other than a law like this. I hope, gentlemen of the House, that you will take into consideration the feelings of the people, and realize that if laws are going to be enforced they should be enforced by the proper officers of the State, with the laws that we have, and not put an extra burden upon the people. I trust that the motion of the gentleman from Brewer (Mr. Small) that this measure be indefinitely postponed will prevail.

Mr. COLCORD of Searsport: Mr. Speaker and gentlemen of the House: I think perhaps we are getting away from the question. During my week ends at home I have tried to get hold of the sentiment of the people in my section. I represent, as we all do,

somewhere in the neighborhood of 5000 people—men, women and children. They know all about this hunting law here, just as well as we do here; that is, they discussed it and I tried to get the sentiment—the opinion—and I asked several if they would go around and get up a petition that I would vote according to the wishes of the largest number of voters. Finally they said that if I did not know the situation over here well enough, having all the evidence in my possession to vote intelligently then they had made a mistake in sending me here. Gentlemen, I favor the resident hunter's registration law and I shall vote for it.

Mr. MAHER of Augusta: Mr. Speaker, I assure the House that I will take but a very brief time. I have endeavored to approach this question 'airly. I have always felt that I should like to sit on the jury, and, as I have heard this discussion pro and con, I have endeavored to keep an absolutely open and impartial mind, because I represent perhaps a small minority of the State of Maine who never fired a gun. Therefore I am in no way familiar with the technical aspects of the game situation. Now we have had before this Legislature a very progressive measure with reference to a lobby, and we have had what is called the lobby act. This morning we have heard very attractive generalities both in favor of this bill and opposed to it. We have generalities stated in eloquent terms by the gentleman from South Portland (Mr. Hinckley) to which we will all subscribe, and with which very few would dare to take exception. On the other hand, a very attractive presentation of the ideal side of the question by the gentleman from Houlton (Mr. Barnes).

Now the practical thing that appeals to me is this: The general purpose of the act as stated by its supporters and advocates certainly is sound and there certainly is some demand for it. The reasons given in the objection to it are generalities; and I am moved to wonder if they are the true reasons. I think perhaps there is something here that we are not getting, and that brings me back to my suggestion with

reference to the lobby bill, because with all the discussion of this, that or the other matter I have yet to see here in the corridors of this building as well organized, well disciplined, and thoroughly experienced a lobby upon any subject, working and conversing by day and working and soliciting by night as there is opposed to this measure. Now the gentlemen representing both parties in the lobby are gentlemen of long experience—they are friends of mine and I like to see them attain their worthy objects—but they are not gentlemen who as a rule are actuated either by entirely disinterested motives or absolutely utilitarian purposes. In other words, there is usually a call, and I have looked this bill over very carefully as a layman and as a non-hunter to see if there was anything in it that would afford a valid reason for their opposition and it is well covered up; in plain parlance, and using the nomenclature which would be quite fitting with reference to game—"it's a bird," but it is here. I think the bottom of page two and top of page three show the real reason, or at least appears so to me, for opposition to this bill. It provides among other non-essential things that a man holding a registration card, or certificate, or questionnaire, whatever you want to term it, that it "shall authorize the person so registering to hunt and kill such wild birds and wild animals as may be legally hunted in their respective open seasons and in the manner provided by law on any lands on which hunting or killing is not forbidden by law." Now by a striking coincidence, I notice that certain of these gentlemen whom I had previously adverted to as in that lobby opposed to this measure—by a striking coincidence my mind traces right up a connection in prior activities and present affiliations with certain big interests that are very much interested in the extensive lands of Maine, wild and otherwise, that are controlled by great corporations, and methinks that gentleman may not control all of those lands now under the statute. The statute is pretty broad with reference to trespass, with reference to protection against fire and protection of those lands. If there is enough in the

statute to warrant an attempt in many instances to keep off the barefooted boy and the citizen of the State of Maine who wants to exercise his God-given right to shoot in the open a gun—that perhaps would not stand the test if taken to the supreme courts of the State of Maine, that perhaps would not stand the test if there was any criminal or civil action against the individual who disregarded the notice and went onto those lands; but if we pass this law the citizens of Maine can go in and hunt and kill and I believe this will afford an explanation of the opposition to this measure. However, until I can understand why the interesting and interested gentlemen outside the rail are opposing the honest suggestions of a reputable department of state, interested in the welfare of Maine at least so far as concerns hunting and fishing, I am going to favor the bill.

Mr. HINCKLEY: Mr. Speaker—

Mr. BARNES: A point of order, Mr. Speaker.

The SPEAKER: The gentleman by having consent can speak again.

Mr. HINCKLEY: Mr. Speaker, I just wanted to make an explanation.

The SPEAKER: The Chair will rule that the gentleman has already spoken twice and he cannot speak again without consent of the House.

Mr. PIKE of Eastport: Mr. Speaker, I came in late, and I gather by the discussion that there is an amendment to this bill pending, and will the chair kindly read the amendment so that I may understand it before I vote?

(The Chair reads the amendment.)

Mr. PIKE: With that amendment, Mr. Speaker, I shall vote for the bill.

The SPEAKER: The Chair will state the position of these various motions. The gentleman from Brewer, Mr. Small, moved that the bill be indefinitely postponed. The gentleman from Lisbon, Mr. Clason, moves adoption of amendment which takes precedence to the motion to indefinitely postpone: and in order to get at the amendment the Chair will

give the bill its first reading, the pending question being the amendment.

The bill then received its first reading.

The SPEAKER: The question now is the adoption of the amendment as just read by the Chair and on this the gentleman from Perham, Mr. Bragdon, asks for the yeas and nays. All those who are in favor of the yeas and nays will rise.

Mr. BRAGDON: Mr. Speaker, I think I did not make myself clear. It is not on the amendment that I wish the yeas and nays.

The SPEAKER: The gentleman withdraws his motion as to that, and the question is on the adoption of House Amendment A as read.

A viva voce vote being doubted.

A division of the House was had.

Seventy-nine having voted in the affirmative and 33 in the negative, the amendment was adopted.

Mr. HINCKLEY of South Portland: Mr. Speaker, I now move that the bill as amended be indefinitely postponed, and ask for a yea and nay vote.

The SPEAKER: The motion before the House is a motion to indefinitely postpone the bill as amended.

Mr. BARNES of Houlton: Mr. Speaker, is a suggestion in order? In case the bill with the amendment might be unsatisfactory to the majority, I would still hope that the bill would not be indefinitely postponed, because should this amendment be unsatisfactory we would then offer an amendment limiting it to the forestry district of Maine, and that could not be objectionable to any honest man.

Mr. HINCKLEY: Mr. Speaker, I would state that if an amendment is proposed limiting it strictly to the forestry district of Maine, and it is so worded that the interests of the others are protected, I should vote in favor of it.

Mr. CLASON of Lisbon: Mr. Speaker, I am very sorry that that statement was made because I live in the southern part of the State, and we need this law just as much in the southern part of the State as they do

in the north. It is and should be a State-wide bill.

Mr. HINCKLEY: Mr. Speaker, following the suggestion of the gentleman from Houlton (Mr. Barnes) if he will say that he will prepare an amendment limiting this to the forestry district of Maine, I should be glad to table it until morning.

Mr. BARNES: Mr. Speaker, if it is the will of the House to indefinitely postpone this bill we will do it now. I am ready for the vote and ask for the question of the indefinite postponement. I hope that the matter will not be postponed. (Applause.)

Mr. ALLAN of Portland: Mr. Speaker, I do not want to make a speech; but I would like to enquire if the gentleman has considered how this bill is going to affect city clerks, particularly the city clerk of Portland. He will not be able to know the young men who apply to him for this license. For that reason I am in doubt about this bill today.

Mr. BARNES: If I may be allowed, Mr. Speaker, to answer. I am granting the city clerk of Portland the average ordinary intelligence. If the city clerk of Portland after he has satisfied himself that a man is a bona fide resident he will issue a license.

Mr. ALLAN: Mr. Speaker, it simply means that anybody who comes into Portland can get a license without any question. It would be almost a physical impossibility for the clerk to do it in a reasonable way.

The SPEAKER: All those who are in favor of the motion for indefinite postponement will say aye; those opposed no.

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

On motion by Mr. Clason of Lisbon the bill received its second reading.

Mr. HINCKLEY: The yeas and nays have been called for, Mr. Speaker.

The SPEAKER: The Chair understood that the gentleman from Per-

ham, Mr. Bragdon, withdrew his motion.

Mr. HINCKLEY: Mr. Speaker, I made the motion myself.

The SPEAKER: Does the House wish to reconsider its vote whereby it refused to indefinitely postpone the bill? All those in favor will say aye; those opposed no.

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

The bill was then assigned for its third reading tomorrow morning at nine o'clock.

On motion by Mr. Dutton of Bingham, unanimous consent was given to reconsider the vote whereby the report of the Judiciary Committee was accepted on An Act relating to the illegal assessment of taxes or abatements thereof; and on further motion by the same gentleman the bill and report were tabled for printing, pending acceptance of the report.

On motion by Mr. Barnes of Houlton,

The House recessed until 2 P. M.

After Recess

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

Mr. HOLLEY of North Anson: Mr. Speaker, I wish to offer an amendment to the title of the bill, and move its adoption.

The SPEAKER: The gentleman from North Anson, Mr. Holley, presents House Amendment A to House Document No. 431; "Amend House Document No. 431, by striking out the title 'An Act creating bureau of animal husbandry' and by inserting in place thereof the following words, so that as amended said title shall read: 'An Act to authorize the commissioner of agriculture to employ an expert in animal husbandry,'" and moves its adoption.

The amendment was adopted; and on further motion by the same gentleman, the bill received its third

reading and was passed to be engrossed as amended by House Amendment A.

The Chair lays before the House, Resolve in favor of the Farmington State Normal school for construction of dormitory; also Resolve in favor of the Western State Normal school at Gorham, for addition to recitation building, tabled by the gentleman from Houlton, Mr. Barnes, pending reference to committee in concurrence.

Mr. BARNES of Houlton. Mr. Speaker, each of these resolves is presented by the chairman of the committee on education and with his assent I move that they be indefinitely postponed.

A viva voce vote being taken, the motion by Mr. Barnes of Houlton, that the resolves be indefinitely postponed, prevailed.

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

Mr. HOLLEY of North Anson: Mr. Speaker, inasmuch as this resolve carries \$5,000 more than is appropriated in the budget program, and by consent of the gentleman from Skowhegan (Mr. Smith), who introduced the resolve, I move you that it lie on the table until Monday, at which time, if the House is in session, I will offer an amendment which will cause the resolve to conform to the budget.

Thereupon the bill was re-tabled and specially assigned for Monday, March 24th.

The SPEAKER: With the permission of the House, we will pass over the matter tabled by the gentleman from South Portland (Mr. Hinckley), as he is not present.

The Chair lays before the House, Resolve appropriating money to provide offices for adjutant general's department and fireproof apartments, tabled by Mr. Barnes of Houlton, pending motion to insist.

Mr. BARNES of Houlton: Mr. Speaker, may I inquire what is the status of the bill?

The SPEAKER: The Chair will state that this bill was passed to be engrossed by the House on February 26th, and it comes back from the Senate passed to be engrossed amended by Senate Amendment A. The gentleman from Portland, Mr. Rounds, made the motion that the House insist on its former action, and pending that motion, it was laid on the table by the gentleman from Houlton, Mr. Barnes. The gentleman from Portland (Mr. Rounds) does not seem to be here. With the permission of the House, we will allow this matter to rest on the table until the gentleman from Portland comes in.

Mr. BARNES: Mr. Speaker, I understand this may be taken later in this session, if the parties in interest are present?

The SPEAKER: The Chair will state that is the understanding.

The SPEAKER: There were certain matters which were tabled this morning temporarily, to be taken up later in the session.

On motion by Mr. Cowan of Winterport, it was voted to take from the table, Senate Document No. 220 with Amendment B, tabled this morning pending adoption.

The SPEAKER: The Chair must insist that the conversation in the rear of the rail must cease, as it is impossible to hear the motions. The Chair at this time wants to say that the motion made by the gentleman from South Portland (Mr. Hinckley) this morning for a yea and nay vote did not come to its ears at all in the confusion. It simply did not hear the motion. That is why it gave permission to the House to reconsider the vote, so they might, if they wanted to, take the yea and nay vote. The Chair simply could not hear the motion. I do not think the men realize the difficulty of other men in the House hearing, to say nothing of the Chair. The Chair does not ask that for itself, however.

Mr. COWAN of Winterport: Mr. Speaker, allow me to state in the

beginning that I was under a misapprehension this morning as to the intention of the gentleman from Bar Harbor (Mr. Phillips) in offering his amendment. I stated that the subject matter was a clerical error which was corrected by Amendment A, which is attached to the bill, and that is what I referred to in speaking of the error which was made in drafting.

Now I am opposed to House Amendment B to Senate Document No. 220 and in stating the grounds for my opposition, I must necessarily refer to the bill itself, for the reason that it has not been discussed here in the House. Revised Statutes, Chapter 18, Section 16, provides that the preceding sections, which limit the practice of persons who are not qualified to practice medicine and surgery in the State of Maine, shall not apply to clairvoyants or persons practicing hypnotism, magnetic healing, mind cure, massage, Christian science, osteopathy and other methods of healing, so long as no harmful drugs are employed by those classes of healers. Now, then, there is nothing which limits the practice here among the public, if they can succeed in getting patients to come to them, and the osteopaths come here to this Legislature and ask us to enable them to regulate their practice in such a way that charlatans, fakers and persons pretending to be skilled in the art of healing by osteopathy, shall be prevented from exploiting the public until they should have passed a satisfactory examination. Now as to the question, whether or not there is any demand for any such legislation, I simply say, gentlemen, that there are, at the present time, 62 osteopaths practicing here in the State of Maine; I believe there are several here in this city—reputable persons—who are patronized by some of the leading citizens of this place, and what is true in that respect here, in the city of Augusta, is true in other cities where there are osteopaths. Now then, the osteopaths do not ask for the privilege of encroaching upon the prerogatives, the

privileges or the practice, as I understand it, of physicians of the old school, so-called, but they ask of us, gentlemen, that those among them who have gone to the extent and trouble of taking a four-year course in a college where they learn this art of healing, by their methods, in the same way that our other physicians learn their arts—that those people shall have recognition; shall be labled so that we can tell them from the strong-arm charlatan who comes in here and hangs out his sign as an osteopath without having any training which would qualify him to do so. Now that is all that they ask, gentlemen. Now Amendment B applies to Section 5 of the bill relating to the practice of obstetrics. According to the report of the committee that part of Section 5 to which I refer reads as follows: "Such certificate shall entitle the person to whom it is granted to practice osteopathy in any county in this State, in all its branches as taught and practiced by the recognized schools and colleges of osteopathy, but it shall not authorize its holder to practice obstetrics so far as the same relates to parturition, nor to administer drugs or perform surgical operations," etc. Now then, by the amendment it is sought to fix this section here so that in any case, before or after childbirth, an osteopathic physician is debarred from practice as relating to a woman who is about to become a mother. I do not think that that is a fair provision, and in fact the only objection, so far as I am able to find out, is this, that some physicians object to a woman, in the class to which I refer here, going for treatment to an osteopath until the time of childbirth, and then, at that occasion having to call in a regular physician. They want the case from start to finish, or else not at all. I think, Mr. Speaker, that the physicians ought to be able to regulate that matter among themselves all right, as they have other questions that have come up before their association. Let them charge accordingly, if they are called in for only a

portion of the case; but, in any event, I can see no harm in leaving that section just as it is. As for the second part of the amendment as offered, which seeks to have Section 12 of the bill omitted, that section simply declares a law just as it is, and makes a separate chapter or section of a chapter complete, as relates to the practice of osteopathy. Mr. Speaker, I hope that the motion of the gentleman from Bar Harbor, (Mr. Phillips) will not prevail.

Mr. PHILLIPS of Bar Harbor: Mr. Speaker, I appeared before the judiciary committee when it met to consider this question. There were present at that hearing the president of the Maine Medical Association, Dr. Robinson of Bangor, Dr. Bunker of Waterville, and others interested in the bill. I was there as a listener. I had previously told the chairman of that committee that, with the exception as made of obstetrics and gynecology, I was perfectly willing to assist in every way to have the bill go through. In answer to the discussion, the lawyer, representing the osteopaths, stated that they would withdraw everything pertaining to obstetrics, as I understood it. The first claim I am making is that they have retained everything, except the childbirth itself.

Mr. BUZZELL of Belfast: Mr. Speaker, I wish to say just one word on this bill, and I think perhaps it may be the means of doing away with what possibly may be a misunderstanding. This bill was reported by the judiciary committee. As I understand it, it has been under consideration by the proponents and opponents for some time. Now it is well known who presented this bill before the committee. The honorable gentleman was very fair. The other side was very fair in their contentions. Here this morning, in the House, the gentleman from Bar Harbor (Mr. Phillips) expressed the opinion, or gave this House to understand, that the proponents of this bill were putting something over on somebody. Now, gentlemen, I, for one of that committee, will give you my word that no one has been deceived in relation to this bill. This

bill was just the same at that time when being considered by our committee, as it is today, so far as the 11th line is concerned in Section 5. So much for that. I, for one, cannot possibly see why there is any objection to the proposition as made by the gentleman from Bar Harbor. Let us for a minute just read these lines. "But it shall not authorize its holder to practice obstetrics so far as the same relates to parturition." What does that mean? Of course I cannot inform you so well, perhaps, as the gentleman from Bar Harbor; but it looks to me as if that authorizes a person practicing according to the provisions of that bill, to assist, by the way of treatment, or doctoring any time up to the time of childbirth. It may be well to stop there, according to the provisions of this bill; but is it not a matter of common knowledge that many of our grandmothers have gone farther than that and helped in the bringing of a child into this life, and done fairly good jobs? Now I am not advocating that that should be a condition, and that this bill should provide for it, but what harm is it for an osteopath to treat a woman in that condition up until the time of childbirth? I, for one, cannot see any objection to that. Therefore, I hope that the amendment, so far as this particular thing is concerned, and in fact in relation to the other amendment, does not prevail.

The SPEAKER: The Chair will state that the gentlemen from Bar Harbor, Mr. Phillips, yielded the floor to the gentleman from Gardiner, Mr. Simons, but the gentleman, not being on his feet, the Chair allowed the gentleman from Belfast to speak.

Mr. SIMONS of Gardiner: Mr. Speaker and gentlemen, I very reluctantly ask your indulgence. All we want is just, fair play. As the gentleman stated, this bill was reported in new draft without hearing. In behalf of the president of the Maine Medical Association, I wish to state that these matters were not called to our attention until after the second reading. It was understood, if I am quoting the gentleman from the Medical Association correctly, that all

matters pertaining to obstetrics should be omitted. This matter is complicated, and in fairness to the medical men, I would ask that this bill be recommitted.

Mr. MURCHIE of Calais: Mr. Speaker, I do not have any objection to the bill being recommitted, but I do want to clear up one thing because, as a member of this committee, that reported the bill, I have a very distinct recollection of the circumstances at the hearing, when the attorney, representing the proponents, agreed to make a change in the bill. I also have a very distinct recollection of the events connected with his presenting the new draft to the committee. At the hearing, the representatives of the Medical Association raised objections to the bill on the ground that it would permit the osteopaths to practice obstetrics. Now the original draft of the bill is Senate Document No. 66, and in that draft the language as used is as follows: "But it shall not authorize its holder to administer drugs internally, or to perform surgical operations with the use of instruments." The representatives of the Medical Association raised objections on the ground that an examination in obstetrics was provided, and that in the practice of obstetrics at the time of childbirth, it was frequently necessary to use instruments; that after childbirth, in a case of laceration, it was necessary to use instruments, and the proponents of the bill agreed on that representation that they would strike out of the bill the right to do those things. I will not say that they did not imply that they would strike out the right of obstetrics, but the whole discussion centered around the actual birth and the actual taking care of the laceration resulting from birth; in other words, the use of instruments during and after childbirth. In accordance with that understanding, a new draft was made, and the attorney for the proponents came before the judiciary committee and presented the present draft. At that time he stated to the committee that in looking up the definition of the word "obstetrics"

he found that it not only covered the events immediately connected with childbirth, but that it included the time from the beginning of pregnancy through childbirth to the time when the normal condition of the body was restored. He stated that the osteopaths now had a right to treat the patient prior to the time of labor and after the birth of the child, and that he did not think that they ought to be denied that right under the new bill, and, for that reason he had put in the language as it appeared, denying the osteopaths the right to practice obstetrics, so far as the same relates to parturition. In other words, he had drawn the bill so as to give them absolutely no additional right, and to meet the objection raised by the opponents so far as the reasons for their opposition were stated to the committee. I want to go on record as saying that I do not believe that he is guilty of any misrepresentation, either to the committee, or to the opponents of the bill. Of the merits of the bill, I want to say just one thing, and in saying that one thing, I want to speak of the second part of the amendment offered by the gentleman from Bar Harbor (Mr. Phillips). The members of the Medical Association came in before the members of the judiciary committee and they raised the objection about obstetrics, about gynecology, and finally they asked the proponents, when the question of obstetrics was taken of, if they would not strike out of the bill the right to administer drugs externally. Now what they are after, I do not know, and I do not know that the committee know; but it seemed to me that they were after something that would tie the hands of the osteopaths. I believe if you deny them the right to administer drugs externally, they would not have any right to use oils or drugs of any kind in their rubbing. The next objection that they raised was, that under the terms of the bill persons who had been practicing osteopathy were allowed to come in without examination; exactly the same provision that was written into the medi-

cal examination bill when that was passed; the examination for admission to the Bar, dentistry, veterinary surgery and every other regulated act that has ever been passed. Not only that, but the men who raised the objection were the very men, who, by their opposition in this Legislature every session for the last five sessions, have prevented the osteopaths from getting a regulatory bill by.

Now this Section 12 that they want to strike out, I do not know that it accomplishes any purpose in the bill, because Section 16 of Chapter 18 of the Revised Statutes, as the gentleman from Winterport has read, now provides that the preceding section—that is, the examination sections—shall not apply to persons practicing osteopathy; but it looks to me as if they wanted to strike out that section so that possibly they might tie up the osteopaths on the ground that they had not complied with the terms of Section 15 of Chapter 18. Now Section 12 is simply this: "The system, method, or science of treating diseases of the human body, commonly known as osteopathy, is hereby declared not to be the practice of medicine within the meaning of Sections 9, 10, 11, 12, 13, 14 and 15 of Chapter 18." Chapter 18, Section 15, says: "Unless duly registered by said board, no person shall practice medicine or surgery, or any branch thereof" except under a penalty. This Section 12 will not give the osteopath any right that he has not now by law, and any fair-minded man cannot object to it. I believe, as a matter of simple justice to these men who are practicing, and to these men who want to be treated by the men who are practicing, and who want to know that a man who hangs out the sign of an osteopath has the education of an osteopath, that the time has come when Maine ought to register them.

Mr. CHAPLIN of Bridgton: Mr. Speaker and gentlemen of the House: The gentleman from Calais (Mr. Murchie) on the judiciary committee, says he does not understand

what the old school physician is after. It was very apparent to my mind, as a member of that committee, that he is after the osteopath pure and simple. I simply want to endorse all that has been said. As I understand it, it was exactly as stated by the gentleman from Calais (Mr. Murchie).

Mr. MAHER of Augusta: Mr. Speaker, as a member of that committee, I absolutely endorse all that Brother Murchie has said, but it is not for this House and the Legislature to take sides in a matter of this sort, or in a matter of sharp partisanship. What we want to do here is to work even-handed justice; that is what we are to do; and work justice to the State of Maine. Now, at the hearing before the committee, this matter which has been the subject of very sharp friction for a long time, narrowed down to the problem of obstetrics. Mr. Speaker, there is not the slightest question but what the attorney representing the proponents of this measure has kept perfect and absolute faith; with all of that I certainly agree; but it is a matter which is elementary to lawyers, and ought to be to all fair-minded men, that when there is a difference of opinion over some vital proposition, and then there is a suggestion of compromise, and there is an agreement upon compromise, and the minds are drawn to that compromise possibly, and that has got to be drawn into written shape, lawyers always submit to the other side the result of that, and it fits just this situation. Now I think perhaps all the difficulty in this matter could have been avoided if we had had before us, when this new draft or this compromise draft was passed upon, any representative who was opposing. I know there is not the slightest ground for any reflection on the good faith of the proponents of this measure, nor do I believe that it is fair to ascribe any hostility to the doctors. They may not be able to state their case with the force or plausibility of attorneys, but I cannot see, in view of the unanimity

of opinion of the judiciary committee, but that they are going to report out some constructive measure, and this was what we thought was the best,—that they were going to report out some measure along the lines that the osteopaths want. Now who is going to be injured by the recommittal, to clear up this proposition, if it needs clearing; and that it does need clearing is manifest from reading the top line of page 7. You are certainly opening the door there to prolific dissention and litigation, and always unrest and uncertainty. "Shall not authorize its holders to practice obstetrics so far as same relates to parturition." Well, now, I have had a good example here perhaps along lines of using words of more than one syllable, and it is a habit that I am apt to fall into; but that is a new word to me until it came up in that committee, and is not a word that has any legal meaning in the state of Maine, and I submit that words of that type and description are not properly in the law. Laws should be so plain that the man who runs, may read. I say, Mr. Speaker and gentlemen, with no reflection upon anybody, and in order that we may eventuate and work out the even-handed justice that all men are entitled to, that there cannot be the slightest objection,—There cannot be the slightest valid objection to the suggestion of the gentleman from Gardiner (Mr. Simons) that this matter be recommitted. We can recommit this and have it back in 48 hours. Just give them a chance to voice their views. I say, what harm can be done in removing friction, by giving them a chance to come in tomorrow and be heard? I think it is a fair proposition.

Mr. PHILLIPS of Bar Harbor: Mr. Speaker, at Bar Harbor, I am in constant communication with osteopaths, and some of them are among the best friends I have. I have not one word to say against osteopathy, I believe in it. If that bill, in regard to obstetrics, can be rectified, I will make no more objection.

The SPEAKER: The Chair will

state that there are two motions pending,—the motion of the gentleman from Bar Harbor, Mr. Phillips, to amend, and the motion of the gentleman from Gardiner, Mr. Simons, to recommit to the committee, which latter motion takes precedence.

A viva voce vote being taken, the House voted to recommit the bill and amendment to the committee on judiciary.

By unanimous consent, it was voted to receive the following Senate order out of order; Ordered, the House concurring, that there be recalled from the committee on engrossed bills, Senate Document No. 185, for the purpose of correcting an error.

The order received a passage.

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

Mr. HINCKLEY of South Portland; Mr. Speaker, this matter came up yesterday and was tabled, and there was more or less confusion in regard to the matter. I have been in conference with the gentleman from Rumford (Mr. Eaton) who is interested in the amendment, and I have ascertained from him, as was stated on the floor of the House yesterday, that this amendment, if adopted, would leave the law as it is now. With that in mind, I cannot understand or see any reason for adopting the amendment, and after discussing this matter with the gentleman from Rumford, he is of the same mind as I. If you adopt this amendment, you leave the law as it is. It would be useless to lumber up our law by amendments or by laws which simply leave the law as it is. With this understanding, and in full accord and agreement with the gentleman from Rumford, I move that the amendment, also the bill, be indefinitely postponed.

A viva voce vote being taken, the

House voted to indefinitely postpone the bill as amended.

The Chair lays before the House Resolve appropriating money to provide offices for adjutant general's department and fireproof apartments, House Document No. 211, tabled by Mr. Barnes of Houlton, pending motion to insist.

Mr. BARNES of Houlton: Mr. Speaker, I move that the matter be retabled.

The SPEAKER: Until what time?

Mr. BARNES: I should think later in this session. Mr. Rounds will be back here, but I cannot be sure that he will be in attendance tomorrow, it being Friday.

Thereupon the bill was retabled temporarily.

The SPEAKER: There are still some of the matters on the table which were temporarily tabled this morning. The Chair will lay before the House the veto message of the Governor.

Mr. MAHER of Augusta: Mr. Speaker, I would like to have that tabled and specially assigned for Friday morning.

The SPEAKER: Is it the pleasure of the House that the veto message on a resolve authorizing Michael Burns to bring a suit at law against the State of Maine be retabled and specially assigned for tomorrow morning?

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

The SPEAKER: The question before the House is, shall this resolve be finally passed, notwithstanding the objection of the Governor? On this the constitution provides for the roll call. All those who are in favor of the resolve being finally passed, notwithstanding the objection of the Governor, will say yes when their names are called; those opposed, no. The clerk will call the roll.

YEA—Baxter, Bean, Berry, Brann, Buzzell, Carey, Conary, Corliss, Cowan, Doyle, Dunn, Fagan, Forbes, Fuller, Hammond, Jones, Lausier, Leonard, Maher, Millett, Morin, Mulhian, Murch, Murchie, Murray, Nelson O'Leary, Pike, Reed, Ring, Rounds, Rowell, Small, Thomas of Harpswell—34.

NAY—Adams, Allan of Portland, Anderson, Arthur, Audibert, Austin of Milford, Austin of South Berwick, Barnes, Bragdon, Brewster, Burns of Eagle Lake, Burns of Madison, Carlton, Case, Cates, Chamberlain of Winslow, Chaplin, Chellis, Clason, Clifford,

Cochrane, Colcord, Cole, Crabtree, Crane, Cunningham, Daigle, Dain, Davis of Freeport, Davis of Old Town, Dolloff, Dunning, Dutton, Eaton, Farnsworth, Flint, Foss, Garcelon, Gilmour, Gray, Granville, Greeley, Grinnell, Hanson, Hatch, Hinckley, Hisler, Holley, Houghton, Hussey, Jillson, Jordan of Cape Elizabeth, Jordan of New Gloucester, Lanpher, Leathers, Macomber, Marr, Mason, Mathews, McLeary, Miller, Mitchell, O'Connell, Overlock, Owen, Pattee, Perkins of Boothbay Harbor, Perkins of Orono, Phillips, Plummer, Putnam, Ricker, Ridon, Roberts, Rowe, Sanborn, Savage, Simons, Stacey, Stanley, Stevens, Storm, Sweatt, Swift, Thomas of South Portland, Tilden, Varney of Jonesboro, Warren, Washburn, Weatherbee, Williams of Auburn, Williams of Wells, Wilson of Presque Isle, Wilson of Portland—34.

ABSENT—Alden, Allen of Sanford, Bowie, Brackett, Bradford, Brown, Casey, Chamberlain of Lebanon, Coulombe, Fowles, Furbish, Langelier, Mace, Orff, Peabody, Porter, Sawyer, Smith, Sullivan, Varney of Windham, Wyman—22.

Thirty-four having voted in the affirmative and ninety-four in the negative, the House sustained the Governor's veto.

Mr. ROUNDS of Portland: Mr. Speaker, I understood when we left here this noon that there were several committee meetings, and that there would be nothing put here this afternoon when the whole House was not here. I have been sent for three or four times and between the employees of the State House and the committee on salaries and fees, I do not know where I am. I would like to know how much longer before we are going to be through here. The committee on salaries and fees are trying to consider all these salaries again, and we are trying to stop them, so you will not be here until next July, but if you want to keep on the session, we will come back here.

The SPEAKER: Has the gentleman any motion to make?

Mr. ROUNDS: Mr. Speaker, I move we adjourn until tomorrow morning at 9 o'clock.

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

On motion by Mr. Hinckley of South Portland, it was voted to take from the table Senate Document No. 225, An Act relating to sardine

packers, tabled pending second reading; and on further motion by the same gentleman, the bill received its second reading, and was assigned for its third reading tomorrow morning.

On motion by Mr. Perkins of Boothbay Harbor, it was voted to take from the table "An Act relative to water supply of Boothbay Harbor," tabled this morning.

Mr. PERKINS of Boothbay Harbor: Mr. Speaker and gentlemen of the House, I move the substitution of the bill for the report of the committee, and wish to address you for a few moments upon that motion.

Mr. BARNES of Houlton: Mr. Speaker, will the gentleman inform me, through the Chair, what the number of the bill is?

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

Mr. PERKINS: Mr. Speaker, it has not been printed.

The SPEAKER: This is a report from the committee on public utilities, ought not to pass, signed by all ten members of the committee.

Mr. PERKINS: Mr. Speaker and gentlemen of the House, I would say that this bill is to amend the water charter of the town of Boothbay Harbor. The town of Boothbay Harbor, for the last 10 or 15 years, has been supplying a summer colony known as Squirrel Island, which is situated 5,293 feet in a direct line from low water to low water from Spruce Point in the town of Boothbay Harbor. The object of this bill is to amend our charter so that our charter or franchise rights will stop at the end of Spruce Point. The object of this bill is not to deprive Squirrel Island of a water supply; it only allows the town of Boothbay Harbor to withdraw to Spruce Point. It provides in the bill that we will be authorized to supply water to the Squirrel Island Village Corporation at Spruce Point. This matter was recommitted by me to the committee on public utilities in good faith, as I expected, and had reason to believe that there might be a minority report, at least, my way. I feel, however, at this time that a portion of that committee, at least,

is favorably inclined to the position of the town of Boothbay Harbor. This case has been once heard by the Public Utilities Commission, which has ordered the town of Boothbay Harbor to lay an additional pipe from the end of Spruce Point to connect with this system on Squirrel Island, which is owned by the Squirrel Island Village Corporation. I want to say in all fairness to the commission that they did not have before them at that time all the evidence in the case. It has been stated upon the floor of this House this afternoon that it should be the purpose of this House to hand out even-handed justice. It has also been said in the veto message of the Governor that one going into a court of equity should come into court with clean hands. I wish to ask the indulgence of the House while I address you upon this subject, which is of vital importance to me personally, and to the 2,021 inhabitants of the town of Boothbay Harbor. Were it not of the utmost importance to the people whom I have the honor to represent, and if it were to do an injustice to anybody, even to one individual, I would not be standing here. I will rest my case squarely upon the equities in it, and I wish to say to you that a great deal depends upon how we happened to go to Squirrel Island. The town of Boothbay Harbor, in the year 1895, had no water system. We people down there occasionally had an epidemic of typhoid fever or some other disease which caused death to those whom we loved. We sought to interest private capital in giving us a water supply. A company of gentlemen came down there and said there was not a dollar in it. We obtained a charter from the Legislature of this State and we bonded our town. We went the limit, and then some, until today we are over \$6,000 above our debt limit. In 1903 Squirrel Island desired to have our water. A great many people there knew that it would be folly for the town to go over there; but an article was inserted in the town warrant for that year authorizing the selectmen to come to the Legislature and get a franchise for Squirrel Island. That matter, gentlemen, was lobbied through our town

by the parties interested, and they brought pressure to bear on those with whom they did business. The article was laid upon the table at that town meeting, until all those who were opposed to it had gone home and then taken up the very last thing; and those of you who have had to do with town meetings know how that trick can be pulled off. They did come to the Legislature. We did go to Squirrel Island; but how did we go? We did not furnish, during the first 11 years, any water to Squirrel Island except by contract—a solemn instrument, entered into by the contracting parties. I want to say to you now that the Squirrel Island Village Corporation owns its own water system. We simply connect with it at the water's edge. We went there, as I said, under a contract—a contract for one year. Then a contract was made for 10 years—a contract made, gentlemen, by our selectmen who had no authority to make such a contract as that, and under that contract Squirrel Island for the last 10 years received water from our town at \$3 a faucet, while I paid \$5 in my own town for the same service. They had free fire protection on Squirrel Island, for which they did not pay a cent. That contract, as I say, was made without authority. In 1910 I was elected upon the board of selectmen and found this contract. We talked the matter over and were inclined—some of us—to abrogate the contract; but we talked the thing over—the board of selectmen—and we decided we would play our hand out like men, and if we had made a bad contract, and they thought that we ought to furnish them water at that price, we would continue to do so. I want to say to you right now, gentlemen, that when that contract was made there was no public utilities commission in existence. It did not come into existence until 1913. The nub of this case, to my mind, is the contract. This contract contains this provision, and I wish to read it, in order that there may be no misunderstanding: "The town of Boothbay Harbor shall continue in possession and control of the system of pipes and tanks at said Squirrel Island, belonging to the party of the second part, during the 10 years before mentioned, and to

return the said pipes and tanks at the expiration of this contract in as good condition as when taken possession of by said party of the first part, reasonable use and wear thereof excepted." What did we think that contract meant when we made it? What did the Squirrel Island Village Corporation think that contract meant when they made it? Before the committee on public utilities at the hearing there appeared a distinguished attorney in this State, a friend of mine, who appeared in opposition to this bill which I have drafted. I attempted to ask my distinguished friend a few questions, and I said, by brother, leaving out the public utilities commission, to get at the equities in this matter—leave them right out; they did not come into existence until 1913—what did you think that that contract meant when you drew it? And what did you think that the people of Boothbay Harbor thought it meant when they signed it—or the selectmen? I asked him that question—he said, six times—in various forms. He did not answer it. He made one of the noorest witnesses I have ever seen. He turned to me and said: You have asked me that question six times. I said: My brother, I know I have, but why did you not answer it? I said, you leave it there—let me ask you this question: If you did not think that the town of Boothbay Harbor had the right under the contract to withdraw absolutely from Squirrel Island, at the end of 10 years, and if the town of Boothbay Harbor did not think so, why, at the expiration of the 10-year period, which was June 1st, 1915, did you come to the town of Boothbay Harbor and ask us to make a new contract and lay an additional pipe across that 5000 odd feet and why did we tell you at that time that we wanted to furnish you water, but that we felt that you should come to the end of Spruce Point and get it? There, gentlemen, to my mind is the crucial point in this case. How did we go there? We went, we did go. We furnished water there for 11 years, as I said, at \$3 a faucet, while I paid \$5 in my town. They have had free hydrant rental, which they said before the committee had saved them a number of thousands of dollars in putting out fires on the island. We

had no serious complaint about the service furnished by the town of Boothbay Harbor to the Squirrel Island Village Corporation, until what happened? Until that contract expired, and until we increased that \$3 per faucet to \$5, just the same as I pay, when they complained that the service was poor. They raised that question before the public utilities commission at the hearing. I was not counsel in that case, but I happened to appear on other business and I heard it. I have a copy of the testimony here. There was no trouble with the service furnished there until after we increased the price. After the hearing was held by the public utilities commission I came down from Boston on the train with one of the gentlemen who appeared and he told me himself that there had been no serious interruption or trouble with the service except on infrequent occasions; that sometimes during the middle of the day, and then on infrequent occasions, and the only trouble they ever had was in two cottages on the highest part of the island. That, gentlemen, is the situation. We have been ordered to lay an additional pipe to the one that is now across there. It is not our service that they criticised and objected to; it was the fact that the only pipe that we had across there they were afraid would break, and they wanted an auxiliary pipe, and in an endeavor to conform to the order of the commission, the town of Boothbay Harbor has expended \$8,000 in laying a new four-inch pipe from near the Neptune Packing Company to the end of Spruce Point, and there has not been a complaint against the service to Squirrel Island or anywhere else down there; since we laid that new four-inch pipe, they get water enough. Now the point of the case with us is right here. We have acted in good faith, we want them to have the water. We are willing to give them that water at any old price at the end of Spruce Point. The town of Boothbay Harbor—every man, woman and child in it—were surprised when that decision was handed down, because we thought we had a contract, and our contract was scrap. The legal point, I understand, is not decided

yet. However, the only remedy we have, as we see it, is to come before this peoples' court, as has been said on the floor of this House, and see if we can obtain even-handed justice. The question with us now is, who is going to pay for this pipe from the end of Spruce Point to Squirrel Island? The town of Boothbay Harbor is \$6,228.03 above its debt limit. There is only one way that we can get the money to lay that pipe across there and that is to raise it by direct taxation. The Squirrel Island Village Corporation have a corporate charter under which they have the same rights to obtain water that we have. Squirrel Island receives back, under that charter, from the town of Southport, 75 per cent. of the amount raised by taxation by the town of Southport on Squirrel Island. Squirrel Island is 43 per cent. of the total valuation of the whole town of Southport, and this year they received back from money raised for town purposes, to be expended on the island, or for any other purpose they see fit, \$2300. They can handle the proposition, gentlemen, much more easily than we can. Only about half of our people in town have water in their houses, because the town has not been able to reach all the streets in our town. Those people have mortgages on their homes, and I, as trustee of the savings bank, know how hard it is for some of them to pay \$100 to \$500. They have no water in their houses and a mortgage on their home; and then if we have to raise this money by direct taxation, it means that those people will have to be taxed to pay for water which some people down on Squirrel Island—a great many of them are my friends, who come down there to spend their vacation—we are glad to have them; but to my mind, gentleman, that does not appeal to me at all. It means that every summer person in our town who owns a cottage there, must pay a tax on his property for the benefit of somebody outside of the town, and it simply means this, that my home which I have earned, is not worth much more than 60 cents on a dollar, if we have got to tax ourselves continually for the benefit of somebody outside the

town. It will be a continual proposition with us, this problem of taxation. How much will it cost to lay a pipe across there? I do not know. I will say this, that whether it costs \$1500 or \$2000 to lay it across there—there have been two engineering concerns who informed our water commissioner that no matter what it costs, they will have to have \$5,000 in addition to the cost for the extra hazard, and that is not the whole proposition. It costs a lot to maintain that pipe. We have furnished water down there since 1903, and we are in debt by furnishing it. We were informed by an engineer that we employed that we had lost all we had taken there, and if we had charged against that proposition a fair charge for this overhead, that we had lost our original investment we had put in and some \$4800 besides. I am satisfied, as auditor of the town for the last 10 years, with investigation as I have made, that we are in debt on that proposition. We want Squirrel Island to have water. We are perfectly willing to give it to them, but it does seem to me, and our people there, a little unfair that we people, who are compelled to stay down there on the coast 12 months in the year, and unable to have a vacation, that because we have been fair with those people, that we should be compelled to tax ourselves for the purpose of laying that pipe across there when they are more able to do it than we are. As far as I am concerned personally, I would give them the water free at Spruce Point, and the pipe which we bought, and which I myself, in my taxes contributed a little over \$10 a year ago. As moderator of the town meeting a year ago, when this matter came up I had to leave the Chair and take the floor in order that the town would vote \$6,000 to buy the pipe with. If I had not taken the floor, I am satisfied that they never would have voted to have raised a cent, and I wanted to be a law-abiding citizen. It simply shows how the people felt. We cannot raise it except by taxation. One gentleman from Squirrel Island told me, in my office last summer, "I am ashamed to look you people in the face and ask you, under your cir-

cumstances, to put the water to Squirrel Island. We feel that we should come to Spruce Point." I am satisfied that a great majority of the people on Squirrel Island feel that way. Gentlemen, I want to ask you this fair question: If you think that this bill is going to injure Squirrel Island any, I want you to kill it. I have tried to be fair and I have told you the facts as I understand them, in the light of my experience there. The committee asked me this question, if I did not think it a dangerous policy to let a corporation out from under a losing proposition. I said, Yes, as a general proposition; but, I replied, is it ever dangerous to do right? If it is, in this case, I am wrong. That, gentlemen, is our situation. I hope that you can hand out to the town of Boothbay Harbor even-handed justice. Mr. Speaker and gentlemen, I move the substitution of the bill for the report of the committee.

Mr. COWAN of Winterport: Mr. Speaker, I want to say only a few words as a member of the committee on public utilities before which this matter was heard. The gentleman from Boothbay Harbor (Mr. Perkins) appeared before the committee, and went into the matter even more fully than he has here today before the House, and covered his case very well indeed. I think that every member of the committee tried to give him every consideration in determining what was best to do in this case, but there was another side to be heard which, of course, is not here before the House today, and to go into the details of that question would require a great deal of time. If I may be allowed, I will simply say that several members of that committee went through the report of that hearing, to which the brother refers, read all the documentary evidence on file, and we discussed the matter very thoroughly in several executive sessions, and in order to correct another mistaken impression on the part of two or three members, had the bill reported back to us, and then reported unanimously as we did. I think the re-

port of the committee ought to be accepted.

Mr. WILSON of Portland: Mr. Speaker, I do not wish to take the time of this House unnecessarily, but, as a member of the committee, I wish to say there was much evidence presented on this matter. We had two full hearings, the greater part of two afternoons. There were some elements of this which have not been mentioned here, and I will try to state them as near as I can recollect. It was shown to the committee that this water pipe, which was originally laid from Spruce Point to Squirrel Island, cost approximately \$6,000; that in the 15 years that water had been supplied to Squirrel Island, the Boothbay Harbor Company had received from rates from Squirrel Island \$15,600, or a gross income over cost of the pipe of \$9,600. The superintendent of the water company was before our committee and was asked if he could state the specific expense of furnishing this water to Squirrel Island. The situation is something like this: Squirrel Island water pipes are all on top of the ground. It is a summer system entirely. A large part of the pipes on the mainland in the town of Boothbay and some parts of Southport and Capitol Island, I think are laid on top of the ground, the result being that when cold weather comes, that summer system has to be entirely shut down. On Squirrel Island, the water is used practically two months, July and August. On the mainland—a large part of that summer system—the water is used from the time freezing conditions cease in the spring, until they begin again in the fall. The superintendent of the company said that he was unable to state how much it would cost to pump water to the Squirrel Island supply. He could not separate it from the rest of the summer system. It was shown that on Squirrel Island, previous to the installation of this pipe, there were some driven wells, and a small water system, which was very inadequate; that many of the cottagers depended on wells or springs. There were

no bathrooms or anything of that sort. Since the installation of this pipe and the reliable service, there have been spent on the Island, in the erection of a concrete reservoir and by the cottagers in equipping their cottages with bathrooms and sanitary arrangements, between \$50,000 and \$60,000. It was shown that the rates at the present time, paid by the Squirrel Island takers, are just the same as those paid by the mainland takers. They were paying, in effect, the same rate for two months' service, that the mainland people were paying for seven months' service. There was also this further question which concerned the committee vitally—that was the question which has arisen two or three times this session before our committee, and I think before some of the other committees, as to how far it is wise to go in allowing corporations to withdraw some part of its franchise duties and retain the others. That question arose in connection with the Oxford Electric Company and the committee unhesitatingly refused to allow it to be done. The same question arises in this case, and was one of the reasons why the committee reported unanimously, ought not to pass. There was a great deal of detail involved in the hearing. I think it has been stated here, but I will take the risk of repeating, that this matter of the discontinuance of the service to Squirrel Island was heard fully before the utilities commission sometime previous to the beginning of this session. As a result of that hearing, the Boothbay Water Company was ordered, not only to furnish a new pipe to Squirrel Island, across the way, but it was ordered to extend a new pipe on the mainland from the village down to this Spruce Point, which is something like a mile, I think. It was shown at our hearing that this new pipe had been installed previous to last summer down to the end of the point, and that work had relieved the situation on the Island considerably. It was also shown that the cost of laying this pipe originally was about \$1200, and it was done by floating

the pipe on pieces of board, until it reached clear across the water and then the water was pumped in and the pipe sank to the bottom. It was stated that the reason why it was necessary now to employ a construction company to extend the pipe a second time was because the man that floated it at that time has since died. The committee has given this matter very careful consideration. I hope you will sustain the committee's report.

Mr. PERKINS of Boothbay Harbor: Mr. Speaker and gentlemen of the House, I feel that I must ask your indulgence again for a moment or two. I do not consider that the question of rates enters into this question at all. I wish to correct what might be a misapprehension. The water is turned on Squirrel Island in the spring, until fall, the same as in Boothbay Harbor. If they come down, as a lot of them do, the latter part of April or early in May, they have the water during the entire summer season. We have what we call a summer rate, and that is the rate I am speaking of,—and for the same class of service on Squirrel Island and the same class in Boothbay Harbor the people on Squirrel Island pay \$3 and the people in Boothbay Harbor \$5 during that eleven years. There is a point I wish to speak about that the gentleman from Portland (Mr. Wilson) has raised. He speaks of the water company as a corporation. The water company of Boothbay Harbor is the people,—the inhabitants. I own a part of it everybody else owns a part of it; same as we do the town hall. It was built for service, and not for profit. We have carried the water all over that territory in order that we may give this pure water to all the people that come down there, and we want them to have it, but I do not feel as though our people should raise the money by taxation for their benefit. We feel that this is a peculiar case. Now, gentlemen, a water district is a public municipal corporation, and it was so decided in the case of Augusta vs. Augusta Water District, 101

Maine, page 150, so that the town of Boothbay Harbor,—the inhabitants thereof,—in supplying water to the various people, is simply performing authority delegated to it by the state. We are performing a public service, and we want to give these people this water, but we would like to give it to them at Spruce Point. As I said before, personally, I am perfectly willing to give it to them for nothing. It seems to me with what money they have down there, and this village corporation charter, that they ought to be willing to assume that burden from the end of Spruce Point to Squirrel Island and not make the poor people of my town with mortgages on their homes—over half of them in that town that have not any water in their houses at all of any kind,—they ought not to ask those people to be taxed by direct taxation for the benefit of somebody outside of the town. Gentlemen, that is all there is to it. I have stated the case as well as I have been able and I hope that you will vote yes on this proposition.

Mr. BARNES of Houlton: Mr. Speaker, I find that I have got to vote on this question, and I would very much like to vote with the gentleman from Boothbay Harbor (Mr. Perkins). If my understanding about it is correct, I cannot do it, so I am going to take a few minutes to state what my understanding is, and if I am incorrect in any particular I want to be shown. I have to vote against the gentleman from Boothbay Harbor every two years, and twice every four years, and I want to vote with him today; but the question is a very serious question. Now there is a class of people who vote against corporations anyway. Gradually that number is growing less. I am not a corporation attorney. I am rather one of the underfed attorneys that am looking to the day when I may be a corporation attorney, but it is far distant, I feel. When a body of men group themselves together and get a charter, they become a corporation, and a town is a corporation, and it receives from the state a franchise, and a franchise is a bit or portion of

the sovereignty of the state. When a corporation receives a franchise from the state, it receives an exclusive right to do some one or more things,—some one or more acts. An exclusive right, gentlemen, is such a right that no one else can come in and do the same thing. It seemed wise, apparently, in 1895 for the town of Boothbay Harbor to go into the water supply business, as a public utility; it seems that there was a corporation organized and therefore it had the exclusive right of furnishing water to Boothbay Harbor, and the town took it over. Now just exactly as in my private business I may make certain trades that are profitable, or I may make certain trades that are not profitable to me, so a town can go into a public service business furnishing water, or lights, or sewerage, or any of those things which are for the public use, and the town should be held to the same rule as the individual,—that it must keep its contract whether it makes, or whether it loses. Now, after Boothbay Harbor had had this right to furnish water to her own citizens for eight years, Boothbay Harbor came to the Legislature again, thinking that it would make profit by extending its service. Boothbay Harbor, as I understand it, lies on the very south point of the mainland, and off in the ocean, a mile away, is this little island, Squirrel Island. Now the Boothbay Harbor Corporation decided it could make money by furnishing water to Squirrel Island, which must have been a business proposition. In 1903, 15 years ago, it got the right and extended its pipes. Now on the question we are voting on today, I am not allowed to consider whether Boothbay Harbor made or lost money by it. I am not allowed to consider whether the rates are right or wrong. This question presents itself to me. The State grants a bit of its sovereignty to a corporation by your vote, and it granted the exclusive right to Boothbay Harbor by vote of the Legislature to make a contract with the Squirrel Island people, we will assume, to furnish water in the public streets, so that it might be taken

into the houses. The gentleman from Boothbay Harbor (Mr. Perkins) says now that the Boothbay Harbor Village Corporation is willing to take the water down to the mainland—Spruce Point—and stop there, and let the thirsty souls of Squirrel Island reach across for a mile and drink out of the pipe, not a feasible proposition—not what would appeal to the people of Squirrel Island. Never yet has the State, after granting a franchise to a corporation, allowed the corporation to say, on this line of business I am making money, on that line of business I am not making money; on this end, I am losing, I will slough off this sort of business and retain the profit, and cease to fulfill the obligation or duty which I assumed because in that particular line of business it is not profitable. When a corporation finds that its business is not profitable, there is only one thing for it to do under the laws of Maine, or any other State, as far as I know, and that is to go out of business, and offer its rights, franchise, plant and property for sale, either voluntarily itself, or through the hands of a receiver. Now, if I am correct and we should vote today that the Boothbay Harbor Corporation could stop today and say to Squirrel Island, we will not continue this business any further, because it does not pay us, we would be establishing what the lawyers call a precedent; we would be setting up for the first time this new doctrine, that a corporation may make a contract for a certain term, and, finding that the contract is not profitable, may abrogate that contract. Such things are sometimes done by a sovereign state, when they abrogate their debts. It is not modern policy. Unless this can be cleared up, and it can be shown to me that that is not what we are doing, I shall be constrained to support the finding of the unanimous report of the committee on public utilities, as we did the other day on its finding on the very same question in connection with the Norway and South Paris Street railroad. But if the gentleman from Boothbay Harbor can clear that out of the way, I am ready to be con-

vinced—I am ready to have my opinion changed—but it will take some evidence. Unless he can clear that out of the way, I shall have to vote to sustain the committee.

Mr. PERKINS: Mr. Speaker,—

The SPEAKER: The gentleman from Boothbay Harbor, Mr. Perkins, has already spoken twice, and cannot speak again without leave of the House.

Mr. PERKINS: Mr. Speaker, I would like to have the permission of the House to speak for a moment.

Permission was granted.

Mr. PERKINS: Mr. Speaker and gentlemen of the House, I wish simply to say this, that there are two other corporations that have the right on Squirrel Island besides the inhabitants of Boothbay Harbor. One is the Squirrel Island Village Corporation itself and the other is the town of Southport, which four years ago obtained a charter from this Legislature to furnish the town of Southport and all those adjacent islands with water, and Squirrel Island is within the town of Southport. I do not consider it a dangerous precedent to establish. It brings it right down to the proposition that I stated at the beginning—is it ever dangerous to do right? I think the decision in the Oxford case was perfectly proper, and as I know the law. I do not consider one is parallel with the other; but, of course, upon that question, we can honestly differ. If you can take a piece of Boothbay Harbor and add it onto some other town, or take away the entire charter of the town of Boothbay Harbor, you certainly can allow the town of Boothbay Harbor to hold back to Spruce Point, rather than to raise this money by taxation. I wish to say just this one thing more, that I do not believe—perhaps that is pretty strong—that the majority of lawyers in this State, if I had gone with that contract to their office in 1910 or 1911, and I would also say, within a year, but what they would have told me under that contract we had a right to withdraw altogether, had we seen fit to do so. This thing is true, that they are not obliged to take the

water from us as a matter of law, but we want to furnish it. I want to say just this, that if we are asking anything that is not right—that strikes any man right in his heart and conscience as wrong—I do not ask him to vote for it. I feel that I am right. I wish to thank you, gentlemen, for your kind indulgence this afternoon.

Mr. MAHER of Augusta: Mr. Speaker, I am not going to speak. I am just going to ask the gentleman from Houlton a question. I am not entirely sure this matter is quite clear. Probably to 99 out of 100 here in the House, and to myself as an attorney, I would say that up to the present the real issue is as clear as mud. I would like the gentleman from Houlton to please tell us just what is the proposition that is before this court, or the gentleman from Boothbay Harbor.

Mr. WILSON of Portland: Mr. Speaker, I can answer that question in a minute. The main proposition here is who shall pay for this pipe; that is all there is involved, as far as I am able to ascertain. It is just simply, shall the town of Boothbay Harbor be relieved at this stage of the game of putting its new pipe across to Squirrel Island. That is the main issue and the real issue, and all the issue, as I understand it. It was shown to us that the first year the town received in rates \$600. This last year, 1918, it increased to \$1400 for the year.

Mr. MAHER of Augusta: Mr. Speaker, I would inquire through the Chair, when was the contract made, how long does it run?

The SPEAKER: The gentleman may reply through the Chair.

Mr. WILSON: Mr. Speaker, I understand the contract was made in 1903. I will yield to Brother Perkins.

Mr. PERKINS: In answer to both the gentleman from Augusta and the gentleman from Portland, through the Chair, I will say that there was a preliminary contract made in the year 1903 or 1904, I think for one year, which I have not a copy of. To my understanding, it is substantially the same as this. On the 30th day of June, 1905, a contract was made to expire on the

first day of June, 1915—that is when the contract expired—June 1st, 1915.

Mr. WILSON: Mr. Speaker, it was a 10-year contract. As I understand this proposition of the contract, it has outlived its usefulness, and has gone into the discard, and does not affect the question today in any way. This town of Boothbay has been ordered by the Public Utilities Commission to perform a certain duty in its capacity of a public utility. That is what they are up against now—is the fact that this commission has ordered them to do the very thing which they ask in this bill to be relieved from. I want to say just a word, if you will bear with me, on this question, of burden of taxation on the people of Boothbay Harbor. It appears clearly to my mind from the evidence we heard that the people of Boothbay Harbor, in the first instance, preferred to carry the expense of this water service by taxation rather than by charging sufficient rates to pay its way; that they have no sinking fund or no fund for replacement; the result being that this pipe, after 15 or 16 years of service, having become worn out, the rates the greater part of the time having been low, and the expense carried by taxation, they had no fund last year with which to buy this new pipe. The result was, as has been stated, they raised, by direct taxation \$6,000 to buy the pipe. The pipe was all bought and is on the end of this Spruce Point waiting to be stretched across the water, as I understand it. It was also shown, that including that \$6,000 assessment, the tax rate of Boothbay Harbor last year was 23 mills. I have forgotten for the moment, the amount of valuation, but I remember of figuring at the time of the hearing that an increase of slightly more than 1½ mills would provide them with about \$1800. In other words, the tax rate of less than 25 mills would give them the extra money to raise the pipe; whereas, last year, they raised by direct taxation, \$6,000, or nearly four times as much as it would be required to raise this year; so that it appears to me very clearly that the primary difficulty in

this whole matter was that the town of Boothbay Harbor, through its water commissioners, or persons who fixed the rates, did not put on a sufficient rate to make the enterprise profitable; that they did not go at it in a business-like way and provide a fund for replacement by a sinking fund, the result being that after having enjoyed the profits of this enterprise for 15 years they find the thing broken down or worn out and they now ask to be excused from further service.

Mr. PERKINS: Mr. Speaker, I move that when the vote is taken it be taken by a rising vote.

The SPEAKER: The motion before the House is the motion of the gentleman from Boothbay Harbor, Mr. Perkins, that the bill be substituted for the report.

A division of the House being had,

Fifty-four having voted in the affirmative and 50 in the negative, the motion to substitute the bill for the report was carried and the bill was tabled for printing under the rules.

The SPEAKER: The Chair will lay before the House at this time certain matters which were temporarily tabled this morning. First, the report of the committee on State lands and forest preservation on bill An Act to provide for the acceptance by the State of gifts of land and for the establishment of State parks and forests in Mt. Katahdin, tabled on motion by the gentleman from Portland, Mr. Baxter.

Mr. BAXTER of Portland: Mr. Speaker, I move that it be recommitted to the committee, as I have taken the matter up with them and that request was made. I think there were two measures. I make the motion in regard to them both in order that the matter may be straightened out.

A viva voce vote being taken, the House voted to recommit this matter to the committee on State lands and forest preservation.

The Chair lays before the House bill an Act to provide for the purchase of land by the State for forestry purposes.

On motion by Mr. Baxter of Portland, the House voted to recommit to the committee on State lands and forest preservation.

The Chair lays before the House bill an Act to amend Section 8 of Chapter 6 of the Revised Statutes relating to ballots in primary elections, and providing that the order of the names of candidates on said ballots be determined by lot, tabled temporarily by the gentleman from Sebec, Mr. Lanpher, pending the motion of the gentleman from Bingham, Mr. Dutton, that the House recede and concur with the Senate in its indefinite postponement.

Mr. LANPHER of Sebec: Mr. Speaker, I yield to the gentleman from North Anson.

Mr. HOLLEY of North Anson: Mr. Speaker, I was not in the House this morning when this matter came up. Just what is the status of the bill now?

The SPEAKER: The Chair will state that the bill was passed to be engrossed by the House on March 12. It comes back from the Senate indefinitely postponed.

Mr. HOLLEY: Mr. Speaker, I move that the House insist and that a committee of conference be appointed.

The SPEAKER: The motion is not in order until we have settled the motion to postpone indefinitely which is pending,—the motion of the gentleman from Bingham, Mr. Dutton.

A viva voce vote being doubted,

A division of the House was had.

Forty-four having voted in the affirmative and 53 in the negative, the motion to indefinitely postpone was lost.

The SPEAKER: The matter now recurs to the motion of the gentleman from North Anson, Mr. Holley, that the House insist and ask for a committee of conference.

A viva voce vote being taken, the motion to insist and ask for a committee of conference prevailed.

The SPEAKER: The Chair will appoint the committee later.

On motion by Mr. Barnes of Houlton, it was voted to take from the table House Document No. 436, An Act to create the Maine Water Power Commission, and on further motion by the same gentleman, it was voted to recommit the bill to the committee on bills in third reading.

On motion by Mr. Barnes of Houlton, it was voted to take from the table House Document No. 101, An Act to grant a new charter to the city of Waterville.

Mr. BARNES: I yield to the gentleman from Waterville, Mr. Berry.

Mr. BERRY of Waterville: Mr. Speaker and gentlemen of the House: The action to be taken this afternoon, as I understand, is on the majority and minority reports on the new city charter for the city of Waterville. The majority of the committee report "ought not to pass" and the minority of the committee report "ought to pass." This bill came before the committee and the hearing was advertised and was postponed one week in order that amendments might be prepared and submitted to the committee at a hearing one week later. That committee had a hearing and the opponents and proponents of the bill appeared and were heard, and you have the report of the committee before you this afternoon for action. The bill as reported in new draft has never been printed, and the provisions in that charter I have never had an opportunity to examine until this afternoon. Now the Waterville Chamber of Commerce is behind the movement to have a new city charter for the city of Waterville, and has been engaged since last November in the endeavor to construct such a charter. A meeting was held last evening by the Waterville Chamber of Commerce at which certain changes in the proposed new draft were asked for. One of the most important principles is the matter of referring to the people whether they will have a new charter or not and the method in which the ballot is provided. There are gentlemen present in the House this afternoon who have been sent from Waterville as a committee to

interview me in the endeavor to have this bill tabled for a short time in order that amendments may be prepared to the new draft as submitted by the committee. I want to act in all fairness to my constituency at home. I am confident that if I would move the majority report of the committee this afternoon it would no doubt prevail, as it is not the usual thing in matters of this kind to reverse a decision of the committee, and I feel that the motion that ought not prevail would prevail and the charter would be killed. I realize that the session is drawing to a close and that we are delaying matters somewhat. I am going to make the motion in deference to the gentlemen who are present, and who have asked me to, that this matter lay on the table until next Tuesday, that the committee having in charge the drafting of this charter may offer in writing, which I will present, such amendments as they may wish to offer to this bill in a new draft. I realize, Mr. Speaker, and gentlemen of the House, that many of the citizens and myself have not had an opportunity, the bill not being printed in new draft, to examine it, and the committee has discovered some defects in that bill which they wish to remedy, and I will make the motion in deference to their wishes that it lay on the table until next Tuesday, and then be taken up for final action.

The SPEAKER: The Chair would suggest to the gentleman from Waterville, Mr. Berry, that he withdraw his motion and make the motion that both reports and bill in new draft lie on the table for printing, and it can be taken up without acceptance of the report.

Mr. BERRY: I will make such a motion, Mr. Speaker.

Thereupon the House voted to table both reports and bill in new draft for printing.

Mr. BAXTER of Portland: Mr. Speaker, I rise to inquire if certain papers have been returned from the Senate in regard to testimonials for soldiers?

The SPEAKER: The Chair will state that the papers are in the hands of the Chair.

Mr. BAXTER: I move that the papers be referred to the committee on judiciary.

The SPEAKER: The Chair will state that these were recalled and there is a report from the committee on military affairs providing for testimonials for soldiers and sailors in the late war, that it be referred to the next Legislature. The report was accepted both in the House and Senate. The Chair will state that the endorsement does show that the Senate reconsidered the report and returned the papers to the House; and is it the pleasure of the House to also reconsider the vote whereby the report was accepted.

A viva voce vote being taken, the House voted to reconsider its action whereby the report was accepted.

Mr. BARNES of Houlton: Mr. Speaker: On the committee on military affairs there is one of the citizens of Maine who knows more about the feelings and ideas of the boys who have been in France than most men in Maine—the Senator from Kennebec county, Senator Gannett. After the war with Spain in 1898, the State gave to her returned soldiers a printed testimonial. Without going into the merits of this at all, it is a badge to wear upon the person; and if there is any committee in this Legislature to which that could most properly be referred, it is the committee on military affairs. I make the motion that this be referred to the committee on military affairs, if it is to be re-committed.

The SPEAKER: The Chair will state that there is a motion pending that it be referred to the committee on judiciary.

Mr. BAXTER: Mr. Speaker, the bill provides for the presentation of badges and a testimonial as well to all soldiers and sailors who were honorably discharged and who were citizens of Maine. The committee on military affairs, of course, is well able to consider it. The suggestion, however, was made to me that it be referred to the committee on judiciary. It was not my own sugges-

tion. In view of the suggestion of the gentleman from Houlton (Mr. Barnes) I withdraw my motion and substitute one that it be re-committed to the committee on military affairs.

On motion by Mr. Baxter of Portland, a viva voce vote being taken, the motion to refer the bill to the judiciary committee was withdrawn; and on further motion by the same gentleman it was voted to recommit to the committee on military affairs.

The SPEAKER: The Chair will state that an act to supplement Chapter 29 of the Revised Statutes and to provide for the care of persons requiring full support or more than temporary relief, which was recalled from the committee on engrossed bills, is in the possession of the House.

On motion by Mr. Mason of Ellsworth it was voted that the bill be tabled until tomorrow morning.

The SPEAKER: The Chair also states that House Document No. 214, bill An Act to amend Section 86 of Chapter 33 of the Revised Statutes, as amended by Chapters 219 and 244 of the Public Laws of 1917, relating to the disposition of money collected under the provisions of the inland fish and game laws, which was recalled on House order, is in the possession of the House.

On motion by Mr. Barnes of Houlton, tabled for amendment until tomorrow morning.

The SPEAKER: The Chair at this time has the pleasure of introducing to the House a former Speaker of 30 years ago—1889—Col. Frederick N. Dow. (Applause, the members rising.)

Col. DOW: Gentlemen of the House of Representatives: The pleasure of looking you in the face and accepting your kindly greeting is mingled with feelings of sadness when I look in vain for the faces with which I was once so familiar. I have found in looking over the body, but one that I recall as an associate of my own political time. I should ill requite the courtesy, Mr. Speaker, of your introduction and the

kindness, gentlemen, of your reception if I should undertake to detain you with any further remarks. I have occupied this chair long enough in years gone by to know how pleasant at this hour of the day the motion must be to

you all. I thank you. (Applause, the members rising.)

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