

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

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HOUSE

Wednesday, March 26, 1919.

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

Prayer by the Rev. Mr. Walsh of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Communication from the Secretary of the Senate to the Clerk of the House.

The Governor has returned to the Senate bill an act to authorize the construction of a weir in the tide waters of Roque Harbor in the town of Jonesport, Senate Document No. 125, together with his objections to the same. The Senate proceeded to vote on the passage of the act, the objections of the Governor to the contrary notwithstanding, and less than two-thirds of the members of the Senate voting in the affirmative, the bill failed to become a law over the objections of the Governor.

In the House the communication was ordered placed on file in concurrence.

From the Senate: Bill an Act to provide for the removal of electric wires and poles when necessary for the repair of streets or removal of buildings.

This was by the House passed to be engrossed on March 13 as amended by House amendment A. It comes back from the Senate passed to be engrossed, House amendment A adopted in concurrence, and amended by Senate amendment A, which is as follows: (Senate amendment A read.)

On motion by Mr. Allan of Portland it was voted to reconsider the vote whereby the bill was passed to be engrossed as amended by House amendment A. On further motion by the same gentleman Senate amendment A was adopted in concurrence with the Senate; and on further motion by the same gentleman the bill

was passed to be engrossed as amended by House amendment A and Senate amendment A in concurrence.

Senate Bills on First Reading

Senate 237: Resolve in favor of the several State normal schools and the Mačawaska Training School for permanent repairs and improvement of buildings.

Senate 248: An Act in addition to Chapter 52, Section 2 of the Revised Statutes, relating to the definition of banking.

Senate 23: An Act to amend Section 33 of Chapter 16 of the Revised Statutes, relating to vacancies in the membership of superintending school committees.

Senate 233: An Act to establish a State Reformatory for Men.

Senate 244: An Act to amend Section 42 of Chapter 82 of the Revised Statutes, relating to the law court.

Senate 245: An Act to provide for the fixing of salaries and wages of subordinates of the several departments of the State government.

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

Appropriations and Financial Affairs

By Mr. Maher of Augusta: Resolve appropriating money to pay Ethel W. Lee, stenographer to the Clerk, and Ida E. Goldstein, stenographer to the Speaker of the House of Representatives.

By Mr. Hinckley of South Portland: Resolve in favor of Howard S. Mitchell.

The SPEAKER: At this time the Chair will suggest to the House chairmen of all the committees that they see to it that all resolves having to do with the pay of clerks or messengers of committees be put in at the earliest possible moment.

Orders

On motion by Mr. Weatherbee of Lincoln, it was

Ordered, that 500 copies of the resolution regarding protection to ag-

riculture, introduced by the gentleman from Lagrange, Mr. Fowles, on Friday, March 21, be printed for the use of the members of the Legislature.

Reports of Committees

Mr. Ricker, from the Committee on Library, reported "ought not to pass" on Resolve to Provide Members of the State Senate and State House of Representatives with copies of the Revised Statutes."

Mr. Farnsworth from the Committee on Banks and Banking, reported same on bill "An Act to amend Section Sixteen of Chapter 298, Public Laws of 1917, relating to small loan agencies."

Mr. Berry from the Committee on Military Affairs, on bill "An Act authorizing cities and towns to erect Military and Naval Memorial Buildings and providing for State aid therefor," reported ought not to pass, as subject matter is covered by other legislation.

Same gentleman, from same committee, on resolve appropriating money for the erection and equipment of a State Armory for the use of the National Guard of the State of Maine stationed in the city of Bangor, reported ought not to pass, as subject matter is covered by other legislation.

Same gentleman, from same committee, on resolve appropriating money for the erection and equipment of a State Armory for the use of the National Guard of the State of Maine stationed in the city of Lewiston, reported ought not to pass as subject matter is covered by other legislation.

Mr. Granville from the same committee, on Resolve appropriating money for the erection of a suitable memorial in the city of Biddeford, York county, commemorative of the bravery and valor of the soldiers and sailors of said York county in the late war, reported ought not to pass as subject matter is covered by other legislation.

Mr. Ridlon from same committee, on Resolve appropriating money for the erection and equipment of a State Armory for the use of the National

Guard of the State of Maine, stationed in the cities of Biddeford and Saco, reported ought not to pass as subject matter is covered by other legislation.

Report of the committee of conference on the disagreeing action of the two branches of the Legislature, on An Act to amend Section 64 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, relating to the use of automobiles in hunting wild birds and wild animals," reporting the accompanying amendment and recommending its adoption.

The SPEAKER: House Amendment A, which is recommended by the conference committee report is as follows:

Amend House Document No. 212 by striking out after the word "follows" in the enacting clause of said act, all of said act, and substituting therefor the following:

Section 1. Section 64 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, is hereby amended by striking out after the word "section" in the sixth line thereof the words, "whoever violates any provision of this section shall pay a fine of not less than forty dollars nor more than one hundred dollars, and costs for each offense," and inserting in place thereof the following: "No person shall carry in any motor vehicle in use on the highways or in the fields or forests of the State any rifle or shotgun, either loaded or with cartridges in the magazine thereof. Whoever violates any provision of this section shall be subject to a penalty of not more than one hundred dollars and costs for each offense, or imprisonment for not more than sixty days in the discretion of the court."

On motion by Mr. Hinckley of South Portland a viva voce vote being taken the report and amendment were tabled, and the amendment ordered printed.

Mr. Holley from the committee on appropriations and financial affairs, on Resolve for an appropriation to celebrate the 100th anniversary of the admission of Maine into the Union, reported same in a new draft, under title of Resolve in relation to the celebration of the 100th anniversary of the admission of Maine into the Union, and that it ought to pass.

Mr. Farnsworth from the committee on banks and banking, reported ought to pass on bill, An Act to amend Section 78 of Chapter 52 of the Revised Statutes, relating to loans made by trust companies.

Mr. Lausier from same committee, on bill An Act to amend Chapter 298 of the Public Laws of 1917, relating to small loan agencies, reported same in a new draft, under same title, and that it ought to pass.

Mr. Garcelon from the committee on legal affairs, on bill An Act to amend Section 13 of Chapter 6 of the Revised Statutes, relating to penalty for violation of provisions in regard to conduct of primary elections, reported same in a new draft, under same title, and that it ought to pass.

Mr. Ricker from the committee on library, on Resolve providing for the purchase of 100 copies of the Centennial history of Presque Isle, reported same in a new draft, under same title, and that it ought to pass.

Same gentleman from same committee, on Resolve authorizing the purchase by the State of 100 copies of a history of Norway, reported same in a new draft, under title of Resolve authorizing the State librarian to purchase for the State 100 copies of the history of the town of Norway, after same are printed, and that it ought to pass.

Mr. Wilson from the committee on sanatoriums, on Resolve in favor of the Bangor Anti-Tuberculosis Association, Bangor, for the care and treatment of persons affected with tuberculosis, 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, on bill An Act to provide for the establishment of a State park and forest in the Mt. Katahdin region, reporting 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.

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

Mr. Simons from the committee on public health, reported ought to pass on bill An Act amendatory and additional to Chapter 130 of the Revised Statutes, relating to offenses against the public health, safety and policy and requiring dealers in cigarettes to post in their stores, shops or places of business a placard upon which shall be printed a copy of Section 23 of Chapter 130 of the Revised Statutes prohibiting the sale of cigarettes to minors.

(Tabled by Mr. Brann of Lewiston pending acceptance of the report.)

First Reading of Printed Bills and Resolves

House 489: An Act to amend certain sections of Chapter 92 relating to the filing of claims against estates of deceased persons. (New draft)

House 490: An Act to amend Section 6 of Chapter 5 of the Revised Statutes, relating to ineligibility of members of boards of registration as candidates for elective offices. (New draft)

House 491: An Act to amend Sections 3 and 6 of Chapter 260 of the Public Laws of 1917, entitled An Act to establish a superior court in the county of Androscoggin. (New draft)

House 492: An Act to incorporate the Belfast Water District. (New draft)

House 488: Resolve in favor of Francois X. Belleau of Lewiston in the county of Androscoggin. (New draft)

Passed to be Engrossed

Senate 104: An Act relating to the inspection of creameries, cheese factories, condensaries or receiving stations for milk or cream.

Senate 111: An Act to amend Section 1 of Chapter 55 of the Revised Statutes of Maine, relating to causes determined by the Public Utilities Commission.

Senate 166: An Act to amend Chapter 26 of the Revised Statutes as amended by the Public Laws of 1917, relating to the registration and operation of motor vehicles.

Senate 232: An Act to amend Sections 49, 50, 51, 53, 54, 55, 59 and 60 and to repeal Section 52 of Chapter 64 of the Revised Statutes as amended

by Chapter 297 of the Public Laws of 1917, relating to the protection of children.

Senate 231: An Act to provide for the support of dependents of soldiers, sailors and marines.

House 463: 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, relating to water supply of Boothbay Harbor.

Passed to Be Enacted

An Act to amend Section 18 of Chapter 86 of the Revised Statutes, relating to service of certain kinds of writs.

An Act to regulate fishing in Kennebec stream.

An Act to amend Section 6 of Chapter 66 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917, relating to non-resident fishing licenses.

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

An Act to amend Section 37 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, relating to the protection of moose.

An Act to amend Section 1 of Chapter 96 of the Revised Statutes, relating to the recording of chattel mortgages.

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

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."

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.

Finally Passed

Resolve, appropriating money for the public roads of Oxford county in

accordance with an act of Congress, approved May 23, 1908.

Resolve, in favor of Andrew Egan, for military pension.

Resolve, for the maintenance and improvement of the State park in Augusta.

(Tabled by Mr. Barnes of Houlton pending final passage.)

Resolve, in favor of the town of Livermore, reimbursing said town for money paid to soldiers' dependents.

Resolve, in aid of navigation on the Lower lakes.

Resolve, in favor of the inhabitants of the town of Industry, Franklin county, Maine.

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

Resolve, to provide funds for vocational education.

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

Resolve, appropriating money for the care and maintenance of Fort William Henry in the town of Bristol.

The SPEAKER: Resolve proposing an amendment to Article IX of the Constitution so as to provide for a bond issue for the purposes of building and maintaining public wharves and for the establishment of adequate port facilities in the State of Maine.

This resolve having had its two several readings in the Senate and having been passed to be engrossed, and having had its two several readings in the House and having been passed to be engrossed, and having been reported by the committee on engrossed bills as truly and strictly engrossed, is it now the pleasure of the House that it be finally passed? All in favor will please rise and stand until counted.

A division of the House being had,

One hundred and sixteen voting in favor of the final passage of the resolve, and none against, the resolve was finally passed.

The SPEAKER: Resolve proposing an amendment to Section 1 of Article II of the Constitution of the State of

Maine, providing for the continuation of the right of suffrage to a person otherwise qualified to vote for governor, senators and representatives in this State, in the town or plantation where his residence for suffrage purposes has been established, for a period of three months after his removal therefrom to another town or plantation within this State.

All those in favor of the final passage of this resolve will please rise and stand until counted.

A division of the House being had.

One hundred and ten voted in the affirmative and none in the negative, and the resolve was finally passed.

Orders of the Day

The SPEAKER: This brings us to matters especially assigned for today, and the Chair will lay the matters before the House in their order upon the calendar.

The Chair lays before the House bill an Act relating to primary elections and the filing of nomination papers by independent candidates, Senate Document No. 155, tabled by the gentleman from Bingham, Mr. Dutton, pending second reading.

On motion by Mr. Dutton of Bingham the bill received its second reading.

The Chair lays before the House resolve in favor of the North Yarmouth Academy Grant, House Document No. 471, tabled by the gentleman from North Anson, Mr. Holley, pending second reading.

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

The Chair lays before the House an Act relating to the marking of agricultural seeds, House Document No. 482, tabled by the gentleman from Portland, Mr. Baxter, pending passage to be engrossed.

Mr. Baxter presented House Amendment A to House Document No. 482.

Amend House Document No. 482, entitled an Act relating to the marking of agricultural seeds, by adding the word "noxious" after the word "of" in line ten, section three of said act.

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

The Chair lays before the House an Act for care and preservation of ornamental trees, House Document No. 475, tabled by the gentleman from Sebec, Mr. Lanpher, pending third reading.

Mr. LANPHER of Sebec: Mr. Speaker, I would like to have that bill re-tabled until Friday morning. I wish to consult with the forest commissioner, Mr. Colby, who is away, I understand, until that time. I would like the indulgence of the House to permit me to re-table it until that time.

Thereupon the House by a viva voce vote re-tabled the bill, and it was specially assigned for Friday this week.

The Chair lays before the House, an Act for the assistance of towns in maintaining town highways, House Document No. 470, tabled by the gentleman from Perry, Mr. Washburn, pending third reading.

On motion by Mr. Washburn of Perry, the bill was given its third reading and was passed to be engrossed.

Mr. MURCHIE of Calais: Mr. Speaker, is it in order to move at this time the indefinite postponement of this bill?

The SPEAKER: The Chair will rule that it is in order.

Mr. MURCHIE: Mr. Speaker, I move that this bill be indefinitely postponed, and as my reason I desire to call the attention of the House to the effect of this bill as I understand it. The bill is House Document No. 470, the so-called Granville bill. A week ago yesterday this House, by a vote of some large number to 15, voted to pass House bill No. 309 over the veto of the Governor, and that action was sustained in the Senate. House bill 470, the present bill, purports to be an amendment to the same section of the Highway Commission law that the Washburn bill amended; and if House bill 470 is passed by this House and by the Senate, and is approved by the Governor, it will automatically repeal the Washburn bill which we have passed over the veto of the Governor. Now I for one do not believe that his Legislature wants to be

put in the position of passing a bill over the Governor's veto, and repealing that bill in one week after the same is passed; and for that reason I hope that the bill will be indefinitely postponed.

The SPEAKER: The Chair will state to the gentleman from Calais, Mr. Murchie, that the gentleman from Parsonsfield, Mr. Granville, does not appear to be in his seat; and the Chair suggests that it be laid on the table temporarily.

On motion by Mr. Murchie of Calais the bill was re-tabled, to be taken up later in the day.

The Chair lays before the House House Amendment A to Senate Amendment A to resolve authorizing the Governor and Council to pay bills incurred in the construction of the Stevens' cottage at Skowhegan, House Document No. 418, tabled by the gentleman from South Portland, Mr. Hinckley, pending adoption.

Mr. HINCKLEY: Mr. Speaker, inasmuch as the proper amendment has not been received, I move that it lie on the table until tomorrow morning.

The SPEAKER: The Chair will state that it is informed by the Clerk that the proper amendment is House 493.

On motion by Mr. Hinckley, the matter was re-tabled temporarily.

The Chair lays before the House veto message of the Governor on Resolve in favor of John C. Fleming, House Document No. 346, tabled by Mr. Rounds of Portland, pending consideration.

Mr. ROUNDS of Portland: Mr. Speaker, I yield to the gentleman from Orono, Mr. Perkins.

Mr. PERKINS of Orono: Mr. Speaker and gentlemen: Because I believe in right and justice and am happy and content in the thought that I have always paid one hundred cents on the dollar, and am making no other plans for the future, I see no reason why the State of Maine should not do the same, and I as a public servant will not lend a hand to do otherwise. Now I am not going to do any "pussy-footing" and soft pedaling about this matter, but I am going to give the members of this House the facts as nearly as I

can in the form we heard them up in the claims committee room.

Now, gentlemen, this claim of John G. Fleming for money which he claims was due him is a balance for building a piece of road between the towns of Wiscasset and Woolwich. Mr. Fleming is an old and experienced road builder, and he entered into a contract with the State Highway Department and filed the bond for the faithful performance of his duty by a certain time and to live up to his obligations, so he was awarded that contract over all other bidders. An engineer was placed in charge of Mr. Fleming, and Mr. Fleming could not move a rock or shovelful of gravel unless this engineer told him to do so. Mr. Fleming believed that this engineer was his boss, and gentlemen, I think we will prove to you before we get through with this claim that the engineer was his boss. For instance, you will see upon page four of the report which you have upon your desks: "These quantities are approximate only, being given as a basis for the comparison of bids, and the commission reserves the right to increase or decrease the amount of any class or portion of the work as may be deemed expedient or necessary." Item 15: "Fifty linear feet of side underdrains, including land tile in place and back-filled with gravel." After they started in to build the road, it was found that it was not practicable to put in the land tile; so the engineer in charge of Mr. Fleming put in a gravel and rock drain, digging into the ground, gentlemen, some four feet in depth, as you will see by the original blue print, filling at the bottom with gravel, on top with stone, and on the very top cobble stone and gravel. This drain was to be two feet in width and four feet in depth. Mr. Fleming built 1991 feet of this drain, so he claims, and there was no proof to the contrary excepting that by calculating with their instruments, it was found that there were 1880 feet. Mr. Fleming did not dispute the commission upon this point; but where he did dispute them, gentlemen, is where the contract said that fifty linear feet of side underdrain, including land tile in place and back-

filled with gravel, at \$2.00 per linear foot, the department wished to award him 70 cents per foot for constructing this drain. All we allowed him was \$1,316.00 for the job, which I claim, and for which I think he was justified in claiming the amount of \$3,982.00, making a difference of \$2,666.00 between the figures of Mr. Fleming and the State Highway Department.

We held a meeting up in our claims room, Mr. Fleming was there and his witnesses with his set of books that were used on the job. He had a very competent bookkeeper, a man who had kept the facts and figures of that job, and it was proven there that they were right to a cent and to a minute. The State Highway Department at that time presented the opposite side of the case, and at that time they said that their recollection of the job was rather hazy because at that time they were not in very good working condition. Mr. Fleming presented to us what appeared to be a very clear and concise case. We felt that he had not received fair treatment at the hands of the Highway Department, and the Highway Department, I think, felt that way themselves; and so they requested us to have another hearing, which we did. We re-opened that case and one night we had a hearing in the Senate Chamber. It was brought out at the hearing in the claims room, upon testimony of the State Highway engineer, that Mr. Fleming was a very hard man to have to do work for the State. He said that Mr. Fleming was a man who would do just about as he saw fit, and that they had a good deal of trouble to get engineers that would stay on the job, but that at last they got a gentleman who stayed with him. They said that he drove two men off the job before this gentleman got there who stayed with him to the finish. When we were asked to have this next hearing down in the Senate Chamber, Mr. Rounds of Portland asked them to produce those two gentlemen, or their names, that were driven off the job; and that night Mr. Rounds said to the engineer, "We don't see those two men that were driven off the job."

"Well," he said, "we made a mistake." He said they were Fleming's own men, gentlemen, that were driven off that job because they were not efficient and because he knew that they could not do the work in a satisfactory manner either for the Highway Department or for himself. In that Senate Chamber that night the Assistant Attorney General presented the State's side of the case, and Raymond Fellows of Bangor presented Mr. Fleming's side. I want to tell you, gentlemen, there was nothing to it, because there was nothing more brought out in favor of the State at that hearing than there was at the first hearing. They would not admit anything. They admitted that there was something due Mr. Fleming—I think some \$550.00—but they would not admit that they were not right in this seventy cents where he should have been paid two dollars.

We gave a great deal of time and deliberation to this claim, and heard them very thoroughly 'from half past six in the evening, if I am not mistaken, until half past nine or quarter of ten; and after the department had departed we went into secret session and we "chewed the rag." Some thought one thing, some thought another; but every man on that committee was convinced that John G. Fleming has not had a square deal at the hands of the department. It was brought out in testimony that since that time John G. Fleming has built either two or three pieces of road for the State, because they said he was a very efficient road builder—a man in fact that you could put some dependence on; and this last fall they awarded him a contract, gentlemen, over all other bidders—in fact, John G. Fleming was the highest bidder upon the job. As I have said, the ten men upon that committee deliberated. They argued and they chalked, and at last we took as a basis the sum of all these chalkings, divided them by ten, and reached a verdict of \$2093.90. We did not make any allowance for the "V" drain, which Mr. Fleming was obliged to do some extra work upon. We did not make any al-

lowance for some extra borrow that he was obliged to move. We did not make any allowance for the extra haul that he had to make in order to accommodate one engineer who was on two jobs, nor did we make any allowance for some extra guard rails that he was supposed to have put in. We laid that all to one side, and we reached this verdict which we thought was in all fairness to the State highway department and to Mr. Fleming himself.

It was brought out in testimony there that in the fall of 1917, under a stress of circumstances, this old gentleman offered to settle with the department for \$1750. He offered to settle, gentlemen, under a stress of circumstances, because he was driven to the wall, so to speak. He had to have the money; and I do not think there is a member here in this house who has not sometime or other in his life seen the time that he had to have the money; and I think, gentlemen, a lot of times a man is quite willing to sacrifice something upon his original claim in order to get his money and have the thing settled up. It was also brought out in testimony that very shortly after Mr. Fleming introduced this resolve into the highway department or an offer to settle, he mortgaged his place for \$1750, and this old man, some over 70 years old, went into the woods that winter and swamped with a crew because he was very hard up.

Now, gentlemen, after we reached our verdict we received word that if we did not cut that verdict down from \$2093.90 to \$1000, the Governor would veto it, but if we would submit to \$1000, the State highway department would not "put up any holler," nor the attorney general's office, and the governor would sign his name to that resolve.

Now, gentlemen, you can see the position in which we were placed. We gave a lot of consideration to that claim, and I believe that we reached a good, fair conclusion for everyone concerned; and if we had submitted to the one-man power which told us what we were to do, I submit to the members of this House that we were no longer fit to

remain in our seats in this House as legislators and to represent our constituents at home. Therefore, gentlemen, we rendered that verdict of \$2093.90, and we are going to stand by it until the last ditch; and I want to say right here that I am going to stand for this because I believe it is right and I believe every member of that committee believes that it is right, and I am willing to go down, gentlemen, with colors flying if I have to, but thank God that I stand upon the bedrock of justice and right. Gentlemen, I believe that we are right, and I ask you to support us in this resolve. Gentlemen, I thank you. (Applause)

Mr. VARNEY of Windham: Mr. Speaker, this Fleming matter is a matter of history. Four years ago we threshed it out the same as you are threshing it out now. It was proved to us at that time that Mr. Fleming was a man along in years, a man who could neither read nor write, could not read his blue prints of the work that he was doing, knew nothing about road building. This was the first contract the State ever let—the first piece of road-building that Mr. Fleming, or anyone else in the State of Maine, ever did; that Mr. Fleming was determined to do this work in his own way, regardless of the plans or the ideas and specifications of the commission. Mr. Fleming would start in to build a piece of road and cover grade. He would cut off too much of it and be obliged to fill it. He would start in to cut a grade and would not cut off enough of it, and would be obliged to go over and re-cut to come to the specifications.

It has been said that there were two men turned off or discharged. One of the men was Mr. Fleming's son, who was in business with him and worked with him on the contract. Another was his bookkeeper who would not work with Mr. Fleming. Therefore, they left the job, and for a time there was no one on the job who could look after the work, and the State loaned Mr. Fleming an engineer to see that the work was done. This man was paid by Mr.

Fleming, not by the State; he was Mr. Fleming's man.

Now in regard to this ditch business,—the fifty feet. This was simply a unit to get a contract from, and, as I understand it, Mr. Fleming's bid was for two dollars a linear foot for digging and filling this ditch; but the Commission verbally told him that they would not accept that bid, nor any bid over seventy cents, the same as they were paying all the other men,—the same as they were paying the man right at the end of the work where Mr. Fleming was at work. They paid him what they agreed to pay him; but there was quite a little work that was done, that was done under the direction of the engineer in charge, that they felt would be of benefit and that was a benefit to the road; and for that reason they felt that some compensation should be due Mr. Fleming, and, if I understand it, the Governor has intimated that one thousand dollars is all the money that is possibly due Mr. Fleming.

Mr. ROUNDS of Portland: Mr. Speaker, the Highway Commission for the second time said that they had produced all the evidence that they had, because they were asked specifically if they had any more evidence. No evidence was shown us, no copy of letter, or anything that they gave Mr. Fleming showing anything different from that bid that is on your desk now; now I want to say that they had no more evidence. Mr. Deering said that it did not make any odds, that they would do just as they were a mind to. Now I think the Legislature is a little mite over the highway department in certain things, and I want to say here that we took no account of this "V" drain work that Mr. Fleming was obliged to do. They made him put in eight inches, and you will see by the report here, on the lower part of this plan that it was a feather edge, and they found the feather edge would not stand up to the heavy travel put on that road, and they made that old gentleman put on eight inches more and made him haul it two miles and a half out

of his way for the engineer to look at. Now they come here and tell us that we do not know what we are talking about. That is what the Attorney General's office told us. I want it understood that I think we know as much about it as he, and I think we know as much about road building as he does. Therefore, I think we ought to pass this resolve, no matter whether the Governor says so or not. (Applause.)

Mr. FIKE of Eastport: Mr. Speaker and gentlemen of the House: I can add nothing to the very able presentation of this matter by the gentleman from Orono (Mr. Perkins). I do, however, desire to add this: that this is the court of last resort to determine the rights of Mr. Fleming. He has no right under the law to sue the State. The only court to which he can go is to the Legislature. The committee on claims have heard both sides of this case and given it careful consideration, and I submit, Mr. Speaker and gentlemen of the House, that the finding of that committee is entitled to great consideration by you. I hope the veto message of the Governor will not be sustained.

Mr. LANPHER of Sebec: Mr. Speaker, may we have the Governor's veto message read?

The SPEAKER: The Chair will read the message. (Message read.)

Mr. BRACKETT of Limington: Mr. Speaker, I think Mr. Perkins covered the ground very well, but there is one feature I would like to add to what he said. It was not admitted at all that there was a thing due Mr. Fleming until the second hearing, and then by cross examination of the Assistant Attorney General, it was finally admitted that there was five hundred dollars due him. That looked kind of strange to me.

The SPEAKER: The question before the House is, shall this resolve become law notwithstanding the objections of the Governor?

Mr. PERKINS of Orono: Mr. Speaker, I move that when the vote is taken, it be yea and nay vote.

The SPEAKER: The Chair will state that this is necessary by the Constitution. All those in favor of the passage of this resolve notwithstanding the objections of the Governor will say yes when their names are called; those opposed will say no. The Clerk will call the roll.

YEA—Adams, Alden, Anderson, Arthur, Audibert, Austin of Milford, Barnes, Baxter, Bean, Berry, Bowie, Brackett, Bradford, Bragdon, Brann, Brewster Brown, Burns of Madison, Buzzell, Carey, Carleton, Casey, Case, Cates, Chamberlin of Lebanon, Chamberlain of Winslow, Chaplin, Chellis, Clason, Clifford, Colcord, Cole, Conary, Corliss, Cowan, Crabtree, Crane, Cunningham, Dain, Davis of Old Town, Dolloff, Doyle, Dunn, Dunning, Dutton, Eaton, Fagan, Farnsworth, Farrington, Flint, Foss, Forbes, Fowles, Fuller, Furbish, Garcelon, Gilmour, Gray, Granville, Grinnell, Hanson, Hatch, Hinckley, Hisler, Holley, Houghton, Hussey, Jillson, Jones, Jordan of Cape Elizabeth, Jordan of New Gloucester, Langelier, Lanpher, Lausier, Leonard, Love, Macomber, Maher, Marr, Mason, McLeary, Miller, Millett, Morin, Mulligan, Murch, Murchie, Murray, Nelson, O'Connell, O'Leary, Orff, Overlock, Owen, Pattee, Peabody, Perkins of Boothbay Harbor, Perkins of Orono, Phillips, Pike, Plummer, Porter, Putnam, Reed, Ricker, Ridlon, Ring, Roberts, Rounds, Rowe, Rowell, Sanborn, Savage, Sawyer, Simons, Small, Smith, Stacey, Stanley, Stevens, Storm, Sullivan, Sweatt, Swift, Thomas of Harpswell, Thomas of South Portland, Tilden, Varney of Jonesboro, Varney of Windham, Warren, Washburn, Weatherbee, Williams of Auburn, Williams of Wells, Wilson of Presque Isle, Wilson of Portland, Wyman—137.

NAY—Daigle, Davis of Freeport, Greeley, Mitchell—4.

ABSENT—Allan of Portland, Allen of Sanford, Austin of South Berwick, Burns of Eagle Lake, Cochrane, Coulombe, Hammond, Leathers, Mace, Mathews—10.

At the close of the roll call Mr. Varney of Windham made the following statement: Mr. Speaker, I would like to change my vote from no to yes for this reason: I wish this man to have everything that is due him, but I think the amount is excessive.

The SPEAKER: The clerk will record the change of the vote of the gentleman from Windham, Mr. Varney.

One hundred and thirty-seven having voted yes and four having voted no, the resolve becomes a law notwithstanding the objections of the Governor.

The Chair lays before the House Veto message of the Governor on Resolve in favor of the trustees of Hartland academy, House No. 324, tabled by the gentleman from North Anson, Mr. Holley, pending consideration.

Mr. HOLLEY of North Anson: Mr. Speaker, I tabled this matter yesterday because the gentleman who introduced the resolve was not in his seat. I now yield to the gentleman from Harmony. Mr. Pattee.

Mr. PATTEE of Harmony: Mr. Speaker and gentlemen of the House, I believe that this money is justly and rightly due to Hartland academy; but in looking over the situation, and being in consultation with the educational department of the State, I find that there are other institutions of like character who are in the same position as Hartland academy, and it might work an injustice to those institutions if this became a law over the Governor's veto. Now, as you all know, the instances have been very rare of late when I could agree with the Governor, and if there is the least possible excuse for my doing so I want to embrace the opportunity. Mr. Speaker, I move that the Governor's veto be sustained.

The SPEAKER: The question before the House is, shall Resolve in favor of the trustees of Hartland academy for State aid for agricultural instruction for the year 1917-18 become a law, notwithstanding the objections of the Governor? All those who are in favor of its becoming a law, notwithstanding the objections, will answer yes; those opposed, no. The clerk will call the roll.

YEA—Dutton—1.

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

Elizabeth, Jordan of New Gloucester, Langelier, Lanpher, Lausier, Leonard, Love, Macomber, Marr, Mason, McLeary, Miller, Millett, Mitchell, Morin, Mulligan, Murch, Murchie, Murray, Nelson, O'Connell, Orff, Overlock, Owen, Pattee, Peabody, Perkins of Boothbay Harbor, Phillips, Pike, Plummer, Porter, Putnam, Reed, Ridlon, Ring, Roberts, Rounds, Rowe, Rowell, Sanborn, Savage, Sawyer, Small, Smith, Stacey, Stanley, Storm, Sullivan, Sweatt, Swift, Thomas of Harpswell, Thomas of South Portland, Tilden, Varney of Jonesboro, Varney of Windham, Warren, Washburn, Weatherbee, Williams of Auburn, Williams of Wells, Wilson of Presque Isle, Wilson of Portland, Wyman—133.

ABSENT—Allen of Sanford, Anderson, Cochrane, Coulombe, Cunningham, Hammon, Hisler, Leathers, Mace, Maher, Mathews, O'Leary, Perkins of Orono, Ricker, Simons, Stevens—16.

The SPEAKER: One hundred and thirty-three having voted in the negative, and one in the affirmative, the House sustained the Governor's veto.

The SPEAKER: The Chair wants to suggest that when we come to the next matters, which are tabled and unassigned matters, that the House give careful attention, as these bills and resolves are going along in a hurried way, and something is likely to escape the notice of somebody who is interested. I hope the House will give careful attention to these matters as they come from the table.

Mr. WILSON of Portland: Mr. Speaker, I move that the House reconsider its action whereby Senate Document No. 166, An Act relating to the registration and operation of motor vehicles, was given its third reading.

The motion prevailed.

Mr. WILSON: Mr. Speaker, I move the bill lie on the table. I would like to look it over. I think I would like to offer an amendment.

The motion by Mr. Wilson that the bill be laid on the table, without definite assignment, prevailed.

The SPEAKER: The Chair will call the attention of the House to the House order, under which all matters not specially assigned for a later day, will be taken automatically from the table every day, so that

everything comes off the table every day.

Mr. WILSON: Mr. Speaker, I understood that order takes effect tomorrow.

The SPEAKER: The Chair will state that it understands the order begins tomorrow.

Mr. HINCKLEY of South Portland: Mr. Speaker, I tabled this morning an act relating to carrying firearms. I move it be taken from the table.

The SPEAKER: Will the gentleman from South Portland, Mr. Hinckley, state the number.

Mr. HINCKLEY: Mr. Speaker, I did not get the number.

The SPEAKER: Does the gentleman refer to the report of the committee on conference?

Mr. HINCKLEY: Mr. Speaker, yes, the committee on conference.

The SPEAKER: We will pass this matter for the present and take up House Amendment A to bill, An Act relative to temporary loans by county commissioners, House No. 323, tabled by the gentleman from Portland, Mr. Allan, pending its adoption.

Mr. ALLAN of Portland: Mr. Speaker, I move that the amendment be indefinitely postponed.

Mr. WILSON of Portland: Mr. Speaker, I would like to inquire of the gentleman from Portland (Mr. Allan) if the amendment does not leave the law as it is?

Mr. ALLAN: Mr. Speaker, will the gentleman please repeat his question?

Mr. WILSON: I understand, Mr. Speaker, that this bill simply relates to the amount of temporary loans, and if the amendment should be annexed, as proposed, it would simply put the law back where it stands today.

Mr. ALLAN: Mr. Speaker, I do not want to go into the merits of the case. The amendment is so drawn that while it does not affect Cumberland county it will extend the amount of the temporary loans in Kennebec county \$200,000, and

Kennebec county people are not interested in it whatever.

Mr. ROUNDS of Portland: Mr. Speaker, I think you have heard quite a lot about Cumberland; perhaps all you want to. This bill No. 323, takes in Cumberland and Kennebec. It increases the borrowing capacity of these three people in Maine, down in the southwestern corner, almost, of Maine. It is really a one man affair, as two of them are fighting one another and threatening to knock the block off one another's shoulders. They have gone to work now and started a farm; or the Legislature started one for them in the first place. That farm cost \$19,000, and they have borrowed \$50,000 on that farm. They are good financiers—men who can get \$50,000 on a \$19,000 property. That is one thing they have done. They have gone to work to increase their debt limit before we increase it here. They owe one bank one hundred and some odd thousand dollars; I heard it was \$103,000, and one of the gentlemen in this House said it was \$103,000. That is not all, either. A few months ago they took it into their heads that they would endorse the county of Cumberland's notes for a bill they thought they might owe, but did not know whether they owed it or not. They endorsed it "County of Cumberland, by the commissioners of the county of Cumberland." Now they have gone to work with this farm, and with the sale of milk and pigs and the like, they could not pay what it cost them for the grain, besides what they raised on the farm. They had in their report, three inmates, I think, and it cost them over \$9,000 to keep them. Now, gentlemen, I do not believe the great county of Cumberland wants them to have any more drawing capacity—from \$75,000 up to \$200,000. I understand the gentleman from Portland (Mr. Allan) was going to make an amendment to this amendment, because I had not made it, as a lawyer says, right; and he was going to make an amendment that would be right. Now I would like to table this bill until tomorrow morning, and see if the gentleman can make one out so the county of

Cumberland will not be in the hole a number of hundreds—not hundred thousands, but hundreds of millions. I would like to see an amendment put on to Cumberland county same as you put on to the county farm of the gentleman from Gorham. I would like to have this tabled until tomorrow morning, so that the gentleman from Portland (Mr. Allan), who was going to make this amendment, may have it here to vote on tomorrow morning.

The SPEAKER: The motion to lay on the table takes precedence over the motion to indefinitely postpone. All those in favor of laying the matter on the table until tomorrow morning say aye; those opposed no.

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

The SPEAKER: At this time the Chair will state that the Conference report on the use of automobiles in hunting wild birds and animals is in the hands of the Chair.

Mr. HINCKLEY of South Portland: Mr. Speaker, I move that the matter take its regular course.

A viva voce vote being taken, the House adopted House Amendment A as recommended by the Conference report which the House accepted, and the bill was passed to be engrossed as amended by the amendment which was recommended by Conference committee's report.

The Chair lays before the House, House Amendment A to bill An Act relating to public health, House No. 331, tabled by the gentleman from Perham, Mr. Bragdon, pending its adoption.

Mr. BRAGDON of Perham: Mr. Speaker, I yield to the gentleman from Fort Fairfield (Mr. Sawyer).

Mr. SAWYER of Fort Fairfield: Mr. Speaker, I do not understand what the bill is

The SPEAKER: The Chair will state that this was a bill tabled by the gentleman from Perham, Mr. Bragdon, An Act amendatory and additional to Section 121, Chapter 19, of the Revised Statutes relating to

public health, and upon that matter an amendment had been presented.

Mr. SAWYER: Mr. Speaker, I want to say that there has been a good deal of misunderstanding about this bill. Now it is a very simple matter. I want to say further that if this was my own personal bill, and my own personal views, it would not be entitled to a great amount of consideration; but I represent in this matter the State department of health, and also the Maine Medical Association at their request. This prophylactic treatment is very simple indeed. It is adopted and used by the medical fraternity of the country. Nineteen states have already adopted it. This bill comes here from the National Association for the Prevention of Blindness, asking this Legislature to pass this bill. You understand that from 40 to 50 per cent of the cases of blindness in this county today are due to this one cause, which is an inflammatory disease of new-born babies. The prophylactic treatment is simply a one per cent solution of nitrate of silver dropped in the eye; that is the one commonly used, and it is used in practically all the states where it is the law. That means one grain of this nitrate of silver dissolved in one hundred drops of water. That amount would be sufficient for half a dozen babies, but even if they should be careless and drop half of it in the eye and fed the baby the rest of it, it would not do any harm; it would be perfectly harmless. Now if we can do this much to prevent blindness, for Heaven's sake, let us have the law and see that it is enforced.

The SPEAKER: The question is on the adoption of House Amendment A and that amendment is printed bill, House No. 331. All those who are in favor of the adoption of the amendment will say aye; all those opposed no.

A viva voce vote being taken, the House adopted House Amendment A, and House Document No. 90, as amended by House Amendment A received its second reading and was assigned for its third reading tomorrow morning.

The Chair lays before the House, reports from committee on sea and shore fisheries, majority report, ought not to pass, minority report, ought to pass, on bill, an Act relating to the granting of lobster licenses, tabled by the gentleman from Boothbay Harbor, Mr. Perkins, pending acceptance of either report.

Mr. PERKINS of Boothbay Harbor: Mr. Speaker, I move that the bill lie on the table.

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

Mr. BARNES of Houlton: Mr. Speaker, of course it is alleged around through the House here that somebody has got a pound full of lobsters that are a little short, and if we delay this long enough the lobsters will grow long enough so he can sell them, and get his money out of them. Now I sympathize with a man who is caught with that amount of goods on his hands. It is also alleged that in the Senate there are some amendments to this bill. Why the amendments are so far removed from the bill, I do not, of course, understand, because I do not understand the workings of the mind of a man that has got a pound full of lobsters that he wants to grow to the size that he can dispose of; but I make the motion that this lie on the table until tomorrow.

A viva voce vote being taken, the motion prevailed.

The SPEAKER: The Chair will state that from a parliamentary standpoint, intervening business has to come before you can renew a motion of that sort; but I think it will expedite matters.

The Chair lays before the House, report of committee on legal affairs, ought not to pass, on bill, an Act relating to nominations by primary elections, House No. 335, tabled by the gentleman from Bingham, Mr. Dutton, pending its acceptance.

Mr. DUTTON of Bingham: Mr. Speaker and gentlemen of the House: I desire very briefly to state my position upon this matter. Previous to the primary election—previous to coming before the voters of my dis-

trict for election as representative here in this body, I made a public statement that, should I be elected, the first act that I would attempt to do would be to introduce a measure looking for the repeal of the present primary law. To give you some idea of the sentiment in Somerset county relative to the primary law, I may say that I was re-elected by an increased majority after having made that statement. If there is a county in the state which has seen perhaps more of the iniquities of the primary law, it is Somerset county, and I mention Somerset county because I believe it is a fair representation of many other counties in the state; perhaps not all of them, as I am informed there are counties where the primary law has worked satisfactorily; but I believe you will agree with me the tendency has been to nominate the candidates in the larger towns or larger cities of the state. In Somerset county, gentlemen, last fall every single county officer, with the exception of one, was nominated in the town of Skowhegan. Now I do not blame those candidates for that condition of affairs, nor do I find any fault with the qualifications of those candidates, but a law that permits the nomination and election of all the officers of the county from one town is not conducive to good government in any county. True, they elected one officer, a member of the Senate, outside of Skowhegan, but he comes from a town so close to Skowhegan that the very smoke from the chimneys in Skowhegan falls upon his town. Two of our county commissioners in Somerset county come from Skowhegan, and after we have another election, the additional county commissioner will no doubt come from that town. I mention this condition of affairs in Somerset county because, as I say, it represents a condition which really exists in many counties of the state. You might say that there were counties where this condition of affairs was prevented by the efforts of the voters themselves. There may possibly be. I believe, gentlemen, there was an honest effort in Skowhegan to remedy this condition of affairs at the last prim-

ary, but in spite of their honest efforts to make a fair distribution of the candidates in that county, still the result was as I stated. There is another reason, gentlemen, why I object to the workings of the present primary law. It is because in a state-wide primary—when a man is required to enter into a primary, and make a state-wide canvass and a state-wide campaign in the primary, and then again make another canvass, which is state-wide, at the polls, it lays a financial burden upon the candidate, and it is only the man with great wealth who is able to take advantage of the primary law. This measure has been urged, gentlemen, as a people's measure, but I believe you will agree with me that, in its workings, it has proved to be a rich man's measure instead of a poor man's measure.

There is another reason, gentlemen, why the primary law has proven unsatisfactory. In case of several candidates entering the primary for state-wide offices, it is possible for the minority to nominate the candidate for any state-wide office; it is possible for the majority not to rule in the matter. This measure was put upon our statute books by direct vote of the people. I feel, gentlemen, that it should not be repealed except by direct vote of the people. I think, perhaps, that while the sentiment is strong in the State of Maine for its repeal; I think that while the Democratic party, as a party, is afraid to touch it; I believe that while the Republican party, as a party, is afraid to repeal the primary law, yet, gentlemen, there is throughout the state a strong sentiment for its repeal, and I believe we should at least refer the thing back to the people and allow them to express their opinion upon it. I can see no harm in that. No man, in that event, will be committing himself to any proposition which he will not be able to explain at home. If there is this widespread dissatisfaction—and I believe there is and I believe that men honestly believe the primary law has worked out contrary to all of its expectations—then I can see no harm in allowing the people upon our books

the opportunity to express themselves upon it now that it has been tried, and if the people of the State of Maine are satisfied with the primary law, and they so expressed themselves, then, gentlemen, it will be up to those who are opposed to it, and who do not believe in it, to keep quiet and make no more noise in regard to the matter. I believe that it will be possible to refer this matter to the next general election and allow the people to express their views upon it at that time, and to make provisions that it should become a law, should they repeal it, on the first day of January, 1921. It would then put it up to the next Legislature to establish the means whereby we would nominate future candidates. It would permit, at the entire session of the next Legislature, an opportunity to consider the matter; to take all of the different views and embody them in one just and equitable manner of nominating candidates. Gentlemen, in view of that idea, I wish that we might substitute the bill for the report, in order that I might offer an amendment to the bill, which provides for its reference to the people.

Mr. HINCKLEY of South Portland
Mr. Speaker, I presume that we have no law on the statute books but that objections can be found to that particular law. I recall before the primary law was enacted that it was common talk that we should have some law whereby the people could nominate their candidates instead of having them picked out by bosses, and with that in mind largely I presume the people passed the direct primary law. Now it has not worked perfectly. No law works perfectly or to the satisfaction of every person. It is true that there has been more or less criticism of the direct primary law on account of the fact that the large centers have the advantage so far as nominating candidates is concerned. My mind goes back to the last election in the largest county in the State, and I wish to call your attention to just how the direct primary worked in that county, and see whether or not the argument that the large city has the advantage or not is always correct. In the county of Cumberland, at the last primary election,

there were several candidates for State senator. I think, if I remember correctly, four were voted for who were residents of the city of Portland. There were several other candidates from the outlying districts; but when the primary vote was counted it was ascertained that two men from Portland were nominated and two from the country district. At the same primary election there was a candidate for sheriff from the city of Portland—a man who had lived there for many years, well known—and an other candidate for sheriff from an outlying district. The candidate for sheriff who lived outside of Portland was nominated. There were several candidates for county commissioner—one of them a resident of Portland, and others outside of Portland. When the votes were counted the county commissioner who was nominated was the man who lived in New Gloucester, one of the smallest towns in the country. At the same primary election there were two candidates for clerk of courts; one of them a lawyer who lived outside of the city of Portland, and the other a prominent attorney in the city of Portland. When the votes were counted the country attorney was nominated for clerk of courts; something that never before happened in the history of Cumberland county. Now that is the result of the primary election in the largest county in the State and in the county which has the largest city. The citizens of Portland have been educating and talking to the people along this line and I am convinced that the primary law is not standing in the minds of the people today in the disrepute that it was three or four years ago, because the people are getting accustomed to nominating their candidates. They understand it better and they are considering the primary elections more seriously. Perhaps it is only natural because with our daily papers in Cumberland county the people became educated more quickly to consider this matter seriously and from a practical standpoint than some of the other counties.

The serious objection to this particular proposition is this: This matter came before the legal affairs committee and the bill as presented to us for

our consideration—the bill which was presented to the legal affairs committee—is just two lines and a half, which I will read: “Chapter 6 of the Revised Statutes from Section 1 to Section 53 inclusive is hereby repealed together with all amendments thereof.” Now I cannot conceive of any person proposing such a law without offering a substitute. I assume that the gentleman from Bingham (Mr. Dutton) in order to keep the pledge he made to his constituents felt it necessary to put in the bill repealing the direct primary. He always keeps his promises to his constituents. But, Mr. Speaker and gentlemen, if this law is repealed we are left with absolutely no machinery whereby candidates for office can be nominated. That is the situation we are in. The gentleman says he has some vague proposition to refer this to the people to be voted upon at some election in the future, and it shall become a law January 1st, 1921; but no matter when it becomes a law, unless a substitute is offered we have no way of nominating candidates; we are absolutely in the dark. I cannot conceive of this Legislature going ahead and repealing the only law we have got whereby candidates can be nominated for office. It is inconceivable to me, and it is inconceivable that such a bill should be put in here without a substitute. We urged the gentleman from Bingham that if he had any substitute to present to us we would consider it in connection with this, and if we believed it was better than this we would give it every favorable consideration; but no substitute was offered to us, and we were left with the alternative of making a report ought not to pass or reporting ought to pass on the bill which would take all of the machinery for nominating candidates in this State away from us.

Mr. DUTTON of Bingham: Mr. Speaker, I am sorry that the gentleman from South Portland (Mr. Hinckley), found it necessary not to treat this proposition fairly. Now he says that I have a very vague proposition to be submitted to the people at some very indefinite and distant time. I will state that the amendment which I propose to sub-

mit, and which I stated in my previous remarks would refer it to the people at the next general election, would take effect on the first day of January, 1921, the day on which the Legislature will convene; and there would be ample time for the next Legislature to devise means of nominating candidates previous to any time that it would be necessary to nominate them. I simply wish this thing referred to the people of the State of Maine in order that they may vote upon it, and if there is anything unfair, if there is anything indefinite, if there is anything vague about that proposition, gentlemen, then vote against it.

Mr. HINCKLEY: Mr. Speaker, I arise to inquire through the Chair whether or not the gentleman from Bingham (Mr. Dutton) provides any substitute for it, or whether or not when this is voted upon by the people, as proposed, if the people accept it, we have any machinery for nominating officers or whether it will leave us without any?

The SPEAKER: The gentleman from Bingham, Mr. Dutton, may reply through the Chair.

Mr. DUTTON: Mr. Speaker, I do not propose to offer, at this time, a substitute for the primary law. I believe that if the primary law will nominate, elect and send here to the next Legislature a body of men incompetent to draft a measure which will be superior to the present method of nominating candidates, then, gentlemen, that is sufficient argument why the primary law should be repealed.

Mr. LANPHER of Sebec: Mr. Speaker, it seems to me that to vote intelligently on this proposition, the people ought to have some idea of what is proposed to take its place. I want to add a word to what the gentleman from South Portland (Mr. Hinckley) said. I was charged with reporting this bill back to the House, and the gentleman from Bingham (Mr. Dutton) asked us to hold up the report until he could offer a substitute, and we did hold it up for several days. Finally he told me that he had no substitute to offer and so the report came in. Now we want to understand just what we are voting

on. We want to understand, as the gentleman from South Portland (Mr. Hinkley) says, that if this bill becomes law, it leaves an absolute hole in our statute, with no machinery at all for nominating candidates. I remember the gentleman from Bingham (Mr. Dutton) said before the committee that he "cut out the sore, and expected us to dress the wound", but the committee of course had no time to give to this—to study into it and to prepare a law to take its place, even if we thought it was best to do so. It seems to me that it is not necessary to argue on the merits of this direct primary law before the House. We know that if this question is referred to the people, they will endorse this direct primary law with a vastly greater majority than it was endorsed before. There is some dissatisfaction with the law, and there are some of the old-time politicians—some of the old ring-leaders—who are hankering for the fleshpots, and the old caucuses of the convention system; but let me tell you that the people of the State of Maine will never consent to go back to that old caucus system.

Mr. BUZZELL of Belfast: Mr. Speaker and gentlemen of the House: I do not propose to say very much on this bill, but it was not a great while ago, you know, in this House that, passing back and forth from this side of the House to the other, were words friendly in a way, with no uncertain meaning, and at that time I made a sort of a prophecy. At this time I do not wish to argue one way or the other, but to say this, in relation to this great subject. Today we are considering the repeal of one of the organic laws of this State, and that is the direct primary. Some days ago, I took a chance in saying that you would not repeal it. I now look into your faces with a great deal of pleasure because I think it is just as true now as it was then, whatever the argument may be one way or another. Now this is a beautiful condition to be in—beautiful condition. We all know how each one of us feels. I cannot say that I am over-pleased with the primary law; I cannot say that it has worked out in

justice to all candidates here, there and everywhere in the State of Maine. But, gentlemen of this House, we have not had this law but a short time. None of us have had an opportunity to return to our home town and there take the pulse of our constituents. It was my purpose at the end of the week, and before I returned at the beginning of the next week, to talk with 50 odd men in my city, and I wish to give you the benefit of my experience and what I found out. I talked with 57 different men—Democrats and Republicans—representative citizens—without making argument to them one way or the other, and 33 were not in favor of the repeal of this law, and 24 were. If all of you have made as careful an investigation as that, and have found the same conditions as I have, do you want to take one of the chapters of our revised statutes, under which we have been operating for the last few years, cast it aside and have nothing put in its place? Now, mark you, I have no particular feeling for this law, in a way, but I rather believe, as the gentleman from Sebec (Mr. Lanpher) said, if this was put to the people again they would say, "leave the reins in the hands of the people a while longer." Now that is my judgment. I would not say for a certainty. I am going to leave you with the same condition that you were in when I commenced talking, because I feel that I am just as sure to live to see the prophecy that I made at the beginning of this session fulfilled, as I was when I made it. You know what the argument was then. Our friends, the Democrats in this State looked at the situation in the same light that we did. They said, take us away from the caucuses; take us away from the men who gather at the county seat and the night before caucus and make the destiny of any candidates that see fit to present themselves for nomination. Oh, how that went like wildfire over the State of Maine! How that appealed to the voters of this State when they thought they were going to be placed in direct contact with the situation

and be able to express their will in no uncertain terms. Why, that was a glorious proposition. I submit that it has worked well in some instances, and not so well in other instances. As has been said, what have we got here of this law is repealed at this time? We have not any law in the State of Maine that will provide for the election of a single one of you. Why, gentlemen of this State, you are left stranded for working machinery that you may, in two years from now, elect other equally as good men to fill your places. How are you going to vote? I thank you.

Mr. MAHER of Augusta: Mr. Speaker, unfortunately I was not present when the first part of the discussion took place. What is the status of this?

The SPEAKER: The Chair will state that the report of the committee on the bill was ought not to pass. The pending question is the acceptance of the report. The gentleman from Bingham, Mr. Dutton, has moved to substitute the bill for the report.

Mr. MAHER: Mr. Speaker, what was the pertinency of the gentleman's remarks as to a decision by the people to take effect January 1st, 1921? What was the point of that?

The SPEAKER: The Chair will ask the gentleman from Bingham, Mr. Dutton, through the Chair, to explain to the gentleman from Augusta, Mr. Maher.

Mr. DUTTON: Will the gentleman from Augusta, (Mr. Maher) repeat his question?

Mr. MAHER: The gentleman from Bingham (Mr. Dutton) made some reference in his remarks to the law taking effect January 1, 1921. I did not get the effect of that.

Mr. DUTTON: Mr. Speaker, there seemed to be in the remarks statements to the effect that it is proposed to repeal this law here by our vote today. My desire and intention is to substitute the bill for the report. I would then offer an amendment to the bill which would refer it

to the people at the next general election, the law to take effect on the first day of January, 1921. The candidates for the next session would then have been all re-elected. They would be here, representatives of the people, to take such action in framing a new law as their judgment might indicate.

Mr. MAHER of Augusta: Mr. Speaker, the matter now is perfectly clear to me. Perhaps nobody has addressed themselves to that, and I will not take much time in doing so. If I thought this was really a serious attempt for the repeal of the direct primary law, or if I thought there would be very serious attention given to the proposition, I should be prepared to discuss at some length the merits or demerits as against the prospective system or the old system; but with reference to this proposition, more or less practical upon its face, why we have been hearing a great deal about Legislative prerogatives. We want to start out and proceed upon sound premises, and not get away from the idea of legislative prerogatives. The suggestion of the gentleman from Bingham (Mr. Dutton) is not only untenable, but illegal; because it is a delegation of an undelegatable power, to wit: The legislative power of the state and the people. It cannot be done in my judgment, and I will say in support of that, that it was attempted in Massachusetts and the opinion of the justices of the supreme court of Massachusetts was asked upon that, and their opinion was to that effect, which will be found in the 160th Massachusetts Reports. In other words, a legislature can neither avoid, escape, or dodge its responsibility upon a proposition to repeal or not to repeal; that is for the legislature to say. They cannot repeal contingent upon the acceptance by the people, because that is a delegation of an undelegatable power, to wit, that which we have heard a good deal about—our sovereign Legislative rights.

Mr. PIKE of Eastport: Mr. Speaker and gentlemen of the House:

I desire to state, through the Chair, in answer to the gentleman from Bingham (Mr. Dutton), that the Democratic party is not afraid to discuss the direct primary, or to favor its repeal, if its repeal is desirable. I will remind the gentleman from Bingham (Mr. Dutton) that the Democratic party is taking no steps backward, and that the direct primary law is one that should not be repealed. It is one which, in my judgment, the people of Maine, by a large majority, will support and sustain. This thought occurs to me in this discussion: Let us assume, gentlemen, that the direct primary is submitted to the people of Maine, and the people vote against it; then it becomes the duty of the next Legislature to pass some legislation for the nomination of candidates for public office. Let us assume that the next Legislature passes some kind of a law and, at its adjournment, a referendum is had, to go to the people at the next election. Then, gentlemen, what a chaotic condition you are in. You have repealed your direct primary. You have attempted to legislate some other machinery for the nomination of candidates, and it is held up by a referendum. Why, gentlemen, such a condition as that would be chaos. I, gentlemen, am in favor of submitting great public questions to the people when there is great sentiment for that submission. It has not been shown that there is any such sentiment. I hope we are not to take a step backward to the old, corrupt caucus system where the bosses of all political parties dictated the candidates for office. Speaking for the minority party in this House, I want to state that it is opposed, in my judgment, to taking such a step backward.

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

Mr. BUZZELL: Mr. Speaker, I move that when this vote is taken, it be taken by yeas and nays.

A sufficient number not having arisen, the motion was lost.

A viva voce vote being taken, the motion to substitute the bill for the report failed of passage.

The SPEAKER: The pending question is the acceptance of the report.

Mr. HINCKLEY of South Portland: Mr. Speaker, I move the acceptance of the report.

A viva voce vote being taken, the report, ought not to pass, was accepted.

The Chair lays before the House, report of committee on judiciary, ought not to pass, on An Act to prevent the illegal assessment of taxes or the abatement thereof, tabled by the gentleman from Bingham, Mr. Dutton, pending consideration.

Mr. DUTTON of Bingham: Mr. Speaker, this measure was introduced in this House by me, looking to the prevention of continuing a practice which has worked with great injustice to the taxpayers of the State of Maine. We have a condition which has grown up in this State of towns voting to exempt property from taxation, which is illegal, and which is contrary to the provisions of the constitution of the State of Maine. This condition has been practiced to such an extent that when any industrial plant is ready to locate in the State of Maine they at once begin to ask for bids from different towns as to what inducements they will offer by way of exemption from taxation. Now this condition has continued until in many towns in the State of Maine it has worked a serious injustice. It is a fact, gentlemen, that the State of Maine today has exempted on this proposition, as admitted by the State assessors, a great deal over a million dollars of property. If an actual inventory was taken it would greatly exceed that amount. As an illustration of the conditions which exist I would call your attention to the fact that at Saco there is \$31,000 of exempted property which is exempted illegally and in direct opposition to the provisions of the constitution of Maine. Houlton has \$40,000 of exempted property. Augusta—situated here, down under the dome of

the State House, where all laws are supposed to be passed, which we are expected to obey—has \$167,000 of admitted exempted property, and if an honest census was taken would exceed more than half a million. The result of this condition, gentlemen, is that it places the burden of taxation upon the average taxpayer. It takes it off from large mercantile and manufacturing establishments and places the burden of taxation upon the average taxpayer—upon the man with a small home—upon the man with a small business—and it works an injustice. My own home town has \$100,000 of exempted property, as admitted to the State assessors, and, gentlemen, if an actual inventory was taken today it would exceed half a million—our town bearing a tax rate of 32 mills. Think of it! Exempting nearly as much property as we are taxed for! Madison, another town along the Kennebec, has \$200,000 of admitted exempt property. Gentlemen, the tax rate in Madison is 27 mills and on \$200,000 of exempted property there would be a tax exemption of \$5400, which has to come out of the pockets of the other taxpayers when it should apply upon the property which is amply able to bear that burden of taxation. In addition to that, gentlemen, there is \$1500 of State taxes that the average taxpayer is required to pay on his property on account of the property which is exempted. That is a fair sample of the conditions which exist in the State of Maine. In talking with the members of the committee which reported this bill, ought not to pass, I asked them what their objections could possibly be to a provision which would prevent future illegal taxation of property or illegal exemption thereof, and they stated to me, and I think I am stating it correctly, that their only objection would be that it would interfere with present existing agreements or contracts between towns and different industries. Well, gentlemen, it is possible that that is an argument why this measure should not pass, and I am perfectly willing to admit that, and should we be able to substitute the bill for the report I wish to offer an amendment which will provide that this law shall not apply to any existing con-

tracts or agreements between any town and any property holder—any agreement made previous to July 1st, 1919. This, gentlemen, would place every man's property on a fair and equal basis of taxation. It will place the burden of taxes where it belongs, with fairness to everybody, with injustice to none, and, gentlemen, it will drive down the stake and prevent towns in the State of Maine from continuing to vote to illegally assess these taxes.

Early in the session, gentlemen, we subscribed to the oath to uphold the constitution of the State of Maine. Now for generations this provision of the constitution which says all property shall pay its equal burden of taxation has been evaded. They say there is sufficient law now. If there was sufficient law now, gentlemen, to prevent the illegal assessment of taxes it would be prevented. I understand there is a provision of law whereby 10 or more citizens may petition the court and restrain the assessors from exempting any property. I think I am correct in stating that there is only one instance where this has been done. Now, if we have a condition of affairs which the present law has not prevented, it would seem to me we should drive down the stake and prevent any further illegal abatement of taxes or assessment thereof. I move, gentlemen, the substitution of the bill for the report, after which I would like to offer the amendment which I have mentioned.

Mr. HINCKLEY of South Portland: Mr. Speaker, I dislike very much to oppose the gentleman from Bingham (Mr. Dutton) on this matter; but let us see just what the proposition is. I believe the State of Maine today is entering upon its greatest industrial development. I believe there is a great future for the State of Maine along industrial lines. Massachusetts and New Hampshire today, under their law, can abate taxes on industrial enterprises that wish to locate in their respective communities. I believe it is of the greatest benefit to the State of Maine to permit the various communities in the state to have this same right. It is true that in the past,—it is true that at the present time, there is a large amount of property

which is not paying taxes on account of the action of the various municipalities; but it resolves itself into this: Somebody proposes to establish a manufacturing plant, or perhaps to remove an already well-established manufacturing plant, or to establish a plant of some kind already in existence. The various cities and towns in Massachusetts and New Hampshire are striving, through their chambers of commerce and their boards of trade, to induce those manufacturing enterprises to establish in their town, because they know, and you gentlemen know, that every time a new business proposition comes into your town and builds a plant which perhaps costs \$50,000, it not only brings with it that plant, but it brings more than \$100,000 or \$200,000 worth of homes into your town from which you can get taxation. Now the question is this,—it comes right down to every citizen,—if a manufacturing proposition was put up to your town whereby a plant could be established costing perhaps \$50,000, which would give employment to 100 or 200 men, thereby bringing that amount of population into your town, making it necessary to have homes for them to live in and increasing the business in your town, would it not be good business for you to arrange to abate the taxes for a period say of 10 years in order to get that industry in there? Lose the \$50,000; it is new matter, and it would not be in your town under other conditions. Lose perhaps \$50,000 worth of taxable property for 10 years, and get perhaps \$200,000 in new building and other incidental matters which come in in connection with it. Is not that a good business proposition? I wish there was a statute in this state which provided definitely, as the law of Massachusetts and New Hampshire provides, that the towns and cities would have a right to do this. That is what I would like to see, and I wish that was the law in this state. I tell you, men, we have slept long enough in the State of Maine. It is time we wake up and be progressive, and put the State of Maine in the forefront among the states of the Union, where with its great water power, its natural ad-

vantages, its men of brilliance and intelligence, it should be. Let us not go back; let us not tie our hands. Why, we have today several enterprises which are contemplating coming to my city and building plants there. During the past 15 years there have been manufacturing industries which have been induced to come from Massachusetts and locate in the city of South Portland, and the taxes were abated for the period of 10 years. Those plants have built up our city, and those plants are now paying us more than \$10,000 in taxes because the 10 years have passed. Men, let us look after the interests of our town. Let us forget this proposition that we are losing perhaps a million dollars in taxes, and let us remember that where we lose a million, we have gained five million.

Mr. FLINT of Monson: Mr. Speaker, I move the previous question.

The SPEAKER: All those in favor of giving consent to entertain the motion for the previous question will arise.

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

The SPEAKER: Shall the main question be put now? All those in favor will say aye.

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

The SPEAKER: The question before the House is the motion of the gentleman from Bingham, Mr. Dutton, that the bill be substituted for the report. Those who are in favor of the motion will say aye; those opposed no.

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

The SPEAKER: The question is on acceptance of the report. Is it the pleasure of the House to accept the report of the committee, ought not to pass? All those in favor say aye; those opposed no.

A viva voce vote being taken, the report of the committee, ought not to pass, was accepted.

The Chair lays before the House resolve appropriating money to provide offices for the Adjutant Gener-

al's Department and fireproof apartments for records thereof, House Document No. 211, tabled by the gentleman from Houlton, Mr. Barnes, pending motion to insist.

Mr. BARNES of Houlton: Will the Chair state the position of the matter at present?

The SPEAKER: This bill was passed to be engrossed by the House without amendment. It came back from the Senate passed to be engrossed as amended by Senate Amendment A, and the pending question was the motion of the gentleman from Portland, Mr. Rounds, that the House insist on its action that the bill be engrossed without amendment and asking for a committee of conference. It was then tabled.

Mr. BARNES: Mr. Speaker, I would like to inquire of the gentleman from Portland, Mr. Rounds, whether he at this time wishes the House to continue to insist upon its first action, or whether he is ready to withdraw his motion to insist and appoint a committee.

The SPEAKER: The gentleman from Portland, Mr. Rounds, may reply through the Chair.

Mr. ROUNDS: Mr. Speaker, I would like to have the amendment read.

(The Speaker reads the Senate Amendment).

Mr. ROUNDS: Mr. Speaker and gentlemen of the House: We all know that there are untold records lying around at the present time in the Blaine mansion. It looks to me as though \$10,000 would not be enough to provide for the records for the great State of Maine for the years to come. Therefore, let us build for a few years more than the present time. Ten years ago I was the man who put in a resolve for an enlarged State House. Today we find that the occupants of the State House have outgrown it. They are quartered in the Blaine mansion, they are quartered over the river—not with the criminal insane (laughter) as perhaps we ought to be (laughter); but the time has come now when we should build for the future. I for one hope that

we insist and ask for a committee of conference, and that we stand by our vote whereby we passed this resolve to be engrossed, and had \$15,000, so that we can protect the records of the State of Maine for a few years to come and for the present time.

Mr. BARNES of Houlton: Will the Speaker state to the House the amount this resolve will carry if the Senate Amendment is adopted?

The SPEAKER: If the House members will take House Document 211, which is the original document, the Chair will again read the amendment. (Amendment re-read).

Mr. FOWLES of Lagrange: Mr. Speaker, may I inquire if this \$15,000 is provided for in the budget?

The SPEAKER: The gentleman from Houlton (Mr. Barnes) may reply through the Chair.

Mr. BARNES: Mr. Speaker, the amendment offered in the Senate was simply to reduce the amount in House Document No. 211 to conform to the recommendations of the Governor in his budget, which provided for \$25,000. The bill calls for \$20,000 and \$25,000 has been appropriated. I was very much in hopes that the gentleman from Portland (Mr. Rounds) would withdraw his opposition, and let us now get five-sixth of the protection that the bill would give us, and five-sixths is much better than no protection. The original resolve asks for \$30,000. The Governor and Council in making out the budget provided \$25,000. It seems to me better to start with \$25,000,000 and get a measure of protection at once.

Mr. ROUNDS: Mr. Speaker, if they will build that building, I am willing to withdraw my motion, but I do not want to come here, or see these people come here, in two or three years from now, or four years, and have to make another appropriation to take care of the records of this great State. Therefore, I will withdraw it at the present time if the budget, so-called—it is not a budget but a lot of figures got up by the Governor and Council, and we are trying to follow in their footsteps. I am willing to withdraw my motion.

Mr. BARNES of Houlton: Mr. Speaker, I move that the action of the House whereby we voted to insist and call for a committee of conference be reconsidered.

The SPEAKER: The Chair will state that that motion had not been carried and was simply pending. Is it the pleasure of the House that the motion be withdrawn with the consent of the gentleman from Portland, Mr. Rounds?

The motion prevailed.

The House thereupon voted to reconsider its action whereby the resolve was passed to be engrossed.

Mr. BARNES: I now move that we concur with the Senate in the adoption of Senate Amendment A.

Mr. BERRY of Waterville: Mr. Speaker, I do not fully get all this talk that is going on here, and I would like to understand this matter. When this was heard before the committee on military affairs a blue print was shown to the committee, specifications were given and the amount of money that would be required to build such a suitable building. Now I would like to inquire through the Chair of the gentleman from Houlton (Mr. Barnes) if it is proposed to exceed \$25,000, or do you propose to build an inferior building for that purpose? I do not understand what the gentleman means by taking five-sixths.

The SPEAKER: The gentleman from Houlton, Mr. Barnes, may reply through the Chair.

Mr. BARNES: Mr. Speaker, I would be pleased to state that over again. If the busy members of the House would attend to the discussion as it moves along from start to finish, I do not believe there would be any great trouble about it. If they will open their books to House Document No. 211 they will find that it is provided that the adjutant general under the direction of the governor and council shall proceed to contract for, prosecute and superintend the construction and completion of such enlargement and alterations of the adjutant general's office. Now the resolve as reported in provided that thirty thousand dol-

lars be available. That thirty thousand dollars was not the sum which the gentleman who drew up the estimate of the amount of money to be raised and appropriated by this Legislature in their wisdom considered sufficient. On Page 7 of the budget prepared by the governor and council we find a recommendation for office building for Adjutant General's Department, \$25,000. Now it was feared that this House Bill 211 would be vetoed if it went through carrying thirty thousand dollars; and if I have made myself plain to the leader of the minority I will say no more.

Mr. BERRY: Mr. Speaker, the book was open and was open when the gentleman started to speak, and I have some knowledge of this bill. He speaks about getting five-sixths of the appropriation. Now if five-sixths is not adequate, or is not the proper thing, I had rather see the matter go by the board myself. I cannot hardly understand this budget proposition that has been put up. I can hardly understand how the budget committee and the Governor can put it up to us that we shall pay so much and no more. We have a military committee for this very purpose, and I for one believe that the bill should go as it was reported in. I simply want to register that in order that it may be entered as a part of the record.

Mr. RIDLON of Corinna: Mr. Speaker, the members of the committee on military affairs, when this matter was brought before it, were shown plans and specifications by the adjutant general and they were taken under consideration. Under those plans and specifications it was stated that it was necessary to have thirty thousand dollars for the construction of this building; that the department had out-grown its quarters at the State House; that it was for the present being quartered in the Blaine Mansion; and that there were records that required extreme care and necessitated a building of fire-proof construction. The committee reported this bill as be-

ing what they considered reasonable and proper for the construction of such a building. These estimates were made, and if it requires thirty thousand dollars to build such a building, I believe there is no reason why a less amount should be appropriated for that purpose. I hope this House will see fit to carry this matter through and allow that appropriation of thirty thousand dollars that was estimated at that time.

The SPEAKER: The pending question is the adoption of Senate Amendment A.

A viva voce vote being taken, Senate Amendment A was adopted; and on motion by Mr. Barnes of Houlton, a viva voce vote being taken, the resolve was passed to be engrossed as amended by Senate Amendment A in concurrence.

Unanimous consent being given, the following Resolve was received from the Senate out of order:

"Resolve in favor of certain members of the 26th Division.

Whereas, the 26th Division, A. E. F., is about to return from foreign service and disembark in the city of Boston, and

Whereas, a review of said 26th Division is to be held before officials of the State of Maine in said Boston during the month of April, and

Whereas, many members of the 26th Division are now in Maine at their respective homes, in advance of the balance of the division, including the peerless 103d, so largely made up of the former 2nd regiment, N. G. S. M., and

Whereas, an appropriation of money to make it possible for the state to assist in the celebration of the return of her heroes is an emergency measure immediately necessary for the public peace, health and safety, Now, therefore, be it

Resolved: That there be and hereby is appropriated, out of any moneys in the treasury not otherwise appropriated, a sufficient sum of money to defray the traveling and incidental expenses of each returned member of the 26th Division, A. E. F., from his

residence to Boston and return, for the purpose of participating in the welcome and review of the 26th Division, said money to be expended under the authority and direction of the adjutant general.

Section 2. In view of the emergency cited in the preamble this act shall take effect when approved.

This comes from the Senate read twice under suspension of the rules and passed to be engrossed.

On motion by Mr. Barnes of Houlton, the rules were suspended and this unprinted resolve given its two several readings and passed to be engrossed in concurrence with the Senate.

The Chair lays before the House majority report and minority report from the committee on public health on bill an Act relating to medical inspection of school children, House Document No. 148, tabled by the gentleman from Perham, Mr. Bragdon, pending acceptance of either report.

Mr. BRAGDON of Perham: Mr. Speaker, may I ask what the present status of this bill is?

The SPEAKER: The Chair will state for the benefit of the House that two reports came in, the majority, ought to pass, and the minority, ought not to pass, and the matters were tabled pending the acceptance of either report. The report ought to pass evidently by some oversight on the part of the man who signed the committee report, reported it in the original draft and not in the new draft, although the new draft accompanies the papers. That is the situation.

Mr. BRAGDON: Mr. Speaker, being a member in the kindergarten grade of the Legislature, and uncertain what would be the proper course to take at this time, I understand that before this matter is debatable, a motion should be made; but if the members of the House will bear with me for a moment, I will state my position on this matter before making a motion.

This bill, House Document No. 148, was introduced in the Legisla-

ture on the 13th day of February, when it was supposed that the session was half over. It was a very important measure and one which should have been given considerable time; in fact, it has been given considerable time, but, according to my way of thinking, is in a bad tangle at present. The committee gave three hearings on this matter, and I will say that House Document No. 148—the bill which is before us at present—was in such a drastic form that no member of the committee felt disposed to sign a report that it ought to pass. At the third hearing given on the matter the proponents of the measure offered the matter in a new draft, which is printed as House Document No. 464, and which was supposed at the time of the hearing to be the document on which the report was made. Now I know that some of our parliamentarians here could straighten out this matter so that the new draft could be got before us for consideration; but I wish to call your attention to the fact that this is a very important measure. We hope that we are within a week of the end of the session, and it seems to me that matters so important, far-reaching, and expensive to the taxpayers of the State should not be hurriedly passed over in the closing days of the session.

This is a bill, as I understand it, which has been introduced at the request of the National Medical Association, or whatever the name of the association is, in the legislatures of practically every state in the Union this winter, and in about all of the states that have taken action upon it, it has been turned down. I wish to call your attention to the action taken by the House of Representatives in New Hampshire six days ago. "School Medical Bill is Defeated. New Hampshire rejects unanimously the measure providing for the Compulsory Inspection of Children." I merely read the headlines to convey the intelligence.

I will not take the time of this House at this time to discuss the merits of this measure. As I said

before, the original document came before us in such form that not a single member of the committee would stand for it, and the new draft is in such form that it came in with a divided report, seven members of the committee reporting ought to pass, two ought not to pass, and one declining to sign either report. In view of the lateness of the session, and in view of the fact that this was supposed to place us in line for receiving some of this money that we have been hearing so much about from the Federal government, and the fact that legislative action is still in the air in regard to providing this money, it seems to me it would be better to defer action upon this for two years more, so that we may see what provisions will be contained in this Federal act if it finally does become a law, and what kind of school medical inspection we will be required to give under it, and not jump a long way in advance to meet some Federal legislation. I think that if we postpone this matter for two years more, the proponents of the measure will have ample time to get in shape a workable bill, and I contend that this measure is not. Mr. Speaker, I move the indefinite postponement of the bill.

Mr. WILLIAMS of Auburn: Mr. Speaker and gentlemen of the House: I hope this motion will not prevail. This is an important question, the fitting of the boys and girls of our State for future citizenship. They are being fitted today and they will be in the process of fitting tomorrow. Now I wish someone would inform us as to the best method of getting before the House House Document No. 464, if it is not already there, because I wish to speak upon the question. If the motion was not seconded, I will move that the recommendation of the committee, ought to pass, be adopted on bill No. 464, as was the intention of the committee.

The SPEAKER: The Chair will rule that the motion to indefinitely postpone must be acted upon first.

Mr. SAWYER of Fort Fairfield: Mr. Speaker, I do not think that any bill that is to become a law here should be couched in language that the common people cannot understand. Now when I have been lying on my back, I have read this bill over a dozen times, and I do not know so much about it now as I did the first time I read it. It calls for medical inspection and nurses. It does not say one word as to what the nurses' duties are. What are they going to do? Are they going to establish a hospital room in every schoolhouse in the State and have a nurse stationed there to take care of it? I do not know what it means. Then, again, it says that they shall not exceed the sum of \$600. What does that mean? Does it mean that the State shall pay the whole of \$600, or half of it, or what does it mean? If a bill is going to be put in at all, it should be in definite form so that we can understand what it means.

Mr. WILLIAMS: Mr. Speaker, I submit that the gentleman (Mr. Sawyer) has not read bill No. 464. Now this measure, as I have said, has to do with fitting boys and girls for citizenship. It is the outcome of the examination of our boys to go across and win the war. A very large percentage of those men examined, we found defective. It was my fortune—and because it was the only way in which I could do my bit, I am pleased to say it was my good fortune—to examine these soldiers for my district throughout the whole period of the war, and I can realize, as you who only read the newspapers cannot realize, just the meaning of that large percentage of incompetency of those who were examined. I tell you if I would have wrung your hearts if you had been in my place and had a young man come to you and say, "Now, doctor, don't be hard on me. I want to go; give me a chance;" and then you had to tell him after looking him over, "You can't go; we can't accept you," and at the same time have in your mind the fact that if he had been looked after when he was of common school age, his troubles would have been remedied and he could have been a man among

men. Now, gentlemen, I believe that just that fact alone shows that there is necessity for legislation on this subject.

The bill provides for doctors, dentists and nurses in the examination of school children to detect and remedy these defects which caused so much incompetency among those who are examined for soldiers. It provides that there shall be a doctor and a dentist for every two thousand and a nurse for every four thousand. It provides that for all those towns having a thousand or more enrolled pupils, this shall go into effect in 1921. It provides that all having between five hundred and a thousand, it shall go into effect in 1922; and in those which have enrolled between three hundred and five hundred pupils, it shall go into effect in 1924. There are already 24 towns having practically such inspection. For 1921 there were only 24 towns affected; so that you will have plenty of time to consider legislation and revise legislation; but I submit to you that all progressive legislation, as a rule, needs to be revised after being put in practice. I think that the doings of this Legislature during this session will have to be gone over pretty thoroughly.

Now a question has been asked about the nurses. There are already nurses in the schools. Anyone who is familiar with school conditions knows what nurses are for and what they are doing, and let me tell you in answer to the question as to the cost: These nurses whose business it is to detect these cases which may be remedied are visiting the schools. The teacher is too busy with the teaching of intellectual questions. She is not there for examining pupils as to their health, but the nurse is there for that purpose, and being there for that purpose would be the one most readily to detect any trouble. She is there in place of the doctor or the dentist, so that you can provide for a part time doctor or dentist, not a whole-time doctor or dentist. This nurse not only detects the cases, but as they are brought to the attention of the physician or dentist, she follows

these pupils to their homes. She talks with the parents as a teacher would not talk to them. This nurse, familiar with these people, would go to the homes and would say to the father or mother that "Johnnie does not see distinctly. He would be a good deal better scholar, he would be a good deal better boy if he could see what was going on"; or "He does not hear distinctly. He would be a brighter scholar if he could hear distinctly." Now what is the result of not hearing and not seeing distinctly? For instance, the teacher is giving an object lesson. She holds a ball of yarn in her hand; she presses it together. She says, "Johnnie, is this a hard or a soft body?" Johnnie cannot see that distance clearly and has to say, "I don't know." Asleep at the switch! "Willie, is this hard or soft?" "Soft." "How do you know?" "I saw you press it." Johnnie could not see that it was pressed. What is the result? Johnnie is ridiculed, Johnnie is discouraged, and Johnnie will not give the attention to his lessons that he would otherwise have given. He becomes an indolent, trouble-making pupil. So in regard to the eyes! These troubles often—not always—can be remedied by proper means, and Johnnie can be made perhaps a brighter, quicker and a better pupil than Willie.

Now as to the cost! Twenty-four towns, I have said, are having medical inspection, and the cost is about a dollar a pupil. Is that an excessive cost? Is that one which would turn this act down? Gentlemen, there are hundreds of men in this country who are spending more than the thirty-two to thirty-six thousand dollars which this bill when in full operation will call for from the State—there are hundreds of men who are paying more than that for one herd of cattle. Are your boys and girls not worth as much as a herd or cattle? Does it mean as much to your future community, county and State as that herd of cattle? As I have said the total cost to the State when in full operation would be from thirty-two to thirty-six thousand dollars. Forty-eight towns now have such inspec-

tion. Twenty-four towns involved in the first number are to have this inspection by 1921; 24 more towns by the end of 1922; 56 more towns in 1924, making 104 towns in all, where there are 421 towns in the State. Now it will not involve the rural districts to any great extent. It will not make a great deal of trouble for them as a rule, although no doubt when they see the working of this, they will adopt, as some of them are now doing, medical inspection. Now the school physicians and the dentists are not to go around and examine every pupil. According to the terms of this bill, they are to examine only those which are referred to them, as I have said, by the nurse or by the teacher. If the teacher knows there is any defect in the pupil, or any apparent defect, the pupil is at once referred to the physician or the dentist, whichever it may be, and they are to make such examination as is necessary. The expense will be very little. In Rumford, where they have returned a very good report of medical inspection, the expense is considerably less than a dollar a pupil enrolled.

It is time for such legislation; the years are going by. Tommy is being turned down, ridiculed, made a laggard, made a source of disturbance in the school because he has trouble with his eyesight which could be remedied in a day by properly fitting glasses, and which perhaps would cure him for all time after a few years' wearing of the glasses. There are \$15,000 in the budget now ready to take care of this first number of 24 towns having one thousand or more pupils, and many of them already have such medical and dental inspection.

Gentlemen, I will not take any more of your time. It seems to me that I have said enough to show you that this bill not only has merit but is an extremely important bill. It is a bill which should not be put off, and those of you who have not read Bill No. 464, I submit should study it before you turn it down. It is a bill which you should not put off for another two years. Mr. Speaker and

gentlemen, I thank you for your attention.

Mr. BRAGDON of Perham: Mr. Speaker, I did not intend to say anything on the merits of medical inspection; but I want to call the attention of this House again to the fact that we are not considering House Document 464, but we are considering House Document 148.

The SPEAKER: The Chair will state to the gentleman from Perham, Mr. Bragdon, that his motion was to indefinitely postpone, which would cover both reports and everything that went with them.

Mr. BRAGDON: Mr. Speaker, I supposed it would be that way, but the majority report was to accept House Document No. 148, was it not, which would be the question to come up after this was decided on?

The SPEAKER: The Chair will rule at this time that that is not pertinent to the motion of indefinite postponement.

Mr. BRAGDON: Would it be in order to state some of the objections to the passage of this bill?

The SPEAKER: The matter is entirely open to debate on the motion.

Mr. BRAGDON: Mr. Speaker, I want to call the attention of the House to the fact that both of these bills are very loosely drawn. Section 40 says: "It shall be the duty of all towns or cities in the State having a school enrollment of more than one thousand pupils", and then it goes on as the gentleman from Auburn (Mr. Williams) has stated. Both bills provided for an enrollment to not exceed two thousand pupils, that there shall be one medical inspector, one dental inspector and one nurse to not to exceed four thousand pupils. Let us see what this enrollment means. Is it the enrollment that I as superintendent of schools make in the spring when I count up the scholars of the town and make a roll of them to return to the State Superintendent of Schools, or is it the number annually registered in school?

Now I have tried to find out what that word "enrollment" means, and I

went to the report of the State Superintendent of Schools to see if that used the word "enrollment" in any place in regard to the attendance of scholars at school, and I found that it did not. That report uses the word "registration." I looked in the Revised Statutes, in the school law that we already have, to find out how the word "enrollment" was used there, but I could not find anything that made it any clearer in my mind; and I went down in the library and looked in the dictionary that they had there, and I could not make it clear to myself. If that word "enrollment" means one thing, the city of Portland would have to employ ten medical inspectors, ten dental inspectors and five nurses. If it means another thing, they will have to employ five medical inspectors, five dental inspectors and three nurses; and you know you cannot employ those people for nothing. I want to call your attention to the fact that if a medical inspector can handle two thousand pupils in some of our country places, they can handle ten thousand in Portland, or in some of the large cities. I do not believe in compelling the people of the State to employ any more of these medical officers than is necessary.

Now I want to say that this bill looked mighty good to some of the medical profession. It looked as though it would be a juicy melon for them to cut; but I want to call your attention to one thing that is contained in the bill. In regard to the appointment of these medical examiners, the bill states that preference shall be given to those who have had special training for school work, those who have had previous teaching experience. How many of the doctors of our state have had special training along the lines of school work? Is that a provision in the bill under which we would go to Utah, Arizona or New Mexico to get these medical inspectors, where the standard of intelligence and training along the line of school work is higher than in Maine?

The act provides that these physicians shall go into the schools and make an examination, not only of the pupils but of the janitors and school

marms as well. That has been suggested to show that the bill was introduced in an imperfect condition, and I agree with the statement. If the teachers in our state should be compelled to submit to a physical examination, why should not the superintendent of schools and the returning heroes of the war be included in its provisions?

I will not take up more of your time on this, but I want the House to recall that it is a very important matter that is before us, and it is something that is going to mean a great deal to the taxpayers. I realize that the heads of the departments here, who assist us materially in the work of the legislature by preparing the subject matter for the greater part of the bills introduced here, do not regard these matters in the same light as does the actual tax-payer; but I think that to the tax-payers of the State it is a subject worthy of consideration.

It has been suggested that the rural towns are not affected by this matter; but I think you will find that they are affected in one way, and that they will have to pay their part. I wish to say that the rural towns will assist in paying the taxes on this matter. I hope that my motion will prevail for I believe that this matter is a big one and worthy of consideration. I also believe that school inspection of some kind is right and proper, but I do believe that we should wait until we find what the provisions of this Federal law are, if it ever becomes a law, and realize what we are up against, and what we would have to provide for.

Mr. BUZZELL of Belfast: Mr. Speaker, I want to say just a word in connection with this bill. I know it is getting late. I hate to speak against it because I feel that my colleague, Dr. Williams, is very earnest in its attitude. This bill, it is true, provides when it shall take effect. It provides for towns with an enrollment of one thousand pupils and for smaller towns that have a smaller number enrolled, and that these towns shall have medical and dental aid and nurses. I want to say this, gentlemen, that be-

fore I vote for another school law along these lines, it will be after the State of Maine has made some law, not to take care of little Johnnie's eyes, but little Johnnie's feet, who lives three or four miles away from a school, and for whom the superintending school committee provides no conveyance to school. That has been a burning issue in this State. Every lawyer in this House has been consulted time after time, and he has told his client to do the best he could; that it is discretionary with the school authorities. Now go to it, and, if you can get recognition and if you can get your little boy or your little girl to school by some arrangement, go to it; but there is all there is to it.

It looks to me, gentlemen, as if this was placing an increased burden upon the towns in the State of Maine. It has been suggested here that many of our boys could not go to war because of the condition of their teeth and this thing and that thing, and so forth and so on. Why, gentlemen, we must draw the line somewhere.

We have made provision here in this House for fixing little Johnnie's eyes when he is a few days old. There is another measure here that provides that that same child, when he gets to be large enough to walk along the streets of his home town or city, may be called in by the police powers of that town for an examination because some other bad child has gone along the street. When are we going to draw the line on these propositions, and where are we going to draw it? There is such a thing as having too much law. You might as well make a law authorizing the lawyers of this State to examine the investments of this one, that one or the other one, for fear that they have not exercised the right discretion. This is simply another instance of where we are taking away some of the authority of our citizens that should not be taken away from them; and once more I want to say that before I vote for any health law so far-reaching as this one, I want to see that the children of our State are taken care of in the way of conveyance far better than they are at the present time.

Mr. BARNES of Houlton: Mr. Speaker, before the last speaker had addressed himself to the House, I had concluded there were only two classes of people who could be opposed to this bill. I am in doubt now as to how many make up the third class. The two classes are the conscientious objectors to the bill, and the second class is the class which from time immemorial, or from the time that money was minted had pinched their coin as it got into their fingers until the eagle had screamed for sympathy; that is to say, the two classes that opposed this bill are the people who do not believe in the communication of disease by bacteria or germs, or do not believe at all in the existence of disease, or who do believe that if they have disease that it can be cured without the aid of the surgeon or doctor; and the person who believes that disease can be cured without the use of medicine or surgery is living on a plane far above the most of us, and general legislation, to my mind, should not yet be attempted to be elevated to any such artificial plane. We who are called upon once in a while to think of these things, and do not think of them at other times, should pause very seriously and consider a matter like this if it is urged upon us that this matter means an improvement in the health of the boys and girls of the State. Those of you who have followed the doings of the surgeons in this war that is just closing, have read with positive amazement the wondrous curative effects following the modern treatment of wounds, and you will remember without my citing the fact to you how in the first few months of the war a tremendous percentage of the boys who were wounded and lay in No Man's Land for 24 hours or more suffered from tetanus, or lockjaw, and died in agony, and how in the last months of the war not a single one of them was infected with that disease because of the treatment preventing it; and the boys were not only returned to a fair state of recovery, but actually returned to the front trenches to fight. In the time of our American Civil War they would have lain on beds of suffering for month after month, while the wounds

suppurated and the flesh sloughed off, and, if he was vigorous enough, his constitution strong enough, he recovered. Now I thoroughly believe in the bacteria theory, and I do believe that diseases are infectious and contagious and that diseases are communicable; and to me, because I have sons and a daughter of my own who attend the public schools and sit in the room with the other children; and to me, because my heart goes out to other children and to the children of people who perhaps do not have the opportunity to read and study,—to me because I believe these things, this law is of great importance.

Do not worry about what school enrollment means; do not let that trouble you at all. The court of Maine will never decide that that means the number of people in a town between five and twenty-one years of age. The gentlemen who opposes it says "enrollment," but the law says "having a school enrollment." Leave that to the common sense of the justices of the supreme court of Maine, and there will not be any trouble about there being counted therein anybody who has not been enrolled in school.

Now what is the second class of men who oppose this? You who are brought up in the cities do not meet this biped very often; but the boys who are brought up in towns and go to town meeting, they have seen him ever since they were old enough to go and sit in a town meeting. The warrant calls for so much money for this, that and the other thing. You may be sure that in every town meeting in the State of Maine there is the miserly old party who gets up and says, "Mr. Moderator, I move to pass over the article." Why? Because it carried money; because it will increase his tax a few cents. The history of every progressive town in the State of Maine has been a history of education of the people to getting out to the town meeting and voting down those people who want to cut appropriations. You ask them to join the budget committee before the town meeting and they will say "Let's cut the library appropriation," and then, "Let's cut the school appropriation." That is the class of men I refer to who are always

opposing progress. Now for a little balm to troubled hearts let me suggest this, and I will leave it to the lawyers of the House and there will not be one of them who will dispute it. Section 47. "It shall be the duty of all towns in which the provisions of the seven preceding sections apply to make provision for the payment of all necessary expenses incurred"; and I submit to you without fear of successful contradiction that there is not a word in this bill that will force a single town to pay a single cent." It shall be the duty of the town," but if the town does not raise money for that purpose it will not pay a cent. Now if you live in a town having 300 or more children whose health you do not care anything about, whose health you do not care so much about as to believe that it would pay the town to spend a dollar a year for each town for the protection of the health of the child, all you have got to do is to attend the town meeting, and see that that article is not passed; and I submit to you that if you live in such a town and are in the minority, it is your duty to go to the town meeting just the same, it is your duty to submit the question to the voters there and abide the decision of the majority. Now a lot of us have had to do with the draft. I don't know of a harder few minutes put up to me than one Saturday evening when 31 fellows between the ages of 31 and 44, not one of whom had ever dreamed that there was ever anything the matter with him physically, were turned over by the first examining board to the Advisory Examining Board for examination, and 16 of those stalwart young fellows walked out convinced that they had tuberculosis. One of them said "I did not know but it would get me sometime because they buried my brother and a sister with consumption." Now if you do not believe that diseases are infectious and contagious, of course you do not believe in this bill. If you do believe that some are infectious and some are contagious, have you a right to say that a town or a county shall not have the advantage of a physician who can tell when the disease is upon us? Carrying it out to its full logical conclusion, I believe that

typhoid fever is communicated by germs in water. You do not believe that typhoid fever is so communicated. Authority comes in and tells you that the reservoir is infected with typhoid germs. Do you think it right for you as a minority to say to me that the water system shall not be condemned, and that it shall not be cleaned up and filtered and made right?

Now more than 48 of the cities and towns of Maine have tried this thing and not one of them has gone back. That includes all the cities in Maine and a good many of the large towns. If we had the time I would talk on the point of the school master who wants to teach the children to read, write and cipher, but who notices that they leave school in the sixth, seventh, eighth or ninth grade, usually because they are defective in some way or other,—either defective vision, defective tonsils, or adenoids, but who could be easily cured and made efficient, if taken in time, in most cases. It will not hurt the parsimonious gentleman who does not wish to contract an additional tax, provided the majority of the townsmen agree to it. It will, of course, add a little in tax. The town will vote upon it in town meeting to see if they will contribute money to that purpose or not. Now in the old days down South a little black girl or boy had a certain commercial value. Down South if so many little pickaninnies were born on a plantation in a year, that plantation was worth just so much. They would sell a fair looking negro woman or a man for, say, \$3000 or \$4000 or more. What is a little white child up here worth, and what are you going to do with the little white child whose father and mother do not know adenoids from appendices? What are you going to do with the little white child whose father and mother do not understand that if he has some physical defect and it is removed, the child might excel, whereas without that the child is considered a dullard? What are you going to do with these people of the coming generation who have the right to be born sound and reared sound? I say let us pass this bill and put it up to the towns, and, if they want it, they will adopt it. If they do not want it,

they will say so. There has not been a single argument adduced here that appeals to me as of a feather's weight.

Mr. MURRAY of Portland: Mr. Speaker, I would like to inquire of the gentleman from Houlton (Mr. Barnes) through the Chair what is the difference between the present law we have and the one proposed?

The SPEAKER: The gentleman from Houlton (Mr. Barnes) may reply through the Chair.

Mr. BARNES: Mr. Speaker, there are a good many differences. I understand, for instance, that this bill provides a district nurse in addition to a doctor or dentist. Now it is too bad to take your time, but this is a very important question. It is possible there are sections of Maine where a district nurse has not been employed. Let me tell you of a section of the State where a district nurse for tubercular trouble has been employed. There is a county that has a district nurse, a trained, skillful young woman. She spends seven days in a week in the homes of the people—people who do not understand anything about disease, who do not understand anything about food, who do not understand really about what clothing a person should have to get along properly. That woman is in her third or fourth year, and the towns of the county voted to pay enough money to keep her there and give her pay for this and traveling expenses. She has on the list of families which she is visiting now ready for the tubercular sanatorium 53 cases waiting for the State of Maine to put up shelter where they can be taken in and be treated. Now that woman's work is right in the home, right in the kitchen, telling the mother what she ought to pay for food and how she ought to cook it, and going down to the store, if she has not got the money, and buying some nutritious food, and going back there and putting the woman's apron on and cooking the food. She has proved so extremely efficient that I do not believe you could find a town in the county that would vote in the spring town meetings against keeping her there. Now, why even the doctors them-

selves do not know what the tonsils are in our mouths for. The doctors do not claim to know all there is about this wonderful body of ours, and many a man cannot tell whether they are diseased or not; but these great glands of the human body, about which we are learning more every day—the liver and the tonsils, and dozens of others of these glandular structures of the human body—have a mighty close connection between the preservation of health and the detriment of health. The people who, like myself, have taken no special training on the subject, and only can read, of course may take a wrong view of this sort of thing. It has been demonstrated absolutely that this kind of work will raise the standard of health of our children, and give us sounder, stronger, more vigorous bodies; and if you think that is not necessary you go and get near enough to a hospital, and see what sort of work has to be done to the men and women of our country as they are brought there to be fixed up and put back into a state of health, which the doctors tell us would never have been necessary if, when the evil was first starting within the body, a little attention might have been given to it and the matter straightened out. Forty-eight towns employ the physician. Not one of them has gone back. This one does not cost a town, which does not employ a physician, a cent. Let us give it a trial. In 1921, if it has proved to be a burden, it will surely be repealed.

Mr. MURRAY of Portland: Mr. Speaker, I believe that the gentleman from Houlton (Mr. Barnes) has overlooked the main difference between the law that now exists and the one that they propose. Section 40 of Chapter 16, says that they shall employ or appoint a school physician, provided, however, that the said committee has been authorized by vote of the town at a regular town meeting or at a special meeting called for that purpose. That provision is out of the amendment. You will find in Section 48 of the old law: "The provisions of the eight preceding sections shall apply only to cities

and towns having a population of less than forty thousand inhabitants." That provision is also out of the amendment. I think this amendment will make it obligatory upon all cities and towns having over 300 school enrollment to carry out the provisions of this act.

Mr. BARNES: Mr. Speaker, may I inquire, because I made a rash assertion about attorneys—may I inquire of the gentleman from Portland (Mr. Murray) if he will look at Section 47, which states that "it shall be the duty of all towns in which the provisions of the seven preceding sections apply to make provision," in draft No. 464, Section 47, and ask him just frankly and fairly to answer whether either there, or anywhere else in the bill, there is anything which says that a town shall raise any money for this purpose; and then I will ask him one further question—whether in his judgment, experience or knowledge, it is possible for the State to say that a town shall raise money and force a town to do it?

The SPEAKER: The gentleman from Portland, Mr. Murray, may reply through the chair.

Mr. MURRAY: Mr. Speaker, I think the ordinary interpretation of that Section 40, saying "It shall be the duty of all towns," means the towns must do it, providing they come within that certain class.

Mr. BARNES: Mr. Speaker, would they have to raise money?

Mr. MURRAY: I think they would. If that is not so, there would be no difference between the amendment which they propose and the law as it exists today; and I believe that it is a pretty good fundamental principle, if you are not going to make any changes, to leave the law alone.

Mr. BUZZELL of Belfast: Mr. Speaker, just one word, and that is this. All of you, at a glance, can see what the popular side of this question is. You can fly into the air and talk about what a grand thing this will be, to put ears, eyes and noses on this child and that child, and the other child, that has not got them now, if so and so is done. That is

the popular side of it. But do we want such a law as this at this time, when there is no particular difference between it and the law that we have got now on this general proposition? Now you would think from what has been said here by some speakers that there were some of us who had no children, and almost go to the extent of saying that we never expected any. Now I am one of those proud fathers—proud of four boys. They go to a school now where their teeth are looked after, their mouth is looked after, their eyes looked after, and all that sort of thing, and every now and then I hear about a dentist's bill and all that sort of thing; but I tell you, my colleagues, I do not believe we are suffering in this direction; neither do I believe that there is anybody who is walking on the streets that is liable to interfere with me if I do not interfere with him. I hope the motion of the gentleman from Perham, Mr. Bragdon will prevail in this matter.

Mr. MURRAY: Mr. Speaker, if this bill is as the gentleman from Houlton (Mr. Barnes) thinks, how about the provision under which the State is going to reimburse the towns or cities that accept the provisions of the bill or have these medical inspectors? That certainly has got to come from all the towns and all the cities throughout the State. Those towns, whether they accept or not, if his interpretation is correct, are going to bear their proportional part of one-half of the expense of carrying this law on.

Mr. PIKE of Eastport: Mr. Speaker, I desire to raise a point of order against the consideration of this bill in its present form. Section 40, which is the first section of this bill, reads as follows: "It shall be the duty of all towns or cities in the State having a school enrollment of more than one thousand pupils according to the last return of the superintendent of schools to install medical inspection of school children and to provide school nurses on or before the close of the year 1920; of all towns and cities in the State with a school enrolment of 500 or more be-

fore the year 1922; of all towns in the State having a school enrolment of 300 pupils or more before the year 1924." I submit, Mr. Speaker, as my point of order, that we cannot consider legislation here which is not going into effect until the year 1924, five years hence, during which time two Legislatures shall have met and adjourned. That is my point of order, Mr. Speaker, and I desire that it be ruled upon.

The SPEAKER: The Chair will rule that the point of order is not applicable because a motion to indefinitely postpone carries the bill with its

imperfections and all else. The question before the House is the motion of the gentleman from Perham, Mr. Bragdon, that the reports with accompanying bills be indefinitely postponed. All those in favor of the motion say aye; those opposed no.

A viva voce vote being taken, the reports with accompanying bills were indefinitely postponed.

On motion by Mr. Berry of Waterville,

Adjourned until tomorrow morning at 9 o'clock.