

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

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SPECIAL SESSION

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

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1919

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**HOUSE**

Thursday, November 6, 1919.

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

Prayer by the Rev. Mr. Phalen of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: An Act to amend the charter of the Passadumkeag Boom Company.

This was referred to the next Legislature by the House on the fourth of November. It comes back from the Senate, which had previously referred it to the committee on interior waters, that branch insisting on its former action and asking for a committee of conference, appointing as conferees on the part of the Senate, Senators Thombs, Walker and Clement.

On motion by Mr. Barnes of Houlton the House voted to insist upon its former action and join the committee of conference.

The Chair appointed as conferees on the part of the House, Messrs. Barnes of Houlton, Putnam of Danforth and Porter of Mapleton.

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

**Claims**

By Mr. Tilden of Hallowell: Resolve in favor of Frank S. Wingate for material furnished for the construction of the Central School Building for the Maine State School for Girls.

**Judiciary**

By Mr. Conary of Bucksport: An Act to amend Section 5 of Chapter 118 of the Revised Statutes, as amended by Public Laws of 1919, Chapter 222, relating to fees of sheriffs.

By Mr. Stacey of Phippsburg: An Act to amend Section 51 of Chapter 82 of the Revised Statutes, relating to trial terms of the Supreme Judicial Court.

**Legal Affairs**

By Mr. Bean of Minot: An Act to amend Chapter 118 of the Revised Statutes, Section 8, relating to fees of jurors.

By Mr. Rounds of Portland: An Act to amend Section one of Chapter 202 of the Public Laws of 1913 relating to election of assessors for the city of Portland by providing for filling of vacancies in case of death or resignation or otherwise.

By the same gentleman: An Act amending Sections 4 and 6 of Chapter 262 of the Public Laws of 1917.

**Salaries and Fees**

By Mr. Rounds of Portland: An Act to amend Section 11 of Chapter 116 of the Revised Statutes, relating to salaries of officers of the Senate and House of Representatives.

By Mr. Maher of Augusta: An Act to amend paragraph 7 of Section 45 of Chapter 117 of the Revised Statutes, as amended by Chapter 214 of the Public Laws of 1919, relating to clerk hire in the office of Register of Deeds for Kennebec County.

By Mr. Ridion of Corinna: An Act to amend Section 44 of Chapter 117 of the Revised Statutes, as amended by Chapter 214 of the Public Laws of 1919, increasing the salary of the treasurer of Penobscot county.

By Mr. Garcelon of Auburn: An Act to amend Section 37 of Chapter 117 of the Revised Statutes, as amended by Chapter 214 of the Public Laws of 1919, increasing the salary of the county attorney of Androscoggin county.

By Mr. Rounds of Portland: An Act amending Section 19 of Chapter 275 of the Private and Special laws of 1863, entitled "An Act to confer certain powers of the city of Portland providing for salary for city council."

By Mr. Cole of Brooklin: Resolve in favor of the town of Bluehill, reimbursing said town for money paid to soldiers' dependents.

### Ways and Bridges

By Mr. Stacey of Phippsburg: An Act additional to and amendatory to Chapter 35 of the Revised Statutes, relating to state and state-aid high-ways.

### Reports of Committees

Mr. Washburn from the committee on Agriculture reported "ought not to pass" on bill "An Act to amend section 110 of chapter 4 of the Revised Statutes, providing for the payment of damage done to domestic animals by dogs and wild animals."

Mr. Cowan from the Committee on Public Utilities on bill, "An Act to provide for the jurisdiction of the Public Utilities Commission over certain motor vehicles," reported that the same be referred to next Legislature.

Mr. Fowles from the Committee on Salaries and Fees reported "ought not to pass", as subject matter taken care of in another bill, on bill, "An Act to amend Section 42 of Chapter 117 of the Revised Statutes as amended by Chapter 214 of the Public Laws of 1919, to reimburse county commissioners for their expenses incurred at public hearing away from the county seat.

Mr. Hussey from the Committee on Legal Affairs on bill "An Act to save daylight and to provide standard time for the State of Maine, reported the same be referred to the next Legislature.

Mr. Hinckley from the Committee on Legal Affairs reported "ought not to pass" on bill "An Act to prevent the use of firearms by children under certain conditions."

Mr. Wilson from the Committee on Inland Fisheries and Game on bill "An Act to amend Section 46 of Chapter 33 of the Revised Statutes as amended by Chapter 219 of the Public Laws of 1917, and by Chapter 133 of the Public Laws of 1919 also to amend Section 47 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, and by Chapter 196 of the

Public Laws of 1919, relating to the protection of foxes in Aroostook County," reported that the same be referred to next Legislature.

The reports were read and accepted.

Mr. Hinckley from the Committee on Legal Affairs reported "ought to pass" on bill "An Act to incorporate the Portland State Pier Site District."

On motion by Mr. Hinckley the rules were suspended and the bill given its three several readings without printing and was passed to be engrossed.

Mr. Garcelon from the committee on legal affairs reported "ought to pass" on bill An Act to repeal Chapter 14 of the Public Laws of 1919, relating to the acknowledgment of deeds.

(On motion by Mr. Hinckley of South Portland the rules were suspended and the bill given its three several readings without printing and passed to be engrossed.)

Mr. Fowles from the committee on salaries and fees on bill "An Act to amend Section 37 of Chapter 117 of the Revised Statutes relating to the salary of the superintendent of public buildings, reported the same in a new draft under the same title and that it "ought to pass."

Mr. ROUNDS of Portland: Mr. Speaker, I think there is another resolve coming in, a blanket resolve, that will cover this, and I move that it lie on the table until that blanket resolve comes in.

The motion prevailed.

Mr. Washburn from the committee on ways and bridges on Resolve in favor of international bridge between Madawaska, Maine, and Edmondson, New Brunswick, reported same in new draft under same title and that it ought to pass.

The Resolve was read twice under suspension of the rules, and passed to be engrossed.

The reports were read and accepted.

Mr. Holley from the joint committee of appropriations and financial affairs, taxation and military

affairs, reported "ought to pass" on resolve proposing an amendment to Article 9 of the Constitution to provide for a bond issue for the purpose of paying a bonus to Maine soldiers and sailors in the war with Germany.

Mr. HOLLEY of North Anson: I move that the resolve be given its two several readings under suspension of the rules and be passed to be engrossed.

Mr. Holley from same joint committee on bill "To provide a payment of a bonus for Maine soldiers and sailors in the war with Germany" reported the same in a new draft under same title and that it "ought to pass."

Mr. LAUSIER of Biddeford: May I inquire whether the bill repeals the resolve of 1917 relating to soldiers and sailors?

The SPEAKER: The Chair will permit Mr. Holley to reply as the Chair cannot state.

Mr. HOLLEY: Mr. Speaker, the bill is merely a bill giving each soldier and sailor engaged in the service a hundred dollar bonus with no time limit. The original bill had a three-months time limit.

Mr. LAUSIER: I move, Mr. Speaker, that it be laid on the table.

The SPEAKER: Will the gentleman postpone his motion just a moment as the other resolves should go in first?

Mr. LAUSIER: the resolve is the amendment to the Constitution and I move that that be laid on the table also.

A viva voce vote being had the motion failed of passage.

Mr. ROUNDS of Portland: Mr. Speaker, as I understand the gentleman from No. Anson, Mr. Holley has asked that the resolve have its two several readings. I think it is only right that we should get through and go home, but I think every man in this House wants to help the soldiers out.

Mr. LAUSIER: Mr. Speaker, is the matter in proper shape for discussion before the House?

The SPEAKER: The Chair will state that the motion is to suspend the rules and give the resolve its two several readings at this time, and it is open for discussion.

Mr. LAUSIER: Mr. Speaker, my idea was not to take away a cent from the soldier; but as I read the law of 1917 the soldier was not supposed to get over a dollar a day until the cessation of hostilities and declaration of peace. My idea is that this would repeal the law of 1917. I want the soldier to have every cent he is entitled to, and I am not an obstructionist at all. But it strikes me that the law of 1917 ought to be repealed if we passed this; otherwise we have two laws for the soldiers and sailors. Something ought to be done to straighten the matter out.

Mr. BARNES of Houlton: Mr. Speaker, may I inquire of the gentleman from Biddeford (Mr. Lausier,) whether or not he has the resolve in his possession.

Mr. LAUSIER: I have not. I would ask that the messenger get the laws of 1917.

The SPEAKER: The motion before the House is the motion of the gentleman from No. Anson, Mr. Holley, that the rules be suspended and the resolve given its two several readings at the present time.

Mr. ROUNDS of Portland: Mr. Speaker, would it be proper to let this have its two several readings and go along? The gentleman could then stop it if he cared to.

The SPEAKER: Of course after we take the action engrossing the bill it can be reconsidered. That is practically the only way to get at it.

Mr. BARNES: I hope the gentleman from Biddeford (Mr. Lausier,) will allow the resolve to have its readings.

Mr. LAUSIER: Oh, certainly!

The resolve then received its two several readings and was passed to be engrossed.

Mr. WILSON of Portland: Mr. Speaker, I understand that these bills and resolves that have been given their readings will be sent to

the Senate immediately. If not, I would so move.

Mr. ROUNDS: I suppose the gentleman from Portland, (Mr. Wilson,) is willing to make exception of the bonus resolve, is he not, to accommodate the gentleman from Biddeford?

Mr. WILSON: We will make that exception.

The SPEAKER: We have already accepted the report of the joint committees on appropriations and financial affairs, taxation and military affairs on the act going with the bonus resolve. It has been moved and seconded that the bill receive its three several readings under suspension of the rules at this time.

Thereupon the bill received its three several readings and was passed to be engrossed.

Divided report of the committee on ways and bridges. Report A on act to provide aid and assistance for towns to maintain town highways, that the same be referred to the next Legislature. Signed, Peacock, Lewis, Jordan, Love, Pattee, Baxter, Stanley, Washburn.

Report B on the same bill, reporting in new draft under title of an act to amend Chapter 220 of the Public Laws of 1919 entitled an act to amend Section 36, Chapter 25 of the Revised Statutes, as enacted and set forth in Chapter 258 of the Public Laws of 1917, as amended by Chapter 88 of the Public Laws of 1919, relation to the creation and expenditure of the mill tax highway fund and that it ought to pass. Signed, E. F. Clason and L. R. Williams.

Mr. GRANVILLE of Parsonsfield: Mr. Speaker, I move that we accept the minority report that it ought to pass.

The SPEAKER: Does the gentleman wish to address himself to the motion?

Mr. GRANVILLE: I will say, gentlemen, by way of explanation, that this is the bill sometimes referred to as the Granville bill—aid to third-

class highways—and that this new draft, report B, is the same subject matter as House Bill 470 of our last regular session. The new draft has necessitated the re-writing of a portion of it in order to obviate conflict with previous legislation at the last session; and I move that the minority report be accepted.

Mr. WASHBURN of Perry: Mr. Speaker, I hope this motion will not prevail, and I want to say just a word in explanation. I believe in the principles of the Granville bill and every member of the committee on ways and bridges believes in them; but we have not felt, or at least a majority of us have not felt, that it was wise to enact it at this special session, and for two reasons: First, because it creates an entirely new system of state-aid road work and it will impose a heavy duty upon the highway department at a time when that department is already overburdened; and, second, because it is not plain to us that after subtracting the amount needed for the operation of this bill from the fund now intended for maintenance that there will be enough left for maintenance; and we all know that under present conditions the maintenance question is a very important one. For these reasons, and these only, I have signed this majority report, asking that this be referred to the next Legislature. It is not the purpose of any member of our committee to kill the Granville bill, but only to defer it until a time when all its details may be carefully and fully worked out, and some definite fund provided for its operation.

Mr. GRANVILLE of Parsonsfield: Mr. Speaker and gentlemen. I have abstained until now from making any remarks until I understood the majority report for I thought that I would like to listen to the objections as stated here. The first objection, in regard to machinery for its operation: I do not think there need be created any new machinery. We have state aid road inspectors all over the state; they are practically in every town and there is no reason

why the expense should be materially increased to look after this part.

As to the availability of money for the carrying out its provisions, it was the understanding of the House at the last session that the passage of the Bond issue would provide money enough for the construction of roads, and it was understood that the third-class highways would receive some assistance. We passed the bond issue by an overwhelming majority, and there is no doubt in my mind that this contemplated legislation had some influence on the people in the smaller towns who supposed they were going to receive some recognition. If this bill passes and the money is taken from the source contemplated, the amount of maintenance money is not going to be disturbed; that is, they are going to have a balance for the reason that the automobile fees are on a constant increase, and it is estimated, I think, by your ways and bridges committee and the highway department that those fees will amount to, about a million dollars next year, they having increased some \$116,000 this year. I took the matter up somewhat with the State Highway Department yesterday which explains my absence from the floor yesterday morning. It seems to me that when we have provided liberally for all other classes of highways, it is no more than fair in view of the implied understanding that this class should be given recognition in some form.

Mr. HINCKLEY of So. Portland: Mr. Speaker, once again I am going to appeal to this House for a square deal and for fair play. I know it was distinctly understood and agreed by a large number of the members of this House at the last session that if this Granville bill was not passed at that time and those who advocated it would agree to let it go over to the special session, until after the time when the State had a chance to pass upon this ten million dollar bond issue, then these small towns would be given some relief by the Granville bill. It was a

matter especially referred to this particular session for that particular reason, and I believe it is only just and right that these small towns should now be given an opportunity to remedy the almost impassable condition of their roads. I will take a chance on the machinery, and I believe that any town has the machinery to take care of its roads and take care of them as well as the Highway Department can take care of them. It is useless to build great trunk highways if it is impossible for the farmer to have good enough roads to reach them. I am absolutely in favor of this Granville bill and hope the minority report will pass.

Mr. WILSON of Portland: Mr. Speaker, the last two gentlemen have said something which induces me to say just a word, and I refer to the question of the machinery to spend this money. It so happens that I travel constantly through one of the largest towns of the State, and that town this present year has spent almost four thousand dollars on state aid gravel roads, the cheapest road that is built by the state and town combined. They have built approximately 1,600 feet of that kind of road, and I yesterday conferred with the Highway Department as to its present condition. The work is stopped, and that piece of road with the four thousand dollars buried in it is not in complete condition today. I was told that the only explanation was that the inspector who had to inspect that piece of road while it was under construction had 240 towns to inspect. Now if that is machinery to provide for the expenditure of money, I fail to see it. It seems to me that this money which is so badly needed by the small roads in the small towns should not be wasted in that way. I am not afraid to say that the money in this very large town has certainly been wasted, not only this year but for the last two years. They have spent between eight and nine thousand dollars in the last three seasons in this same town, and all told they have not got

more than half a mile of gravel road. Certainly something needs remedying. I do not believe we should hastily provide for throwing away any more money. We need it all well spent.

Mr. WILSON of Presque Isle: Mr. Speaker, I come from a large county, and there is no place in the State of Maine where it is harder to build roads than in the county of Aroostook. There are no towns in the State of Maine which raise more money for state roads than the towns in the county of Aroostook. We went home from here last spring with a definite promise almost that we should have some assistance if the bond issue passed. We so told our constituents and they very liberally supported the bond issue which they very likely would not have done if there had not been some understanding that they would get some money for the roads in the towns where they lived. From the former bond issue we received practically nothing, and we thought we might get a few thousand dollars of the present money. Now we have to go home, if this bill does not pass, and say "Well, they needed the money down in the Department for other expenses." I have built some roads myself. I have built a state-aid road in the town where I reside. We had \$2,500 to build a road of the regulation width, with rock foundation and eight to twelve inches of gravel on the surface. We know that the Department does not build roads at that rate. What we build for five thousand dollars a mile costs them fifteen or twenty. I do think that the smaller towns should have a chance to have some money spent on their roads at the present time. (Applause.)

Mr. BEAN of Minot: Mr. Speaker, I rise as a representative of four small country towns to say amen to what has been said here by the gentleman from Aroostook, and by the gentleman from Portland. We have waited long enough. If we have not got machinery to use this money in the country now, we have

got to have some. We voted for the bond issue and we should have some money.

The SPEAKER: The question before the House is the motion of the gentleman from Parsonsfield, Mr. Granville, that report B, which passes the bill in the new draft, should be accepted.

A viva voce vote being taken, report B was accepted; and on motion by Mr. Granville the rules were suspended, the bill given its three several readings without printing, and was passed to be engrossed.

Unanimous consent being given the following Senate bill was received out of order:

An Act to correct a clerical error in Chapter 60 of the Private and Special Laws of 1919, being an act to amend an act entitled an act to incorporate the city of Old Town and the acts of the street board.

In the Senate this was read twice under suspension of the rules and passed to be engrossed without reference to a committee.

On motion by Mr. Hinckley of South Portland, the House voted to suspend the rules in concurrence with the Senate without reference to a committee and the bill was then given its three several readings and passed to be engrossed in concurrence.

#### Orders of the Day

Unanimous consent being given, the following resolve was presented by Mr. Barnes of Houlton.

#### STATE OF MAINE.

In the year of our Lord Nineteen-Nineteen.

Resolve suggesting the designation of Tuesday, November 11, 1919, Armistice Day, as a public holiday.

Resolved, the Senate concurring, that the State of Maine in commemoration of the signing of the armistice that marked the end of the slaughter of the World War and initiated the return of our sons victorious to the homeland, celebrate November 11, 1919, the first anniversary of Armistice Day; and the Leg-



islature specially recommends that the Governor issue his proclamation announcing such holiday and advising its appropriate observance.

On motion by Mr. Barnes of Houlton, the House adopted the resolution by a viva voce vote.

Mr. BARNES of Houlton: Mr. Speaker, referring to the bill tabled by Mr. Lausier, immediately upon the notice of declaration of war in 1917, the Legislature of Maine enacted many bills and enacted them rapidly under the spur of the exigency. Among the matters enacted was a resolve Chapter 101. Remembering now that at that time there was no soldiery in Maine save the National Guard, and that the National Guard were getting, if mustered into service, \$13.00 a month, my recollection is that several bills were presented. This resolve was approved April 7, 1917, "that there shall be paid from any funds of the State treasury to each person who shall enlist and each person now enlisted in the National Guard of the State of Maine and who shall be mustered into the service of the United States on the quota of this State, not exceeding the sum of one dollar for each and every day he shall be in the service of the United States," and follows as it was in the recollection of my brother Lausier. On the same day the other acts which were presented were withdrawn. It was enacted that there shall be paid "to each non-commissioned officer, soldier, sailor and marine mustered into the military service of the United States as a part of the quota of the State or enrolled in naval service for service in the United States or in any foreign country, a sum not in excess of ten dollars a month as may be necessary, in order that every such non-commissioned officer, soldier or sailor shall receive from the United States and this State in the aggregate the sum of twenty-five dollars per month."

Very shortly thereafter the soldiers' pay went up to thirty

dollars,—and I am speaking now from recollection only, the very poorest way for a man to talk without a statute. It is my impression that nothing has ever been paid under Chapter 277 because the soldiers' pay went up to thirty dollars a month and he got five dollars more per month than he would if it had remained at thirteen and the State contributed ten. I am not quite clear upon that point. Now then, coming to Chapter 101 and the question as to what is due, I suppose it would be due to nobody except the members of the National Guard then enlisted and afterwards mustered into service; and to those few boys, if by any accident there is money due them, personally I am glad of it. It cannot only be a few, and so many of that few will never demand any remuneration, but the resolve, of which I claim no personal recollection whatever, provided that to those few a sum might be paid not exceeding the sum of a dollar a day. Evidently the purpose and intent of the two measures were the same. If I may be permitted so to do, I would suggest that in all human probability there is no sum actually due from the State to any soldier in Maine under either Chapter 277 of the Public Laws or Chapter 101 of the Resolves. That is my hasty judgment, but I think it is correct.

Mr. MAHER of Augusta: Mr. Speaker, in Chapter 277, to which the gentleman from Houlton has just referred, I am told in the adjutant general's office that there are two months, March and April, during the period of the National Guard, had not reached the pay it afterward got of thirty dollars a month. This resolve upon which the gentleman from Houlton has just spoken has an entirely different office, and I have never been cognizant of its existence until it was spoken of by the gentleman from Biddeford (Mr. Lausier), and it seems to me perfectly clear that the point suggested by the gentleman from Houlton (Mr. Barnes,) that it could only apply to a comparatively few men is quite

true. It would apply of course only to enlisted men, though I think it is a bit broader than he says. It applies to men "enlisted in the National Guard of the State of Maine and who shall be mustered into the service of the United States on the quota of this State, not exceeding the sum of one dollar a day," etc. Manifestly it applies simply to the National Guard as then existing, and perhaps as enlistments came afterward, it might be broad enough to include the Milliken regiment. I am not certain as to that. But I do not want to quite subscribe to the conclusion the gentleman from Houlton suggests. I notice this was approved on April 7, 1917, when we were right in the midst of the first flush and fervor of battle and when men were very, very valuable and very much sought; and it would rather look to me that the passage of the resolve indicated the then temper of the Legislature and the then spirit of the State toward the men and that probably there was not made ready the machinery in the shape of appropriations at that time. That, however, does not seem to me to make any difference. I think that is a pledge of the people of the State and it would seem to me that that would be a matter where we should go extremely slow in doing anything in the way of repudiation, because the amount due under that would not be excessive but would be a relatively small amount. In the matter of the bonus for soldiers, it seems there can be but one mind, and I purpose without trespassing on the time of this House to state my views. While I am heartily in favor of it, I do purpose to have it distinctly understood as a matter of record for my own satisfaction that in favoring the present measure providing for a practical expression of the gratitude of the State of Maine and our sense of appreciation in part of what we owe these boys, that we do not do anything that repudiates the pledged faith and credit of the State as expressed when war first dawned.

Whether or not later the State will ever be in a position to make good the word given by a previous legislature is a matter that particularly concerns me.

Mr. BARNES: Mr. Speaker, I hope sincerely that we do not go afield in this discussion. No one here would suggest that there is in the atmosphere a taint of an intimation that any one would suggest repudiation that any obligation to any soldier of the great war. Be it enough for this discussion to say to you by our vote if necessary that the act and resolve of 1917 do not now necessarily militate at all with the act providing for the bonus for the soldier; and I hope the gentleman from Biddeford (Mr. Lausier) regardless entirely of the act and resolve of 1917, will withdraw any objection for present consideration of a soldiers' bonus, that it may have its readings and go on its course.

Mr. LAUSIER: Mr. Speaker: my purpose in holding up the resolve was to give the soldier all that he was entitled to. Now I think the reading of this resolve is clear "that there shall be paid from any funds in the State treasury to each person who shall enlist and each person now enlisted in the National Guard of the State of Maine and who shall be mustered into the service of the United States on the quota of this State," not only is it the National Guard, but every town pledging its quota to the National Guard, that quota comes within the purview of this resolve. Therefore, I think it a very serious matter whether or not we should have an amendment to the constitution to vote upon the issue of the bonds, whether or not we should have a sufficient fund or a sufficient amount of bonds to cover the purposes of this resolve. I want the soldier to have all he is entitled to, no halfway. I say, gentlemen, that one hundred dollars is not sufficient. Take the boys in the trenches for two and a half years! That would average about five cents a day. We have several in Biddeford who were there three years. One

hundred dollars does not give them four cents a day. If we are to pay these boys, let's give them all they are entitled to. I want everything straight and above board. I say that Chapter 101 means all that it implies.

Mr. HOLLEY of No. Anson: Mr. Speaker, I am afraid that we are almost misunderstanding the one hundred dollar bonus bill. We seem to be dwelling too long on the financial part of it. I do not think, gentlemen, if we turned the whole State of Maine over to these boys that then we would have paid them. It is not meant to pay them; you cannot pay them; everyone here knows you cannot pay them. It is just a token of our gratitude, slight as it may be. Nevertheless it is a token, a financial monument, not pay. I think we are entirely adrift upon the subject.

The SPEAKER: The Chair will state that it understands under the vote that was passed, both the resolve and the bill received their readings, under suspension of the rules, and were passed to be engrossed; but as a matter of good faith, with the gentleman from Biddeford, Mr. Lausier, we agreed that they should be held back here awaiting the result of the examination of the law, so that the vote might be reconsidered if the House desired to do so. We really have been talking to no motion because it seemed to clear up the situation. The vote has actually been passed and cannot be undone except by reconsideration.

Thereupon the House voted that the resolve relating to bonus for soldiers be at once sent to the Senate for its action.

The SPEAKER: We are still working under orders of the day.

On motion by Mr. Barnes of Houlton, it was voted to take from the table the two orders relating to the Blaine Mansion and contingent fund.

On motion by Mr. Pike of Eastport, a viva voce vote being had, the two orders received a passage.

The SPEAKER: Is there any further business to come before the House?

Mr. BARNES of Houlton: Mr. Speaker, I rise to inquire whether or not to facilitate matters, when we adjourn, we adjourn to an hour in the afternoon. It does seem possible that we may get our work done and our printing done and be ready to start for home this week if we are diligent. It is presumptuous for me to suggest that the committees be very expeditious in their work, but why is it not possible for them to finally report between now and ten o'clock tomorrow morning. There will be, I assume, executive sessions of several committees this afternoon, and there may be hearings. There is one for the evening as I understand it. In order that the session of the House shall not interfere with the deliberations of committees, I move that when we do adjourn, it be until 4 P. M.

And the motion to adjourn until 4 P. M. prevailed.

#### Afternoon Session

November 6, 1919.

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

Prayer by the Rev. Mr. Dunnack of Augusta

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Report of the committee on salaries and fees on bill an act to amend paragraph 18 of Section 45 of Chapter 214, Public Laws of Maine 1919, relating to expense of county commissioners, reporting same in a new draft under same title and that it ought to pass.

In the Senate report read and accepted and bill read twice and passed to be engrossed.

The SPEAKER: This bill comes naturally from the Senate passed to be engrossed. Is there any desire on the part of any member to sus-

pend the rules, or shall this take its regular course?

Mr. HINCKLEY of South Portland: Mr. Speaker, I would like to know what the new draft is. I ask for information as to the difference between the new draft and the one originally presented.

Mr. BARNES of Houlton: Replying to the inquiry of the gentleman from South Portland, through the Chair, I beg to state that the amendments are clerical, changing particular figures into words and changing from capitals to small letters in various sections. It is the bill introduced by me to correct what I thought to be an error and allowing county commissioners their expenses when away from the county seat.

On motion by Mr. Barnes of Houlton the report was read and accepted in concurrence, the bill read three times under suspension of the rules and passed to be engrossed in concurrence.

From the Senate: Report of the Committee on Legal Affairs on bills, "An Act to amend Chapter 37, Section 17, of the Acts and Resolves of 1917, as amended by Chapter 17, Section 17 of the Acts and Resolves of 1919, relating to the salaries of patrolmen in the City of Lewiston," "An Act to amend Chapter 37, Section 16, of the Acts and Resolves of 1917, as amended by Chapter 17, Section 16, of the Acts and Resolves of 1919, relating to the salary of police captains in the City of Lewiston," "An Act to amend Chapter 37, Section 15, of the Acts and Resolves of 1917, as amended by Chapter 17, Section 15, of the Acts and Resolves of 1919, relating to the salary of the Chief of Police of the City of Lewiston," reporting the same combined in a new draft under the title of "An Act to amend Chapter 37 of the Acts and Resolves of 1917, as amended by Chapter 17 of the Acts and Resolves of 1919, relating to Lewiston police force and that it "ought to pass."

This comes from the Senate report read and accepted, bill read twice and passed to be engrossed.

The SPEAKER: The Chair will state that this comes in with a title which needs amending as it does not state to what it relates.

Temporarily tabled by Mr. Hinckley of South Portland for the purpose of amendment.

#### Reports of Committees

Mr. Hussey from the Committee on Legal Affairs reported on bill "An Act to amend Chapter 118, Section 8, relating to fees of jurors" that the same be referred to the next legislature.

Report was read and accepted and sent up for concurrence.

Same gentleman from same committee reported same on bill "An Act amending Sections 4 and 6 of Chapter 262 of the Public Laws of 1917, relating to fees of city clerks.

Report was read and accepted and sent up for concurrence.

Mr. Mason from same committee reported "ought not to pass" on bill "An Act to amend Section 51 of Chapter 82 of the Revised Statutes, relating to trial terms of the Supreme Judicial Court"

Report was read and accepted and sent up for concurrence.

Mr. Washburn from the Committee on Ways and Bridges reported on bill "An Act additional to and amendatory of Chapter 25 of the Revised Statutes relating to State and State aid highways" that the same be referred to the next legislature. Fifteen hundred copies ordered printed and placed on file in the Secretary of State's office for distribution.

Report was read and accepted and sent up for concurrence.

Mr. Clason from the joint Committees on Appropriation and Financial Affairs, Ways and Bridges and Judiciary reported "ought to pass" on bill, "An Act to amend Chapter 220 of the Public Laws of 1919, entitled 'An Act to amend Section 36 of Chapter 25 of the Revised Statutes, as enacted and set forth in Chapter 258 of the Public Laws of 1917, as amended by Chapter 88 of the Public Laws of 1919, relative to

the creation and expenditure of the Mill Tax Highway Fund.”

Report was read and accepted.

(Tabled temporarily by Mr. Clason of Lisbon.)

Mr. Fagan from the Committee on Legal Affairs reported “ought to pass” on bill, An Act to amend Section 1 of Chapter 202 of the Private and Special Laws of 1913, relating to election of Assessors for the City of Portland by providing for filling of vacancies in case of death, resignation or otherwise.

Report was read and accepted.

(On motion by Mr. Murray of Portland, the rules were suspended, the bill given its three several readings and passed to be engrossed in concurrence.)

Mr. Clason from the committee on ways and bridges reported “ought to pass” on bill an act to amend Sections 2, 3, 4, 5 and 6 of Chapter 319 of the Public Laws of 1915, relative to state and county aid in the construction of highway bridges.

Report accepted.

On motion by Mr. Clason of Lisbon the rules were suspended and the bill received its three several readings and was passed to be engrossed and sent to the Senate.

Mr. Conary from the committee on judiciary reported “ought to pass” on an act to amend Section 5 of Chapter 118 of the Revised Statutes, as amended by the laws of 1919, Chapter 222, relating to the fees of sheriffs.

Mr. HINCKLEY of So. Portland: Mr. Speaker, I move that this be temporarily tabled pending acceptance of the report.

Mr. BARNES of Houlton: I think the gentleman from Hancock county (Mr. Conary) can state in a word all that is intended by it.

Mr. CONARY of Bucksport: Mr. Speaker, I will say that that bill was passed at the last session and inadvertently the word “Hancock” was left out, and it is amended by adding the word “Hancock”.

Mr. HINCKLEY: I withdraw my motion to table.

Thereupon the report was accepted, and on motion by Mr. Conary of Bucksport, the bill was given its three several readings under suspension of the rules, passed to be engrossed and sent to the Senate.

Mr. Washburn of the committee on ways and bridges reported “ought to pass” on a bill an act to require mirrors or reflectors on certain motor vehicles and to regulate the use of spotlights thereon.

Report was accepted.

On motion by Mr. Clason of Lisbon the rules were suspended and the bill received its three several readings and was passed to be engrossed and sent to the Senate.

Mr. BARNES of Houlton: Mr. Speaker, I move that the rules be suspended and that I be allowed to introduce a bill by unanimous consent to be considered without reference to a committee,—a bill which changes what is supposed to be a discrepancy between two different sections of the statutes as now enacted relative to the commitment of juvenile delinquents to a state institution,—to the State School for Boys. This bill allows the commitment of children between the ages of 8 and 17 to the State School for Boys, whereas it has been held that under the present statute a child between the ages of 8 and 11, owing to an amendment which we made last winter cannot be so admitted.

Mr. MAHER of Augusta: I will ask the gentleman from Houlton, through the Chair, if this is not 8 to 16?

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

Mr. BARNES: Mr. Speaker, my senior limit was incorrect; it is a boy between the ages of 8 and 16 years.

The SPEAKER: Is it the pleasure of the House to suspend the order limiting the time of reception of bills?

On motion by Mr. Barnes the rules were suspended and the bill received its three several readings without

reference to a committee, was passed to be engrossed and sent to the Senate.

Mr. HINCKLEY of South Portland: Mr. Speaker, I move that we take from the table the Lewiston police bill, and I move that under suspension of the rules we give this bill its three several readings and that the same be passed to be engrossed.

The SPEAKER: An amendment should have been prepared and attached to the bill. The Chair will have the clerk write out the amendment, as follows: Amendment A to an unprinted bill.

An Act to amend Chapter 37 of the acts and resolves of 1911 as amended by the acts and resolves of 1917. Amend by adding thereto the following words: "Relating to the salaries of the chief of police and patrolmen of the city of Lewiston."

The House thereupon adopted amendment A and the bill received its several readings as amended and was passed to be engrossed as amended by House amendment A.

### Orders

Mr. Pike of Eastport presented the following order:

Ordered, that the treasurer of State forthwith report to this House the amount of money available for the payment of the men comprising the quota of this state for the World War, as provided by Chapter 101 of the Public Resolves of 1917, and the same gentleman moved passage of the order.

Mr. PIKE of Eastport: Mr. Speaker, I desire to address the House briefly on the order.

Mr. Speaker and gentlemen of the House: The Maine Legislature of 1917 enacted Chapter 101, a public resolve which is very brief but of great importance, as follows:

"Resolved, that there shall be paid from any funds in the state treasury to each person who shall enlist and each person now enlisted in the

National Guard of the State of Maine, and who shall be mustered into the service of the United States on the quota of this State, not exceeding a sum of one dollar for each and every day he shall be in the service of the United States during the existence of war or during the existence of a state of war. Such sums shall be paid to such person at the expiration of his service upon cessation of the state of war; or, if such person shall have any person or persons dependent upon him for support said sum shall be paid monthly to such dependents as the soldier shall designate."

Gentlemen of this House, that comprises a solemn obligation upon the State of Maine to make that payment. It states a sum not exceeding one dollar, but I submit the idea to be gathered from that is that the soldier should have one dollar per day. We are still in a state of war technically, the peace treaty not having yet been signed, but will be signed perhaps this month, or the very near future; to that I deem it pertinent at this time, gentlemen, to have the treasurer of the State report to us how much money is now available for the purpose of carrying out this obligation. It seems to me proper to be introduced at this time, and I move the passage of the order.

The order received a passage.

### Recess

#### After Recess

The SPEAKER: In the absence of any objection, unanimous consent being given, we will take up out of order some House reports.

Mr. Fowles of the committee on salaries and fees upon an act to correct by amendment Chapter 103 of the Private and Special Laws of 1919, relating to the salary of the clerk of the Lewiston Municipal Court reported that the same be referred to the next Legislature.

The same gentleman from the same committee, on bill an act to increase the salary of the Register

of Deeds for Lincoln county reported "ought not to pass."

Same gentleman from same committee on bill an act to amend Section 44 Chapter 117 of the Revised Statutes, as amended, increasing the salary of the treasurer of Androscoggin county reported "ought not to pass."

Mr. Peabody of same committee on bill an act to amend Section 44, Chapter 117 of the Revised Statutes, as amended, increasing the salary of the treasurer of Penobscot county, reported "ought not to pass."

Same gentleman from same committee on bill an act to amend Section 37, Chapter 117 of the Revised Statutes, as amended, increasing the salary of the county attorney of Androscoggin county reported "ought not to pass."

Mr. Clifford for the committees on claims on resolve in favor of Frank S. Wingate reported that the same be referred to the next Legislature.

Reports accepted.

Mr. Fowles for the committee on salaries and fees on bill an act increasing the amount of money allowed for clerk hire in registry of deeds Penobscot county reported "ought to pass".

Report accepted.

Mr. FOWLES of La Grange: Mr. Speaker, I move that the bill be given its three several readings under suspension of the rules at this time.

Mr. HINCKLEY of So. Portland: Mr. Speaker, I would like to know just what this bill is. There are sixteen counties in this State and I want to know the particular reason why we are passing special legislation for increases in one county and not for others. I would like to know more about it.

Mr. FOWLES: Mr. Speaker, there were several applied for additional clerk hire, and where applied for it has been recommended "ought to pass" in every instance. This seems to be necessary in order to keep up the work and keep these deeds recorded as they come in. It would

seem necessary to give them another clerk in some instances.

Mr. HINCKLEY: Mr. Speaker, may I inquire through the Chair, how many counties have applied?

The SPEAKER: The gentleman from La Grange, Mr. Fowles, may answer through the Chair.

Mr. FOWLES: Mr. Speaker, I would answer that there are several, and I think that the county of the gentleman from So. Portland is provided for among others.

Mr. HINCKLEY: Mr. Speaker, I move that the bill be temporarily tabled.

The motion prevailed.

Mr. Peabody from the committee on salaries and fees on bill an act to provide clerk hire in the office of certain county officials of Aroostook county, reported same in new draft under same title and that it ought to pass.

Report accepted.

On motion by Mr. Barnes of Houlton this bill was temporarily tabled.

Mr. Peabody from the committee on salaries and fees on bill an act to amend paragraph 7, Section 45, Chapter 117 of the Revised Statutes, as amended by Chapter 214 of the Public Laws of 1919, relating to clerk hire in the office of registry of deeds for Kennebec County reported "ought to pass."

Report accepted.

On motion by Mr. Hinckley of So. Portland temporarily tabled.

Mr. Peabody from the committee on salaries and fees on bill an act amending Section 19, Chapter 275, Special Laws of 1863, entitled an act to confer certain powers on the city of Portland providing for salary of city council, reporting same in new draft, under same title, and that it "ought to pass".

Report accepted.

Mr. ROUNDS of Portland: Mr. Speaker, I move that the bill be pressed along.

Mr. HINCKLEY of South Portland: Inasmuch as this is reported in new draft, I would like to have it lie on the table temporarily.

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

Mr. ROUNDS: Mr. Speaker, This bill does not affect the city of South Portland, only the city of Portland. This board had over one hundred meetings this year. They are called at noontime, they are called at all times of the day, and are at beck and call. They only wish to have what is reasonable which would only be about \$2.00 a day, the same as you are receiving here at the present time. I do not think it will hurt anybody if this bill receives a passage.

Mr. WILSON of Portland: Mr. Speaker, I do not know much about this bill. I never heard of it until after I came down here. It does not seem to me right for this Legislature to ride over the heads of the city government of Portland and say what salaries shall be paid in this instance. I have no objection to the charter being amended so that the city government may fix the salaries in any way they wish, as they do for all other city officers except corporation counsel, which was fixed by the Legislature four years ago, and the city was not allowed to say anything about it. That caused a good deal of criticism at the time. I think we ought to be a little careful about this, and so far as I have traveled about the city of Portland, I have heard no demand for it. It is all right for everybody to get a dollar if he can. No one is obliged to be an alderman in Portland unless he sees fit, and he knows the condition of things when he takes the office. I wish you gentlemen would consider fairly and squarely how you would like to have it apply to your own cities and towns. I have no particular interest in it myself. I do not expect to be an alderman or councilman.

Mr. HINCKLEY: Mr. Speaker, I want to make it clear that I am interested in that, even if they do not pertain directly to the city of South Portland. We are here as representatives of the State of Maine, and I want to call attention of the mem-

bers of the Legislature to this fact. A large number of bills are in here, and these bills are sliding through without even being printed, and without even being read by a large percentage of the members of this House. I warn you that you should be careful. The last Legislature passed several bills and some of us were surprised to know something that went through during the last few hours, and we have had several matters before us here correcting mistakes made at the last regular session. I am just issuing this warning to you. I hope it will not be necessary to call another special session for the purpose of correcting errors and blunders that we are making at this session.

Mr. BAXTER of Portland: Mr. Speaker, I think this is an important matter for the city of Portland. The bill has never been printed. I never heard about it until this afternoon and for one I should not want a bill passed here obliging the city of Portland to pay the members of its city council. A matter of this sort is purely local and should be presented to the citizens of Portland. They should have the opportunity to discuss it thoroughly, and I hope the motion to table will prevail.

Mr. ROUNDS if Portland: Mr. Speaker, I sat here this morning and saw something go through this House without the winking of an eye, and not one of these Portland gentlemen got up and said a word, though it involves the expenditure of three to five hundred thousand dollars, but this three hundred dollars is causing a lot of discussion. Now I think that we do not know what is in the bill on this large proposition and we have never been consulted, but they want to know all about a three hundred dollar proposition that has been before this House before, been sent to the Senate, and come back here with a unanimous report from the committee. This three hundred dollar matter they are haggling over and want to know all about where it is going.



Mr. HINCKLEY: Mr. Speaker, I just want to make clear to the members of the House in regard to this three hundred thousand or five hundred thousand dollar proposition. The city of Portland made a pledge to the State of Maine through its representative here—

The SPEAKER: Just a moment, please. Are you addressing yourself to this bill?

Mr. HINCKLEY: In regard to this bill and, Mr. Speaker, I will confine myself strictly to that. My only object in tabling this particular bill is that I may have a chance to read it. I do not propose to vote on any matter, now or at any other time, until I know what it is.

Mr. WILSON of Portland: Mr. Speaker, it is true as the gentleman from South Portland (Mr. Hinckley) says, and I think every member of this House recalls that there was a pledge by the city of Portland last winter in regard to this State Pier. The bill went through here this morning in regard to this State Pier. Now the bill here—

The SPEAKER: The Chair must rule that the speakers must confine themselves to the bill in question.

Mr. WILSON: The bill we are considering, unless I am misinformed, provides that nine aldermen in the city of Portland shall receive \$300 a year each. It provides that 27 councilmen may receive \$50 a year each. Now if the city of Portland is to spend that amount of money on its city government in addition to what it has been accustomed to I agree with representative Baxter that the people of the city should have something to say about it, and whether they want to increase the pay of the firemen, the policemen or the school teachers. It is hard work to get any money to increase those three bodies, the school teachers especially. This is a serious matter, gentlemen. It is all right to give your aldermen three hundred dollars apiece. They are good fellows, every one of them. If they can pick up \$300 of easy money, that is all right; but I think the

people who have got to pay this money are the ones to say whether it ought to be paid or not. I happened to know two or three of the present aldermen and I have never heard them make any complaint or ask that they be given a salary. Perhaps they have done so to some other member of the delegation. I do not believe we should be bothered with this at this session.

Mr. WARREN of Portland: Mr. Speaker, after the remarks of Mr. Wilson and Mr. Baxter, it seems to me at this time we ought to postpone matters like this until the regular session. I do not believe that this is a matter that should be acted upon at this time. There does not seem to be any hurry about it. We always have been able to get aldermen and councilmen in the city of Portland to act without consideration, and I think we can awhile longer. I think it should be postponed to the next session of the Legislature, and I move that it be referred to the next Legislature.

A viva voce vote being taken the House voted to refer the bill to the next Legislature.

Mr. Buzzell from the committee on Judiciary on bill an act to amend Sections 32 and 33 of Chapter 88 of the Revised Statutes of 1916 relating to trial justices and judges of municipal and police courts, reported that it "ought to pass".

Report accepted.

Mr. HINCKLEY of South Portland: I move that this matter lie on the table.

Mr. BUZZELL of Belfast: Mr. Speaker, it is barely possible that I might say just a word in explanation so that the gentleman from South Portland might want to take back the motion he has just made.

Mr. HINCKLEY: With the permission of the House I will withdraw my motion until I get the explanation.

The SPEAKER: The motion may be considered withdrawn.

Mr. BUZZELL: This bill simply provides that attorneys who happen to be judges of police courts may

handle matters—collections—in the Supreme Court in the future, where under the present law they would have no right to do that or even to advise in relation thereto. We will say for instance that the jurisdiction of their court is \$100. They would have no right to advise or handle a case in the Supreme Court even if it ever came into that court. That is all there is to this bill.

Mr. HINCKLEY: Mr. Speaker, I would like to know before which committee that came.

The SPEAKER: The gentleman from Belfast, Mr. Buzzell, may answer through the Chair.

Mr. BUZZELL: Judiciary—unanimous report.

The SPEAKER: The gentleman has withdrawn his motion and there is no motion before the House.

On motion by Mr. Buzzell of Belfast the rules were suspended and the bill given its three several readings, passed to be engrossed, and sent to the Senate.

Mr. Buzzell for the committee on Judiciary on bill an act to amend paragraph 2, Section 6, Chapter 10 of the Revised Statutes, relating to additional exemption from taxation of sewerage district bonds, reported that it "ought to pass".

Report accepted.

On motion by Mr. Barnes of Houlton the rules were suspended and the bill given its three several readings and passed to be engrossed.

On motion by Mr. Clason of Lisbon it was voted to take from the table bill relating to the creation and expenditure of the mill tax highway fund, and on further motion by the same gentleman the bill was indefinitely postponed.

Mr. ROUNDS of Portland: Mr. Speaker, I move that we reconsider the vote whereby we passed the State Pier bill today. I would like to put an amendment on it. I think the citizens of Portland should know what is in that bill before they vote on it.

The SPEAKER: The Chair will state that the bill is not in the possession of the clerk, and under rulings that the Chair has consistently made, a bill that is not before the House cannot be acted upon. It can be recalled to the House.

Mr. ROUNDS: I would like to have that bill recalled from the Senate.

The SPEAKER: Will the gentleman from Portland, Mr. Rounds, prepare an order, so that it may be made a matter of record.

### Recess

#### After Recess

From the Senate: Conference committee report on the disagreeing action of the two branches on bill an act to amend the charter of the Passadumkeag Boom Company, reporting that the House recede from its action, which was referring to the next Legislature and join the Senate in receiving the said act for further consideration. The Senate had referred it to the committee on Interior Waters. This is signed by five members of the conference, and comes from the Senate with the report accepted.

In the House, on motion by Mr. Barnes of Houlton it was voted to reconsider the vote whereby this was indefinitely postponed, and on further motion by the same gentleman the report of the conference committee was accepted in concurrence, and on further motion by the same gentleman the House voted to recede from its action in referring to the next Legislature, and the bill was referred in concurrence with the Senate to the committee on Interior Waters.

From the Senate: Senator Grant from the committee on salaries and fees on bill an act to amend Section 40, Chapter 117 of the Revised Statutes, as amended by Chapter 214 of the Public Laws of 1919, relating to salary of clerk of courts for Sagadahoc county reported that it "ought not to pass".

Same gentleman from same committee on bill an act to increase the

salary of the county commissioners of Androscoggin county, reporting "ought not to pass".

Reports accepted in concurrence.

From the Senate: Mr. Ricker for the committee on Library on bill an act to provide for the preservation of archaeological objects and sites and for the appointment of archaeology reported that it be referred to the next Legislature.

Report accepted in concurrence.

#### Final Report

The committee on inland fisheries and game reported that they have acted on all matters referred to them.

Report accepted.

Mr. Peabody from the committee on salaries and fees on bill to amend Section 11 of Chapter 116 of the Revised Statutes, relating to salaries of officers of the Senate and House of Representatives, reported that the same "ought not to pass".

Mr. ROUNDS of Portland: Mr. Speaker, I do not think all the members signed that report. Therefore, instead of the report being accepted, I would like to have it amended so that it can be referred to the next Legislature, if that would be in order.

The SPEAKER: The Chair would rule that while it is unusual practice this committee report might be amended, so that it would read "asks leave to report that the same be referred to the next Legislature". There would have to be an amendment prepared, however, for that.

Mr. ROUNDS: The committee knew that there was to be a minority report, and they asked me not to make it and I agreed not to make it, but asked to have it referred to the next Legislature. Now if anybody will tell me how to make that motion.—

Mr. BARNES of Houlton: Mr. Speaker, would we not save time by rejecting the report of the committee and referring the original bill sub-

stituting that in place of the report and referring that to the next Legislature.

The SPEAKER: A motion to substitute the bill for the report means that you have virtually an affirmative report which passes the bill. The Chair would suggest that the report and the bill can both be referred to the next Legislature.

On motion by Mr. Rounds of Portland, a viva voce vote being had, the bill and report were referred to the next Legislature.

On motion by Mr. Barnes of Houlton the House recessed until 7.30 this evening.

#### Evening Session, 7.30 P. M.

From the Senate: Report of committee on sea and shore fisheries on bill an act to repeal Section 135 of the Public Laws of 1919, entitled an act to provide for the licensing of sardine packers, the quality of fish used for sardines, and to establish standards of measures for sardine herring, that it "ought to pass", Senator Peacock for the committee.

This comes from the Senate report accepted.

In the House accepted in concurrence.

In the Senate read twice under suspension of the rules and passed to be engrossed.

Mr. BARNES of Houlton: Mr. Speaker, I move that the rules be suspended and that the bill have its three several readings and that it be passed to be engrossed.

The bill had its first reading.

Mr. PIKE of Eastport: Mr. Speaker, may I inquire if this bill has been advertised?

The SPEAKER: The Chair is unable to state. Perhaps some member of the committee can do so.

Mr. PIKE: It seems to me to be a very important matter. I know the entire sardine industry came here at the last session and advocated the passage of that bill, and action taken to repeal it without the sardine men of the State knowing about it seems

to me to be improper. I move that it lie on the table for a short time.

Mr. PERKINS of Boothbay Harbor: Mr. Speaker, if the gentleman from Eastport (Mr. Pike) will pardon me, I think perhaps I can make the situation clear.

The SPEAKER: The Chair will permit the explanation. Of course the motion must be decided without debate.

Mr. PERKINS: Mr. Speaker, the sardine packers desired this bill passed at the last session; but since that time the matter has been brought to the attention of the court and quite a part of it declared unconstitutional, so that it does not now meet with their approval and they ask to have it repealed as a piece of useless legislation.

A viva voce vote being taken, the motion to lay upon the table was lost.

The bill then received its second and third readings and was passed to be engrossed in concurrence.

From the Senate: Committee on taxation on resolve amending Section 8 of Article 9 of the Constitution as amended by Article 36 of the Constitution, providing for an income tax, reporting that the same "ought to pass", Senator Gannett for the committee.

Report accepted in concurrence.

This also comes from the Senate under suspension of the rules, given its readings and passed to be engrossed.

In the House the rules were suspended and the resolve given its two several readings and passed to be engrossed in concurrence.

From the Senate: Committee on salaries and fees on an act to increase the number of clerks in the registry of deeds in the county of Cumberland, State of Maine, that it "ought to pass", Senator Folsom for the committee.

Report accepted in concurrence.

On motion by Mr. Barnes of Houlton the rules were suspended and

the bill received its three several readings and was passed to be engrossed in concurrence.

From the Senate: Committee on appropriations and financial affairs on resolve to amend Chapter 113 of the resolves of 1919 providing for the care, support and medical or surgical treatment of dependent persons in or by certain charitable and benevolent institutions and organizations, not owned nor controlled by the State and for other purposes, reporting "ought to pass", Senator Grant for the committee.

Report accepted in concurrence.

Mr. HINCKLEY of So. Portland: Mr. Speaker, I would like to ask through the Chair if somebody can explain that bill so that I will know just what it is.

The SPEAKER: Is there anybody who can explain this bill through the Chair to the gentleman from South Portland?

Mr. HOLLEY of No. Anson: Mr. Speaker, is that the bill that was reconsidered in this House a short time ago?

The SPEAKER: The Chair is under the impression that it is.

Mr. HOLLEY: Replying to the gentleman through the Chair, that is the bill in which the clerical error appeared pertaining to the Children's Hospital.

Mr. HINCKLEY: Then I have no objection.

Thereupon the rules were suspended and the resolve given its two several readings and passed to be engrossed in concurrence.

From the Senate: Committee on legal affairs on bill an act to amend paragraph 3 of Section 2 of Chapter 197 of the Private and Special Laws of 1915, entitled an act to incorporate the Bath Water District, reporting that it "ought to pass". Senator Thombs for the committee.

Report accepted in concurrence.

This comes from the Senate engrossed under suspension of the rules.

On motion by Mr. Barnes of Houl-

ton the rules were suspended and the bill given its three several readings and passed to be engrossed in concurrence.

From the Senate: Report of committee on legal affairs on an act to amend Section 12 of Chapter 83 of the Revised Statutes relating to county commissioners, reporting the same in a new draft under a new title and that it "ought to pass". Senator Thombs for the committee.

Report accepted in concurrence.

On motion by Mr. Barnes of Houlton the rules were suspended and the bill received its three several readings and was passed to be engrossed in concurrence.

From the Senate: Committee on legal affairs on bill an act to amend Section one of Chapter 177 of the Private and Special Laws of 1917, relating to the powers of the Portland Water District, and to amend Chapter 257 of the Private and Special Laws of 1911, relating to the powers of the Peak's Island Corporation, reporting same in new draft under same title and that it "ought to pass". Senator Thombs for the committee.

Report accepted in concurrence.

Mr. HINCKLEY of South Portland: I move that the rules be suspended—

Mr. ROUNDS of Portland: I move that it lie on the table, so that we can see what is in it.

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

Mr. HINCKLEY: I now move that the rules be suspended and that it be given its three several readings; but before I do this, let me say this: That this is one of the bills that was recommended by the Governor in his message owing to the fearful condition at Peak's Island from the standpoint of health, unable to get water there sufficient for their needs, and the water of very poor quality, whenever there is. Now this bill in new draft is one that has been considered very carefully by the committee, has been agreed to by

all parties interested, including the Portland Water District, and the committee unanimously recommends its passage.

Mr. ROUNDS: Mr. Speaker, I think that a man who is the third largest tax payer on Peak's Island should have a little recognition to know what is in that bill. I have been unable to find out what is in it, and I would like to inquire through the Chair how large a vote would be required to stop the three several readings of the bill at the present time.

The SPEAKER: Does the gentleman from Portland wish to know whether it is a majority or a two-thirds vote?

Mr. ROUNDS: Yes, sir.

The SPEAKER: A two-thirds vote is required to suspend the rules.

Mr. ROUNDS: Mr. Speaker, being the third largest tax payer as I say, I claim I have a right to know what is in that bill before it is rushed through here.

Mr. HINCKLEY: Mr. Speaker, I certainly have no desire to rush any matter through that the gentleman from Portland (Mr. ROUNDS) is interested in. This matter came before our committee, the gentleman from Portland was there and we questioned him in regard to the matter, and my understanding is that this particular bill was agreeable to him. It was discussed very fully before the committee, and I think he talked at least half or three-quarters of an hour in regard to it. We considered very carefully what he said. I would like that the bill be read so that everybody will know just what is in it.

The SPEAKER: The Clerk will read the bill.

(Bill read.)

Mr. ROUNDS: Mr. Speaker, I would like to ask through the Chair if Little Diamond Island was not included?

Mr. HINCKLEY: I will say, Mr. Speaker, that when the bill was originally presented to us, Little Diamond was in. Later Little

Diamond was taken out because it was understood and reported to us by the attorneys for the Portland Water District, by the attorneys who represented the corporation itself and by the attorneys for the people who appeared here, that Little Diamond was not interested and only the Peak's Island people were interested in that matter. An emergency did not exist on Little Diamond Island and for that reason Little Diamond Island was taken from the bill. Neither is Little Diamond Island mentioned as you will recall, in the Governor's message. As you will recall his message he saw fit after an examination of the matter to consider it such an emergency that he made special mention of it and urged that the situation be remedied.

Mr. ROUNDS: Little Diamond Island is in the same condition and has been in the same condition this summer as Peak's Island, although not so large an island. They have been paying more than Peak's Island has for water. I do not want to be an obstructionist; I want to see it go through. At the same time it looks to me as though Little Diamond Island should be in there as they are supplied by the Peak's Island Corporation. I am willing to let it go through if the rest of the Portland delegation feel that it is right that it should go through without Little Diamond on there. I would like to call on Mr. Baxter, if I may be allowed.

The SPEAKER: The Chair will recognize the gentleman from Portland, Mr. Baxter.

Mr. BAXTER: Mr. Speaker, I did not quite understand the question of the gentleman from Portland, Mr. Rounds.

The SPEAKER: If the gentleman from Portland, Mr. Rounds, has a question he would like to ask, he may do so.

Mr. ROUNDS: I would like to ask if the Portland delegation wants to throw out Little Diamond Island?

Mr. PANTER: The matter has not been discussed, Mr. Speaker, and I

am not prepared to answer that question. The matter was not referred to the Portland delegation and on that account I am not advised what action they would want to take.

Mr. MAHER of Augusta: Mr. Speaker, may I have the temerity to interfere in a Portland matter? May I ask the gentleman from Portland if I understand him correctly to say that Little Diamond was now supplied by water from the Peak's Island Corporation?

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

Mr. ROUNDS: It is.

Mr. MAHER: Then that position is obviated by the provision in Section one that the Portland Water District succeeds to the franchises of Peak's Island Corporation; but may I suggest another thing I presume no question will ever be raised, but if ever it is raised, just guessing how the decision would be and merely stating this not for any purpose of objection at all, but anticipating the decision if any decision is ever established—they appear in this bill to confer the very high power of eminent domain.

Mr. HINCKLEY: Mr. Speaker, in reply to that I would say that there is no attempt in this bill to give the right of eminent domain. They have the power of eminent domain outside of this altogether. This is simply a provision that particular property—and all parties have agreed to that—shall be appraised by the Public Utilities Commission—not to take general property but specific property when the Public Utilities Commission has passed upon it.

Mr. MAHER: Mr. Speaker, I will not take but a second of time. The gentleman and myself differ on what is meant by the phrase "eminent domain". It is not necessary to refer to general property, specific property is quite enough; and if I understood that Section one correctly, the Public Utilities Commission has to fix the value of the property and franchise it with this Peak's Island Water Company, and when they have done

so the Portland Water District upon payment within sixty days thereafter is vested with the title of the Peak's Island Corporation. Do I correctly understand it?

Mr. HINCKLEY: Yes.

Mr. MAHER: That absolutely and certainly is the acquisition or attempted acquisition of right of property under the power of taking. We are not brokers here to act between two parties who are negotiating. In my opinion if any stockholder or person in interest on Peak's Island or in connection with that corporation objects, they can obtain an injunction that will hold.

Mr. HINCKLEY: Mr. Speaker, if I may have the privilege of saying this one word. This bill was drafted very carefully. Its interests were looked after by no less an attorney than Mr. Skelton of Lewiston, formerly a member of the Public Utilities Commission. The people's interest on the island were looked after by no less an attorney than Judge Connolly, former Judge of our Superior Court, and the interests of the Portland Water District were looked after by Mr. Moulton, who probably has had more experience with taking land by eminent domain than all the lawyers in the State of Maine put together. I am willing to take their judgment on the matter.

Mr. MAHER: I want the House to understand that I am not interested in this matter at all, but am simply stating my view in order that if any question is ever raised we will not be confronted by the statement that the Legislature has taken action that is an error. Apropos of the distinguished gentlemen who have passed on this bill we all recall that the Portland Water District contributed quite largely to Augusta at the inception thereof for legal services.

The SPEAKER: The question before the House is the motion to suspend the rules and to give this its three readings at the present time. This requires a two-thirds vote. All

those in favor of the motion will rise and stand until counted.

A division being had,

Seventy-one voting in favor of the motion and six against it, the motion prevailed, and the bill received its three several readings and was passed to be engrossed in concurrence.

#### House Reports

Mr. Small for the committee on interior waters, on bill an act to amend the charter of the Passadumkeag Boom Company reported that the same "ought to pass".

Report accepted.

On motion by Mr. Gilmour of Westbrook the rules were suspended and the bill given its three several readings and passed to be engrossed and sent to the Senate.

Majority report of the committee on Judiciary on bill an act authorizing the town of Turner to purchase and operate or to purchase and hold stock in the electric railroad between East Auburn and Turner Village that it "ought to pass". Signed, Messrs. Buzzell, Maher, Deering, Chaplin, Baxter, Conary, Murchie.

Minority report on same committee on same bill, that it "ought not to pass" signed Messrs. Davies and Dearth.

On motion by Mr. Bradford of Turner the majority report "ought to pass" was accepted, and on further motion by the same gentlemen the rules were suspended, the bill given its three several readings, passed to be engrossed, and sent to the Senate.

From the Senate: Bill an act to amend Section 32 and 33 of Chapter 83 of the Revised Statutes, relating to trial justices and judges of the police and the municipal courts.

This was passed to be engrossed by the House and comes back from the Senate indefinitely postponed in non-concurrence.

Mr. HINCKLEY of South Portland: I move that the House recede

and concur with the Senate in the indefinite postponement of the bill.

Mr. BARNES of Houlton: Mr. Speaker, I rise to inquire whether there are any friends of the measure present, and also to ask who introduced the bill?

The SPEAKER: The Chair will state that the bill was introduced by the gentleman from Belfast, Mr. Buzzell.

Mr. BUZZELL of Belfast: Mr. Speaker, I will say that I have no particular interest in the bill in a way, but I think the bill takes care of certain conditions that are not right. At the present time a police judge cannot handle a small matter in the Supreme Court of the State of Maine, providing it is less than the jurisdiction of his court. He cannot even advise on that proposition, and from my point of view that is not right. Therefore, I advised that it was best that a bill be drawn and it was drawn, and that is the condition and connection of our Belfast court. I thought that this bill took care of it, and I believe that it does take care of it. If I had not believed it, I would not have introduced the matter. I can see no reason why a police judge should not have the privilege and the power to handle such a matter in the Supreme Court or courts of our State. I can see no reason why the bill should not have a passage. I introduced the bill and I am in favor of it, and whatever the reasons are for the action of the Senate I do not know.

Mr. HINCKLEY: Mr. Speaker, I want to read the law of this State from our Statute book which this law seeks to change and which has been the law for many years. Section 32 of Chapter 88 "no trial justice shall be of counsel for or give advice to either party, in a suit before him, or be subsequently employed as counsel or attorney in any case tried before him; nor hear or determine any civil action commenced by himself; and every action so commenced shall abate.

Sec. 33. No judge of any municipal or police court shall give counsel or

accept any retainer in relation to any cause, the subject matter of which shall be within the jurisdiction of the court over which he presides, nor in any manner become voluntarily interested, directly or indirectly in any cause."

Now that has always seemed to me to be a very wise provision that any person who accepts a judicial position in this State should not in any way act as attorney accept any retainer in any matter that might possibly come before his court. That has been the law as I say for a great many years in the State of Maine, and I think this is the first time that the question has ever been raised. Now they seek to amend by striking those sections out and substituting this: "No trial justice or judge of any municipal or police court shall give counsel or accept any retainer in relation to any civil or criminal case before his court nor hear or determine any civil action commenced by himself and that action so commenced shall abate. Any trial justice or judge of the police or municipal court who is also an attorney at law may bring actions which are within the jurisdiction of its own court before trial justices located in the same county as his court if the defendant also lives in the county and the amount in controversy is twenty dollars or under, in the Supreme, Judicial or Superior Court of the county if the amount is over twenty dollars or before any other court having jurisdiction of the subject matter.

Now of course no person would seek to introduce a bill that would permit him to bring an action in his own court, but that is evaded by allowing him to bring an action before some other trial justice; but the fact remains that that judge before whom these particular matters may come and matters within the jurisdiction of his court that he can be consulted on, that he can give advice in regard to them and become interested in that way in the case. I say now that is a most dangerous proposition, and I do not believe it



is a safe thing to give any judge or any trial justice that right. I believe the law is safe, and certainly in a special session of this kind, without a chance to advertise the matter—it has not been advertised—the people have not had a chance to be heard on it, we have not had a chance to consider it, and I believe that the Senate has in its wisdom shown excellent judgment in indefinitely postponing it. I certainly feel that we should follow the example that they have set for us.

The SPEAKER: The question is on the motion of the gentleman from South Portland, Mr. Hinckley, that the House recede and concur with the Senate.

Mr. BUZZELL: Mr. Speaker, I hate to take the time of this House any longer on a discussion of this kind. As I said in the first place, I am not particularly interested in this bill. The matter was called to my attention incidentally and I saw the injustice that it worked, especially to the young lawyer who had just been appointed or might be appointed to a judgeship with a jurisdiction of say one hundred or two hundred dollars. He is struggling to get along with a small practice and he is limited by that statute. The attitude of the gentleman from South Portland, Mr. Hinckley, is the attitude of a man who is questioning the common honesty of every man existing with a commission under those conditions. I do not believe that that is the way to look at a proposition of this kind. We have no police judges in this State of Maine who will take the long chances for a mere trifle under those conditions. That law, like other laws in the State of Maine, we have had on our books too long. Those same kind of laws have been breeding too much distrust in the minds of the people, and I for one have more confidence in the judges of our police courts than to say that I believe they are going to abuse it. I hope the motion will not prevail.

A viva voce vote being taken, the

motion to recede and concur in the indefinite postponement of the bill prevailed.

#### Recess

#### After Recess

From the Senate: The committee on judiciary, ways and bridges and appropriations on act to provide for an issue of state highway and bridge bonds, reported same in new draft under same title, and that it "ought to pass", Senator Peacock for the committee.

Report accepted in concurrence.

On motion by Mr. Storm of Westmanland Plantation the rules were suspended and the bill given its three several readings and passed to be engrossed in concurrence.

From the Senate: Committee on ways and bridges on bill an act to amend Chapter 282 of the Public Laws of 1917, as amended by Chapter 123 of the Public Laws of 1919, entitled an act to require certain vehicles to carry lights at night and control the glare of headlights, reporting that it ought to pass. Senator Peacock for the committee.

Report accepted in concurrence.

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

On motion by Mr. Clason of Lisbon, the rules were suspended and the bill given its three several readings and passed to be engrossed in concurrence.

From the Senate: Senator Metcalf from the committee on Inland Fisheries and Game on bill an act to amend Section 51 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, and by Chapter 196 of the Public Laws of 1919, relating to the trapping of foxes in Lincoln county, reporting that it "ought to pass".

Report accepted in concurrence.

On motion by Mr. Perkins of Boothbay Harbor the rules were suspended and the bill given its three

several readings and passed to be engrossed in concurrence.

From the Senate: Senator Grant from the committee on appropriations and financial affairs on resolve appropriating \$75,000 for a dormitory for the Maine Institution for the Blind, reporting a new draft under title of "Resolve in favor of the Maine Institution for the Blind".

Report accepted in concurrence.

On motion by Mr. Holley of No. Anson the rules were suspended and the resolve given its two several readings and passed to be engrossed in concurrence.

#### Final Report

From the Senate: The committee on Library report that they have acted on all matters referred to them.

Report accepted in concurrence.

From the Senate: Bill an act to amend Chapter 15 of the Public Laws of 1917, relating to celebrating Centennial week.

This bill was by the House referred to the committee on Judiciary.

It comes from the Senate passed to be engrossed under suspension of the rules in non-concurrence.

On motion by Mr. Sawyer of Fort Fairfield, the House voted to reconsider its action whereby it was referred to the committee on judiciary; and on further motion by the same gentleman the rules were suspended and the bill given its three several readings and passed to be engrossed in concurrence.

On motion by Mr. Hinckley of South Portland the matter relating

to clerk hire in the register of deeds of Penobscot county was taken from the table.

On motion by Mr. Fowles of La Grange the rules were suspended and the bill given its three several readings, passed to be engrossed, and sent to the Senate.

On motion by Mr. Hinckley of South Portland, it was voted to take from the table an act relating to increase of clerk hire in the office of register of deeds for Kennebec county.

On motion by Mr. Maher of Augusta, the rules were suspended and the bill given its three several readings, passed to be engrossed and sent to the Senate.

The SPEAKER: There are three more bills on the table, two tabled by the gentleman from Houlton, Mr. Barnes, who does not seem to be present, also an act to amend Section 27 of Chapter 127 relating to the salary of the superintendent of public buildings laid on the table on the motion of the gentleman from Portland, Mr. Rounds.

Mr. ROUNDS: Mr. Speaker, there is another bill coming in here that will take care of that. I wish to have it remain on the table until that bill comes in.

The SPEAKER: It will remain there until the gentleman makes a motion to take it off.

On motion by Mr. Allen of Sanford.

Adjourned until tomorrow morning at ten o'clock.