

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

SECOND SPECIAL SESSION

OF THE

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

August 31, 1920

HOUSE

Tuesday, August 31, 1920.

This being the day designated in the proclamation of the Governor for the meeting of the 79th Legislature in extra session, the members of the House of Representatives assembled in their hall at 9 o'clock A. M. (standard time), and were called to order by the Speaker.

Prayer was offered by Rev. Mr. Layton of Augusta.

The following proclamation was then read by the Clerk:

STATE OF MAINE

By the Governor

A PROCLAMATION

"The sixty-sixth Congress of the United States of America proposed the following amendment to the constitution of the United States: 'The right of the citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.'

"The State Department of the United States has this day, August twenty-sixth, nineteen hundred and twenty, issued its proclamation announcing that this amendment has been duly ratified by the legislatures of three-fourths of the several states and has become valid to all intents and purposes as a part of the constitution of the United States.

"The adoption of this amendment gives the women of Maine a right to vote in State and national and all future elections.

"However, under existing laws it is impossible to register all women voters for either the coming State or national election and unless many of the women of Maine are to be barred from exercising this franchise, additional registration laws must be provided.

"This necessity for legislation to make operative this constitutional amendment and to meet other urgent demands of the people seems to require the immediate consideration of the Legislature.

"In consideration whereof, I, Carl E. Milliken, Governor of the State of Maine, by virtue of the power vested in me by the constitution, convene the Legislature of this State, hereby requiring the senators and representatives to assemble in their respective chambers at the Capitol in Augusta on Tuesday, the thirty-first day of August, nineteen hundred and twenty, at nine o'clock, standard time, in the forenoon in order to receive such communications as may then be made to them, and to consult and determine all such measures as in their judgment will best promote the welfare of the State.

"In testimony whereof, I have hereunto set my hand and caused the seal of the State to be affixed.

"Done at Augusta this 26th day of August, in the year of our Lord 1920, and of the independence of the United States of America the 145th.

"By the Governor, Carl E. Milliken. Attest, Frank W. Ball, Secretary of State."

During the reading of the proclamation a message was transmitted from the Senate, through its secretary, informing the House that a quorum was present in the Senate, and that that body was ready for the consideration of such business as may come before it.

On motion by Mr. Murchie of Calais, it was voted that the Governor's proclamation be placed on file.

The SPEAKER: In order to determine whether or not there is a quorum present, the Clerk will call the roll, and as the names are called, the members will answer.

One hundred and thirty-four members answering to their names, a quorum was declared to be present, and the Clerk of the House was directed to convey a message to the Senate, informing that body that a quorum of the House is present, and that the House is ready to proceed with the transaction of such business as may come before it.

Subsequently the Clerk of the House reported that he had per-

formed the duty with which he was charged.

Mr. BAXTER of Portland: Mr. Speaker, I have a resolution here which I would like to introduce if it is in order at the present time—a joint resolution.

The SPEAKER: It is in order.

Mr. BAXTER: I offer this resolution and move its adoption, and that it be sent to the Senate for concurrent action.

The SPEAKER: The Clerk will read the resolution presented by the gentleman from Portland, Mr. Baxter.

STATE OF MAINE.

In the year of our Lord nineteen hundred and twenty. August 31, 1920. Joint Resolution of the Senate and House of Representatives.

Resolved, we the members of this the 79th Legislature of the State of Maine, who have always believed in and fought for equal suffrage for women, and we, the members of this Legislature, who have in the past conscientiously opposed equal suffrage, now join in congratulating the women of Maine upon the passage of the Nineteenth Amendment to the Federal Constitution, and in welcoming them into full partnership in the affairs of government; and on this memorable and historic occasion when the enfranchisement of the women of Maine is about to be completed, and when they are about to be placed upon an equal footing with the men of Maine, we express our confidence and our hope that in the years to come the men and women of this State, working together for the noblest and highest ideals of life, will make our State a leader in all that stands for justice, equality and liberty within the law; and as members of the 79th Legislature, regardless of any previous attitude upon the question of equal suffrage, and regardless of our party affiliations, and as citizens of the State of Maine, we pledge to our fellow citizens, the women of Maine, whose courage, devotion, loyalty and self sacrifice we have always recognized, our faith in their de-

termination to work with us for the preservation and continuance of the best and most enduring form of government that has ever been devised for free men and women, the government of the republic of the United States of America.

A message was received from the Senate, through its secretary, proposing a joint convention of both branches of the Legislature forthwith in the hall of this House for the purpose of receiving a communication from His Excellency, the Governor.

The SPEAKER: The House hears the message. And now is it the pleasure of the House to adopt the resolution read by the clerk, and presented by the gentleman from Portland, Mr. Baxter?

The House then by a rising vote unanimously adopted the resolution as presented, and it was sent to the Senate for concurrence.

Mr. Barnes of Houlton moved that the clerk of the House be directed to convey a message to the Senate informing that body of the concurrence of the House in the proposition for a joint convention of both branches of the Legislature.

The motion prevailed.

Subsequently the clerk of the House reported that he had performed the duty with which he was charged.

Mr. HOLLEY of North Anson: Mr. Speaker, I have a resolve to introduce, and I ask that it be passed under suspension of the rules without reference to a committee, and that it have its several readings at this time. The clerk then read the resolve, covering the payroll of the House for this special session.

On motion by Mr. Holley the rules were suspended and resolve received its two several readings and was passed to be engrossed without reference to a committee.

Mr. HINCKLEY of South Portland: I have an act which I wish to present under suspension of the rules.

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

IN CONVENTION.

(The President of the Senate in the chair.)

On motion of Mr. Thombs of Penobscot it was voted that a committee be appointed to wait upon His Excellency, the Governor, and inform him that the two branches of the Legislature are assembled in convention, ready to listen to any address he may have to make to them.

The Chair appointed as such committee Senator Thombs of Penobscot, Senator Goggin of Androscoggin, Senator Walker of Somerset, Representative Barnes of Houlton, Representative Small of Brewer, Representative Holley of North Anson, Representative Eaton of Rumford, Representative Baxter of Portland, Representative Pike of Eastport and Rockland and Representative O'Leary of Bangor.

Subsequently Senator Thomas for the committee reported that the committee had performed the duty with which it was charged, and that the Governor would immediately present himself before the convention.

The report was accepted.

The Governor and suite then entered the hall of House of Representatives.

President HIGGINS: Gentlemen of the Convention, His Excellency, Governor Milliken. (Applause.)

Gentlemen of the Seventy-ninth Legislature:

The ratification of the nineteenth amendment to the Constitution of the United States has conferred upon the women of Maine the right to vote at all elections subject only to such provisions of the Constitution and Statutes of the State as are not repugnant to the Constitution of the United States.

The women of Maine without regard to their previous views about suffrage are prepared to accept cheerfully and faithfully discharge the new responsibilities thus placed upon them. And Maine men whether they have previously advocated equal suffrage or not, desire that the process of placing women voters on full equality with men be

not only ungrudging and complete but as prompt as possible.

Maine women do not desire special privileges, either in the definition of their qualifications for exercising the right of franchise or in the machinery provided for their registration as voters. But in order to register before September 13, all the women who are qualified to vote in that election, boards of registration and municipal officers should be authorized to be in session as much time as may be necessary and under proper restrictions should be empowered to employ clerks and to appoint deputies wherever these are necessary to complete the task within the time available.

The right to vote ought to carry with it the right to hold office, but the 19th Amendment to the Federal Constitution probably does not confer the latter right upon the women of the nation. Under the decisions of our Maine courts, it is probable that the right to hold the offices created by the Constitution can only be conferred upon women by a Constitutional amendment, but the right to hold offices created by the Legislature can undoubtedly be conferred upon women by statute and I recommend that at this special session legislation providing in substance that, except as otherwise provided in the Constitution of the State, no person shall be deemed to be ineligible to hold public office by reason of sex.

If there is doubt as to the restriction imposed by the Constitution of the State upon the eligibility of women to hold public office, the next Legislature may properly ask the opinion of the Supreme Judicial Court upon this question, and then propose a constitutional amendment for the removal of any restrictions which the opinion of the court may disclose.

I am informed that through an unfortunate co-incidence one of the most solemn holy days of the Jewish church falls upon election day, September 13, and that some thousands

of Jewish voters in Maine are in danger of being disfranchised on that day because a strict observance of the tenets of their faith would prevent them from performing the act of marking the ballot with pen or pencil. It seems likely that this embarrassment might safely be removed by legislation allowing them the same assistance by election officers that is now permitted in cases of physical disability.

It is my sad duty to announce to you the death of Hon. John A. Roberts who for more than five years served the State as commissioner of agriculture with admirable diligence and fidelity. The Statutes make no provision for filling the vacancy in the office of commissioner of agriculture except through election by the Legislature. On the other hand, the office is being efficiently administered by the deputy commissioner and in my judgment no emergency exists which requires you to act unless you see fit to do so. In fact, there might be some advantage in allowing the vacancy to continue until the regular session. The salary of this office is entirely inadequate. It is to be hoped that at the next session of the Legislature this office will be put on a par with the other departments in the State and with the departments of agriculture in other states. The fact that we have been able to command the services of faithful and devoted men in the past should not encourage us to continue the niggardly policy which has hitherto prevailed toward this department. The vital importance of agriculture justifies a program which will command the services of the best available leadership. It is obvious that the full advantage of such a program could best be secured by allowing the incoming Legislature to provide an adequate salary before proceeding to elect a new commissioner of agriculture.

The Governor and suite then retired amid applause, the members rising.

The purposes for which this Convention was called having been accom-

plished the Senate then retired to its chamber.

The SPEAKER: The House had under consideration a bill presented by the gentleman from South Portland, Mr. Hinckley, which the clerk will read.

STATE OF MAINE.

In the year of our Lord one thousand nine hundred and twenty. An Act to Prevent the Denial or Abridgment of the Right to Hold Office on Account of Sex. Be it enacted by the People of the State of Maine, as follows:

Section 1. No citizen of the United States having a right to vote in this State shall be denied this right to hold any civil office under this State or any subdivision thereof on account of sex.

Mr. HINCKLEY of So. Portland: Mr. Speaker, some lawyers of ability are of the opinion that the Nineteenth Amendment to the Constitution of the United States automatically gives women not only the right to vote but the right to hold office. Other lawyers of equally as great ability believe the contrary. The courts have held many times that the right to vote and the right to hold office are distinct, and that either may exist without the other; and in order that there may be no question as to this matter, and in order that women shall have the right which everybody now hopes she may have, not only to vote, but to hold any office that a man can hold, this bill is presented, and I move, Mr. Speaker, that it have its three several readings and be passed to be engrossed without reference to a committee.

The motion prevailed, and the rules were suspended, and the bill given its three several readings and was passed to be engrossed, and sent to the Senate for concurrence.

The SPEAKER: Are there any other bills?

Mr. PERKINS of Boothbay Harbor: Mr. Speaker, I wish to present bill an act to amend section three of Chapter 293 of the Public Laws of 1917, entitled an act to create a Sea and Shore Fisheries Commission. I move suspension of the rules and that

it have its three several readings and be referred to be engrossed without reference to a committee.

The SPEAKER: The Clerk will read the bill.

STATE OF MAINE

In the year of our Lord one thousand nine hundred and twenty.

An act to amend section three of Chapter 293 of the Public Laws of 1917, an act to create a commission of sea and shore fisheries.

Be it enacted by the people of the State of Maine as follows:

Section 1. Section three of Chapter 293 of the Public Laws of 1917 is hereby amended by striking out the following words: "they shall have authority to make rules and regulations governing the time, manner and conditions of taking fish, shell fish and lobsters and may declare a close time on such varieties and in such localities as they may determine; but such rules and regulations shall be made and such close time declared only after hearing, reasonable notice of which shall have been given by publication or otherwise to all parties interested. Rules and regulations so made and a close time so declared shall be held to take precedence over any then existing provisions of statute inconsistent therewith," so that said section as amended shall read as follows:

"Sec. 3. Sea and Shore Fisheries created: Appointment, qualifications, tenure, powers, duties, etc.

The Governor, with the advice and consent of the council, shall, upon the taking effect of this act, appoint a commission of three persons to be known as the sea and shore fisheries commission, who shall have general supervision of the sea and shore fisheries and shell fish regulated by Chapter 45 of the Revised Statutes. Each commissioner, except as hereinafter provided, shall hold office for a term of three years, unless sooner removed. Two of such commissioners shall belong to the political party casting the largest number of votes for governor at the last preceding election, and one from the political party casting the second largest vote for Governor at

the same election. They shall exercise supervision over all the fisheries and their product taken from the tide waters within the State, including the proper enforcement of all laws relating to the catching, packing, curing, manufacturing, selling, branding and transportation of all kinds of pickled, salt, smoked, fresh, canned or frozen shell or other fish."

Mr. PERKINS of Boothbay Harbor: Mr. Speaker and gentlemen of the House:

Four years ago this Legislature passed an act to create a sea and shore fisheries commission, known as Chapter 293 of the Public Laws of 1917. In section three of that act these words appear, which by amendment this bill seeks to strike from the act, leaving the act precisely as it was before, without these words: "they shall have authority to make rules and regulations governing the manner and condition of taking fish, shell fish and lobsters, and may declare a close time on such varieties and in such localities as they may determine; but such rules and regulations shall be made and such close time declared only after hearing, reasonable notice of which shall have been given by publication or otherwise to all parties interested. Rules and regulations so made in close time or declared shall be held to take precedence over any then existing provisions of statute inconsistent therewith."

In accordance with the authority vested in the sea and shore fisheries commission, that commission, after hearing, declared a close time on lobsters to take effect on August 1st, 1920, extending from Small Point in Sagadahoc county to Gay's Island on the western bank of Knox county. As it happens that effects the entire coast of Lincoln county, and I assume that at this time I speak not only for the towns of Boothbay Harbor, South Bristol, Bristol, and the plantation of Monhegan, but also for the towns of Bremen and Waldoboro, which have until recently been represented in this Legislature by the gentleman from Nobleboro, Mr. Mulligan, who is not with us now. After

hearing, this close time went into effect on August 1st. The first notice of the declaration of the close time appeared in the Bath Times on Saturday, about eight days before the close time went into effect. I saw it on Monday—in the issue of the Times on Monday. That paper only has a circulation in the city of Bath and a small portion of Sagadahoc county. It appeared in the Boothbay Register Friday, two days before the close time went into effect, and that paper is issued on Saturday morning as a matter of fact. The only other paper in Lincoln county is the Lincoln County News which is published on Thursday; and every fisherman from Small Point to Gay's Island had to haul his traps and place them upon the bank on Sunday prior to that time—every lobster fisherman in that territory was deprived of earning his livelihood. The close time lasted some six or seven days and then was suspended on account of the protests of that section of the State which was so great that the commission was compelled to listen to them. Every fisherman from Small Point to Gay's Island in Knox county, lost at least ten dollars a day whether he had ever seen a short lobster or had not. Every fisherman lost at least one hundred dollars aside from the wear and tear and the time lost in removing his traps from the water and then restoring them in order that he might earn a living to protect his family. Not only that, but a great many summer people who would have come down there, when they heard that they could not obtain lobsters at the lower end of Lincoln county, cancelled their hotel reservations and went elsewhere. A great many had cottages at the lower end of Lincoln county. This situation, Mr. Speaker and gentlemen of the Legislature, is a serious matter with us, and I wish to state that four years ago when this bill was passed the gentleman from Vinalhaven, Mr. Boman, called attention on the floor of this House to the fact that it was giving the commission too much power; but still it was passed. It has been tried

out on Sagadahoc, Lincoln and a small portion of Knox county, and Mr. Speaker, the people there are incensed. It has become more or less of a political question, and I simply want to say this: My Republican friends are telling them along the coast that if they are elected it will be repealed; and on the other hand, the Democrats are telling them that if they are elected it will be repealed. So everybody is in harmony and there is no necessity of waiting until the next session of the Legislature. It says "They shall have authority to make rules and regulations" but it goes on to say, that "rules and regulations so made and a close time so declared shall take precedence over any then existing provisions of Statute."

I say to you, Mr. Speaker, that this Legislature has no authority to delegate to any man or men the right to make rules and regulations or declare a close time that may be inconsistent with any provision of the statute laws of this State; and, Mr. Speaker and gentlemen of the House, there is no penalty in that statute if one of our fishermen had violated that close time. If there are any teeth in that statute, they are false teeth. If you will read that statute from one end to the other, you cannot find any. The commission itself admits that that law is unenforceable, that they do not have the power to punish a man, and still they take upon themselves under authority of this statute to deprive our people of the right to earn, as I say to you, an honest living; and I further say that that commission had no right to pick out the lower end of Lincoln county and declare a close time and deprive our men of the right to earn an honest living, and let the rest of the State go free. The people I have the honor to represent have asked me to present this bill, and I do not believe there is a lawyer in this House who will not agree with me that this Legislature has no authority to pass an act delegating to anyone authority to make laws and giving anyone the right to appeal the statutes of this State. They say this,

Mr. Speaker and gentlemen of the House: "I have purchased a license from the State of Maine to fish in the waters of the State; I have paid my dollar. I am a law-abiding citizen; and what right has the State to take from me by action of the commission the right for which I have paid one dollar for my license? What right have they to say that we from Small Point to Gay's Island should be deprived of earning an honest living?"

I hope Mr. Speaker, and gentlemen of the House, that you will vote in favor of the passage of this act, and I do now move that this bill be passed without printing and without reference to a committee, that it have its three several readings and be passed to be engrossed, in order that we may enjoy the rights given us under the constitution of this State of free born American citizens, the right to earn an honest living without interference by an autocratic commission.

Mr. HINCKLEY of So. Portland: Mr. Speaker, this Legislature was called together for a purpose which was well recognized in order to do what was necessary to make effective the Nineteenth Amendment. It is interesting to discuss lobsters, but I think it would be more interesting at this time of year to discuss them at a shore dinner resort than in the Legislature. This matter comes here without notice, without having been printed, without reference to any committee, and without anybody, excepting the gentleman who has spoken, knowing anything about the matter. So far as the practical proposition is concerned, I do not believe that this Legislature is in a frame of mind whereby it wants to take up this matter. If this matter is taken up, there are hundreds of other matters ready to come in here, which would keep us the rest of the summer. I do not think there is any emergency call for it, and I move you, Mr. Speaker, that this matter be indefinitely postponed.

The SPEAKER: The motion of the gentleman from So. Portland, Mr. Hinckley, takes precedence over the motion of the gentleman from Boothbay Harbor, Mr. Perkins, and

the question before the House is the motion to indefinitely postpone. All those in favor of the indefinite postponement will say aye, and those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Eighty-two having voted in favor of indefinite postponement and 36 against, the motion to indefinitely postpone the bill prevailed.

Under suspension of the rules Mr. Barnes of Houlton introduced the following order:

Ordered that Cecil Clay of Belfast be appointed the official reporter of the House for the special session convened on August 31, 1920.

The order received a passage.

Mr. Wilson of Portland introduced the following order, out of order, under suspension of the rules:

Ordered, the House and Senate concurring, that the deputy commissioner of agriculture be paid the full salary of the Commissioner of Agriculture for such period of time as such deputy commissioner has, and shall act, as commissioner of agriculture on account of the existing vacancy of said office.

The order received a passage and was sent to the Senate for concurrence.

Mr. Rounds of Portland presented the following order:

Ordered that a committee of five be appointed by the Speaker to investigate the conditions under which ice is being sold in the city of Portland and report its findings to the next Legislature or to the Grand Jury for the county of Cumberland.

Mr. ROUNDS: Mr. Speaker, I want to say here that some of us tried to bring this before the Grand Jury through our attorney general in special session last fall. Now if it is not profiteering to charge five dollars at wholesale and sixteen dollars at retail, I would like to know what profiteering is. We could not get the attorney general interested although we had a fund for the purpose of going into it. Now we ask authority to do something for the citizens of Port-

land, and we think in justice that we should have this done. I think that any ice team that can take from five to six tons of ice a day and make eleven dollars a ton on it comes pretty near to profiteering, and I for one would like to see—and the secretary of the Chamber of Commerce heard this remark from a driver that that was what he was putting out, and he thought it was profiteering. Therefore, I come with this order to see if we cannot get something done to relieve us in the city of Portland from paying this exorbitant price for ice.

A viva voce vote being taken and doubted.

A division of the House was had.

Thirty-five having voted in favor of passage of the order and 63 against, the order failed of passage.

Mr. BARNES of Houlton: Mr. Speaker, we are informed that from the other Chamber there will shortly appear a draft of legislation which will very materially increase the work and duties of boards of registration and municipal officers at the coming election. I have here a bill to increase the number of election clerks of the cities, towns and plantations of the State, and I move that the rules be suspended and that it be introduced at this time. The motion prevailed.

On further motion by the same gentleman the bill received its three several readings under suspension of the rules and was passed to be engrossed.

Mr. BEAN of Minot: Mr. Speaker, if in order I would like to ask Mr. Barnes a question.

The SPEAKER: The Chair will state that the gentleman from Houlton, Mr. Barnes, is not in his seat.

On motion by Mr. Bean of Minot the bill was temporarily tabled.

On motion by Mr. Bean of Minot the bill was taken from the table.

Mr. BEAN: Mr. Speaker, I would like to ask the gentleman from Houlton (Mr. Barnes) if it is necessary to make this increase if the municipal officers do not deem it necessary?

The SPEAKER: The gentleman may ask through the Chair, and the

gentleman from Houlton, Mr. Barnes may reply.

Mr. BARNES: Mr. Speaker, replying to the gentleman from Minot (Mr. Bean) through the Chair, I beg to say that after he has propounded all his questions, I will do my best to answer them.

The SPEAKER: If the gentleman from Minot, Mr. Bean, has any questions he desires to ask the gentleman from Houlton, Mr. Barnes, he may do so now.

Mr. BEAN: Mr. Speaker, the question I desire to ask is whether it is necessary in towns of small population to do this or shall it be left to the municipal officers?

Mr. BARNES: Mr. Speaker, the bill provides that the municipal officers may appoint and does not require that they shall appoint. Out of the body of election clerks which the Statute provides, it is the duty of the ballot clerk to attend to the checking of the lists as assistant to the municipal officers in the handing out of the ballot, and also a number of clerks are appointed or chosen who may grant in the secrecy of the voting compartment such information to a voter who wishes information on the ballot, or assistance in the marking of the ballot on account of disability or blindness or anything of that sort, as is desired. This statute is framed solely and simply for the purpose first of increasing the number of hands during election hours to do the mechanical work of the election, and, secondly, to make it possible, if the municipal officers so desire, to name election clerks from the women who might be chosen by a blind woman voter to accompany her into a voting booth and read over to her a ballot. The bill as read is very long, but the amendment is very short, occurring on page five of the printed bill, an attempt being made there simply to provide that if it is deemed advisable by the municipal officers controlling the voting in any voting precinct to appoint an additional number of election clerks, not more than two, those who are familiar with the statute,

municipal officers, men who have had experience, on recommendation of the party committee of the dominant party of each city or town. The statute prevents and forbids the entrance of any other person than the voter within the enclosure at the time of ballot. This will make it possible for municipal officers to appoint women election clerks to assist in the election. I trust it will have a passage.

The rules were suspended and the bill was given its three several readings and passed to be engrossed.

From the Senate: An act to provide for the registration of women prior to the State and national elections in the year nineteen twenty.

This comes from the Senate under suspension of the rules, having had its two readings and passed to be engrossed.

Mr. BARNES of Houlton: I move that we concur with the Senate and that under suspension of the rules the bill be given its three several readings and passed to be enacted. I am informed that the bill was printed and it would aid us greatly if it might be in our hands before any discussion takes place upon it, and if it is agreeable to the gentleman from Lewiston, Mr. Brann, I would suggest that we suspend action for a moment.

Mr. BRANN of Lewiston: Mr. Speaker: I think that can be cleared up in a very few moments. Yesterday several of us appeared here in opposition to the bill as then drawn by the attorney general. We suggested certain changes and we suggested that the machinery provided by the bill, drafted by the attorney general, was not broad enough to enable the registration of all the women in Lewiston, Portland and Bangor. I understand from reading the newspapers that the Legal Affairs and the Judiciary committee made certain changes in the bill as drafted by the attorney general, and if the gentleman from Houlton, Mr. Barnes, can inform me what those changes are,

it may be that in its present form, we will have no objection to it.

The SPEAKER: The Chair would suggest that it might be well to temporarily table this bill and take up some other matters until we can get printed copies in here.

On motion by Mr. Brann of Lewiston the bill was temporarily tabled.

From the Senate: Resolve on the payroll of the Senate. This comes from the Senate under suspension of the rules and passed to be engrossed without reference to a committee.

On motion by Mr. Brann of Lewiston the resolve was received under suspension of the rules, given its two several readings and passed to be engrossed in concurrence.

From the Senate: An act to amend Chapter seven, Section nineteen of the revised statutes.

Mr. BARNES of Houlton: May I inquire, Mr. Speaker, whether there is attached thereto an emergency clause?

The SPEAKER: The Chair will state that there is.

On motion by Mr. Williams of Auburn, the House voted to receive this bill under suspension of the rules and it was given its three several readings and passed to be engrossed without reference to a committee, in concurrence with the Senate.

On motion by Mr. Barnes of Houlton it was voted to take from the table an act to provide for the registration of women prior to the State and national elections for the year 1920, and on further motion by the same gentleman a viva voce vote being had the bill was given its three several readings and passed to be engrossed in concurrence.

Recess

After Recess

Mr. MAHER of Augusta: Mr. Speaker, if it is not out of order might I inquire the status of bill number one with reference to registration?

The SPEAKER: The Chair will state that the bill has been passed to be engrossed in concurrence with the action of the Senate, and is in the hands of the engrossing clerk at this time.

Mr. MAHER: Would it be proper to make inquiry through the Chair relative to the bill?

The SPEAKER: The gentleman may do so.

Mr. MAHER: May I ask the gentleman from Houlton (Mr. Barnes) if he does not think there is an incompatibility between the last part of section one occurring on page three and the tenth line on page five, the point being this: The first part of section one would seem to me in cities of 3,000 and less than 19,000 to allow the boards to be in session for ten secular days, on the first eight of which they were to register and upon the latter two they were to revise. That is what it seems to us. Then still further on in section one on page five, it says the boards of registration are authorized to remain in session every day except the last day of each session, etc. Does not that allow them to be in session on the ninth day for registration?

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

Mr. BARNES: Replying through the Chair to the gentleman from Augusta (Mr. Maher), as I remember the bill the number of days upon which boards of registration—which includes the municipal officers in the smaller towns and cities—are required to be in operation, varies with the size of the cities; and as I remember it, the number of days during which they are in session solely for the purpose of revising and correcting the lists. In some cities the two latter days and in others only the last day. Now this question arose. It may happen that at nine o'clock in the evening there are present a larger number than can be registered so as to close at nine. It was the opinion of many of the members of the committee that it would not be necessary to authorize the board to remain in session until the line of waiters had all been registered; so it

was written into the bill that the board might be in session. Now the sentence on page five, beginning with line 82, to my mind would mean that boards of registration otherwise authorized to receive applications for registration on the day before the last secular day preceding election might operate as boards of registration to receive the applications and decide upon their qualifications, and that boards of registration in the bill before drafted to occupy the two latter days in revision and correction would be operating on the day before the last secular day preceding election at the work of revision and correction. If the language accomplishes that, I think it was the purpose and intent of the committee. I would inquire if that in any measure answers the inquiry?

Mr. MAHER: I merely wished to be informed if the gentleman considers that the language conveys that meaning—"boards of registration are authorized to remain in session for registration of voters on any day except the last day."

Mr. BARNES: My answer, Mr. Speaker, through the Chair is this, that the work of revision and correction of the lists, that is, the writing of the name upon the official list, is the last solemn act of registration, and that act is a part of the work of the Board in the registration of voters and nothing else; so that the generic term of words "registration of voters" includes all of the work which boards of registration, including municipal officers, may do, from the first day in which registration is allowed under the statute until the time set on the last day when the correct list is to be handed to the clerk to be used on the following Monday for the election.

The SPEAKER: The Chair will state that there is nothing formally before the House, but it has allowed the discussion to go on in order to clear up the meaning of the bill.

On motion by Mr. Barnes of Houlton, the House recessed until one o'clock (standard time).

Afternoon Session

The SPEAKER: There are no matters as yet for the House to act upon. My purpose in calling it together is simply to suggest that we have emergency matters coming up later where we must have 101 votes. Therefore, I hope the members of the House will remain nearby, subject to call.

On motion by Mr. Williams of Auburn, the House recessed until three o'clock daylight saving time.

After Recess

Passed to be Enacted

An act to prevent the denial or abridgement of the right to hold office on account of sex.

Finally Passed

Resolve on the payroll of the House of Representatives.

Resolve on the payroll of the Senate.

The SPEAKER: The Chair lays before the House an act to provide for the registration of women prior to the State and national elections in the year 1920. The Chair will state that this act carries the emergency clause, and requires a two-thirds vote of all the members elected to this House in order to enact it. All those in favor of its being passed to be enacted will rise and stand until counted and the tellers will make the count.

A division being had,

One hundred and twenty voted in favor and none against; and the bill was passed to be enacted.

The SPEAKER: The Chair lays before the House an act to increase the number of election clerks for each polling place. The Chair will state that this also is an emergency measure, requiring a two-thirds vote of all the members. All those in favor of its being passed to be enacted will rise and stand until counted, and the tellers will make the count.

A division being had,

One hundred and nine voted in favor and none against; and the bill was passed to be enacted.

The SPEAKER: The Chair lays before the House an act to amend Chapter seven, Section nineteen of the Revised Statutes relating to assistance in marking ballots. The Chair will state that this act carries the emergency clause and requires the two-thirds vote of all the members elected to this House in order to enact it. All those in favor of its being passed to be enacted will rise and stand until counted and the tellers will make the count.

A division being had,

One hundred and eight voting in favor and none against; and the bill was passed to be enacted.

The SPEAKER: This disposes of all the work that the Chair knows about and the House will be at ease for a few moments.

After Recess

On motion by Mr. Barnes of Houlton, unanimous consent being given, it was

Ordered, that the Clerk of the House prepare and cause to be printed 600 copies of the House Journal of the Special Session, convened August 31, 1920.

On motion by Mr. Dunning of Charleston, it was voted that a message be transmitted to the Senate that the House has transacted all business before it and is ready to adjourn without day.

Thereupon the Chair appointed Mr. Dunning of Charleston to convey that message to the Senate, and that gentleman subsequently reported that he had delivered the message with which he was charged.

A message was received from the Senate stating that that body had transacted all its business and was ready to adjourn without day.

The following order was received from the Senate:

Ordered, the House concurring, that a committee on the part of the Senate, with such as the House may join, be appointed to wait upon His Excellency, the Governor, and inform him that both branches of the Legislature have acted on all matters before them and are ready to receive any communication he may wish to make.

The order received a passage in concurrence.

The Speaker thereupon appointed as such committee on the part of the House, Messrs. Cowan of Winterport, Gilmour of Westbrook, Reed of Bangor, Bragdon of Perham and Dolloff of Standish.

Subsequently Mr. Gilmour for the committee reported that the committee had discharged the duty with which it was charged, and that His Excellency informed the committee that there was no further business to come before the House.

From the Senate:

Communication from the Secretary of State.

STATE OF MAINE

Office of Secretary of State,

Augusta, August 31, 1920.

To the President of the Senate and Speaker of the House of Representatives:

Gentlemen: In accordance with the requirements of Section four, Chapter one of the Revised Statutes, I have the honor to inform you that the Public Acts, a list of the titles of which is hereto appended, have been approved by the Governor.

Very respectfully your obedient servant,
FRANK W. BALL,
Secretary of State.

An act to amend Chapter seven, Section 19 of the Revised Statutes, relating to assistance in marking ballots.

An act to provide for the registration of women prior to the State and national elections for the year 1920.

An act to increase the number of election clerks for each polling place.

An act to prevent the denial or abridgment of the right to hold office on account of sex.

Came from the Senate, read and ordered placed on file. In the House read and ordered placed on file in concurrence.

The following communication was received from the Senate.

STATE OF MAINE

Office of the Governor,

Augusta, August 31, 1920.

To the President of the Senate and the Speaker of the House of Representatives:

A list of the acts and resolves passed at the special session of the 79th Legislature held this day, and approved by me, number four public acts and two resolves, is herewith submitted. I have no further communication to make.

(Signed) CARL E. MILLIKEN,
Governor.

This comes from the Senate ordered placed on file.

In the House read and ordered placed on file in concurrence.

On motion by Mr. Gilmour of Westbrook,

Adjourned sine die.