

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

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## HOUSE

Wednesday, March 2, 1921.

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

Prayer by the Rev. Mr. Foxcroft of Hallowell.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

### Senate Bills in First Reading

Senate 83. An act to amend Section 72 of Chapter 56 of the Revised Statutes, relating to the ringing of the engine bell or sounding of the whistle at grade crossings.

Senate 84. An act to amend Section two of Chapter 50, Public Laws of 1917, relating to warning signs at grade crossings.

Senate 86: An act to amend Sections 3, 4, and 12 of Chapter 145 of the Public Laws of 1917, relating to the removal of obstructions at grade crossings, and to amend Section 13 of said Chapter 145, relating to the exception of certain railroads from certain provisions of said Chapter.

From the Senate: Bill "An act relating to protection of deer in the towns of York, Wells, Kittery and Elliot in the county of York." This was passed to be engrossed as amended by House amendment A in the House, February 18.

Comes from the Senate passed to be engrossed as amended by House Amendment A and Senate Amendment A.

In the House, on motion by Mr. Moody of York, the House voted to reconsider its action whereby this bill was passed to be engrossed as amended by House Amendment A; on further motion by the same gentleman it was voted to adopt Senate Amendment A; and on further motion by the same gentleman, the bill as amended by House Amendment and Senate Amendment A was passed to be engrossed in concurrence.

From the Senate: Bill "An act amending Section 4 and 6 of Chapter 262 of the Public Laws of 1917, relating to fees of city clerks." This was passed to be engrossed as amended by House Amendment A in the House, February 15.

Comes from the Senate recommit-  
ted to the committee on Legal Af-  
fairs.

In the House on motion by Mr. Rounds of Portland it was voted to concur with the Senate in the recommitment of this bill to the committee on Legal Affairs.

From the Senate: Report of the committee on Judiciary on bill "An act to amend the city charter of Bangor," reporting same in a new draft, under same title, and that it "ought to pass."

Comes from the Senate, report read and accepted, and bill passed to be engrossed.

In the House, the report was read and accepted in concurrence, the bill read twice, and on motion by Mr. Chalmers of Bangor, the rules were suspended and the bill had its third reading, and was passed to be engrossed. On further motion by Mr. Chalmers of Bangor, the rules were suspended and the bill was passed to be enacted.

### Communication from the Department of State

To the Clerk of the House of Representatives of the Eightieth Legislature of the State of Maine.

Pursuant to the joint order of the Senate and House of Representatives of the Eightieth Legislature, I have the honor to herewith transmit a list of the Legislative Counsel and Legislative Agents registered in the office of the Secretary of State, in accordance with Chapter 100 of the Public Laws of 1919. This list comprises all such counsel and agents who have registered from February 23, 1921, to March 1, 1921, both dates inclusive.

Respectfully submitted,

(Signed) FRANK W. BALL,  
Secretary of State.

On motion by Mr. Buzzell of Belfast, the above communication was ordered placed on file, and it was voted that the sub-joined list of legislative counsel and agents be printed in the Record.

#### List of Legislative Agents

- F. F. HARRIS, of Lewiston, employed to act as Legislative Counsel and Agent by United Spanish War Veterans. The purpose of employment is "To appear in favor of Act granting bonuses to veterans of War with Spain." Employed February 12, 1921. Employment ceases upon the final disposition of the act. Notification of employment filed February 23, 1921.
- WALTER A. COWAN, of Hallowell, employed to act as Legislative Counsel and Agent by the city of Hallowell. The purpose of employment is "To appear at committee hearings in behalf of a bill entitled 'An Act to create the Hallowell Water District.'" Employed Feb. 21, 1921. Employment ceases when legislative action on the bill ceases. Notification of employment filed Feb. 23, 1921.
- GEORGE S. McCARTY, of Lewiston, employed to act as Legislative Counsel by Maine Textile Operatives' Conference Committee. The purpose of employment is "To represent Maine Textile Operatives' Conference Committee in all matters affecting the interests of labor now pending or hereafter presented to the Legislature during the present term." Employed February 21, 1921. No date given as to when employment ceases. Notification of employment filed February 23, 1921.
- SIDNEY ST. F. THAXTER, of Portland, employed to act as Legislative Counsel by opponents of two House bills relative to granting charter to Medical school of Maine and appropriation therefor. The purpose of employment is "To appear before judiciary and appropriation committees February 23, 1921." Employed February 23, 1921. Employment ceases February 23, 1921. Notification of employment filed February 23, 1921.
- JAMES T. KINGSTON, employed as Legislative Counsel and Agent by United Spanish War Veterans. The purpose of employment is "To appear in favor of act granting bonuses to veterans of War with Spain." Employed February 12, 1921. Employment ceases upon the final disposition of act. Notification of employment filed February 23, 1921.
- GEO. A. COWAN, of Damariscotta, employed to act as Legislative Agent by towns of Newcastle and Nobleboro. The purpose of employment is "To appear before committees on sea and shore fisheries on Act relative to taking fish in Damariscotta river." Employed February 23, 1921. Employment ceases at adjournment of Legislature. Notification of employment filed February 23, 1921.
- ROBERT HALE, of Portland, employed to act as Legislative Agent by the opponents of the Gardiner bill for the Medical school of Maine. The purpose of employment is "To oppose the Gardiner bill for the Medical school of Maine." Employed February 16, 1921. Employment ceases upon adjournment of Legislature. Notification of employment filed February 23, 1921.
- H. C. WILBUR, of Portland, employed to act as Legislative Agent and Legislative Counsel by The National Fertilizer Association of Washington, D. C. The purpose of employment is "To act as Legislative Counsel and Legislative Agent in matter concerning the fertilizer industry." Employed February 23, 1921. Date when employment ceases as given as "indefinite." Notification of employment filed February 23, 1921.
- ALFRED SWEENEY, employed to act as Legislative Counsel and Legislative Agent by The A. & K. Railway Company. The purpose of employment is "To represent the company in all matters affecting its interests." Employed October 1, 1919. No date is given as to when employment ceases. Notification of employment filed February 24, 1921.
- F. W. KNOWLTON, of Old Town, employed to act as Legislative Agent

- by members of Penobscot Tribe of Indians of Old Town. The purpose of employment is "To effect a change in the adoption laws of the tribe." Employed Feb. 23, 1921. Employment ceases Feb. 24, 1921. Notification of employment filed February 24, 1921.
- A. G. AVERILL, of Old Town, employed to act as Legislative Agent by Penobscot Tribe of Indians of Old Town. The purpose of employment is "Regarding adoption laws and other matters pertaining to the tribe." Employed Feb. 21, 1921. Employment ceases Feb. 25, 1921. Notification of employment filed February 24, 1921.
- RALPH W. CROCKETT, of Lewiston, employed as Legislative Counsel and Legislative Agent by E. W. Penley, 37 Knight street, Auburn; Littlefield & Sons Company, 38 First street, Auburn; Merrow Packing Company, 16 Hutchins street, Auburn; John P. Sutton Company, 48 First street, Auburn. The purpose of employment is "To represent said employers in the matter of any proposed legislation affecting the slaughtering and meat packing industry and other industries connected therewith." Employed February 23d, 1921. Employment ceases at end of legislative session. Notification of employment filed February 24, 1921.
- GEORGE A. HUTCHINS, of Rumford, employed as Legislative Counsel by Dixfield Board of Trade. The purpose of employment is "To represent proponents of 'An Act to incorporate the Dixfield Water District.'" Employed February 7th, 1921. Employment ceases March 1st, 1921. Notification of employment filed February 24, 1921.
- MAURICE E. ROSEN, of Portland, employed to act as Legislative Counsel and Agent by Portland Realty Association, 80 Exchange street, Portland. The purpose of employment is "To urge passage of an act to change name and amend charter of Portland Realty Association." Employed February 23, 1921. Employment ceases at end of session unless bill is passed or falls of passage before. Notification of employment filed February 25, 1921.
- O. H. EMERY, of Camden, employed as Legislative Counsel and Agent by citizens of South Thomaston. The purpose of employment is "To oppose House bill 'An Act to divide South Thomaston.'" Employed January 27th, 1921. No date is given as to when employment ceases. Notification of employment filed February 25, 1921.
- CHARLES S. HICHBORN, of Augusta, employed to act as Legislative Counsel and Legislative Agent by First National Granite Bank of Augusta. The purpose of employment is "All matters appearing to affect interests of employer, directly or indirectly." Employed Feb. 1, 1921. Employment ceases at close of legislative year. Notification of employment filed February 28, 1921.
- WILLIAM L. WALDRON, of Ashland, employed as Legislative Counsel and Legislative Agent by G. R. Ketchum of Garfield. The purpose of employment is "To appear in matter of Act to incorporate Ashland Light & Power Co." Employed Feb. 28, 1921. Employment ceases after final action on said act. Notification of employment filed March 1, 1921.
- JOHN E. NELSON, of Augusta, employed as Legislative Counsel and Legislative Agent by Unit Investment Company of Augusta. The purpose of employment is "All matters appearing to affect its interests directly or indirectly." Employed February 28, 1921. Date when employment ceases is given as "Indefinite." Notification of employment filed March 1, 1921.
- JAMES H. HUDSON, of Guilford, employed as Legislative Counsel and Legislative Agent by Elliottsville Plantation. The purpose of employment is "To represent Elliottsville Plantation before this Legislature to obtain the passage of an act to allow the Plantation to build and repair its own roads." Employed February 26th, 1921. Employment ceases at end of legislative session. Notification of employment filed March 1, 1921.
- TABER D. BAILEY, of Bangor, employed to act as Legislative Coun-

sel by John Cassidy Estate of Bangor. The purpose of employment is "To appear before any committee where the interest of said employer is affected." Employed February 28th, 1921. Employment ceases probably during session of Legislature, but cannot tell exact date. Notification of employment filed March 1, 1921.

**ROBERT P. MURRAY**, of Augusta, Employed as Legislative Agent by Maine State National Guard Association. The purpose of employment is given as "Legislation beneficial to ex-members of the National Guard." Employed March 1, 1921. Employment ceases when Legislation is completed. Notification of employment filed March 1, 1921.

**STERLING T. DOW**, of Kennebunk, employed to act as Legislative Agent by receivers of Atlantic Shore Railway of Kennebunk. The purpose of employment is "To attend all matters in which the receivers are interested." Employed February 28, 1921. Employment ceases April 15, 1921. Notification of employment filed March 1, 1921.

**GEORGE L. EMERY**, of Biddeford, employed to act as Legislative Counsel and Legislative Agent by receivers of Atlantic Shore Railway Committee of Ogunquit Village. The purpose of employment is "To attend all matters in which receivers of Atlantic Shore Railway and Committee of Ogunquit Village are interested." Employed February 28, 1921. Employment ceases April 15, 1921. Notification of employment filed March 1, 1921.

**JOHN P. DEERING**, of Saco, employed as Legislative Counsel and Legislative Agent by committee of "Ogunquit Village Corporation." The purpose of employment is "To act as counsel in matters pertaining to amendments to the charter of the Ogunquit Village Corporation and as counsel for said committee on the division of the town of Wells." Employed January 1st, 1921. Employment ceases when work at Legislature on these matters ceases. Notification of employment filed March 1, 1921.

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

#### Placed on File

By Mr. Bragdon of Perham: Remonstrance of Mrs. C. A. Flynt and 32 others of Ashland against the "Barwise Sunday Bill."

By Mr. Weeks of Fairfield: Remonstrance of R. O. Files and 58 others against same.

By the same gentleman: Remonstrance of Miss Maud Marcia and 15 others against same.

By Mr. Oram of Bristol: Remonstrance of O. W. Baker and 53 others of Boothbay Harbor against same.

By the same gentleman: Remonstrance of Annie E. Fossett and 91 others against same.

#### Agriculture

By Mr. Newcomb of Scarborough: Bill, "An Act amending Chapter 36 of the Revised Statutes, relating to the sale of clams, oysters and scallops." (500 copies ordered printed.)

#### Appropriations and Financial Affairs and Judiciary

By Mr. Weeks of Fairfield: Petition of Emma D. Muzzy and 70 others in favor of the Maine Medical School.

#### Education

By Mr. Varney of Jonesboro: Bill, "An Act to establish the State School fund and to provide for the apportionment of the same." (2000 copies ordered printed.)

#### Judiciary

By Mr. Oram of Bristol: Petition of Burton B. Blaisdell and 19 others in favor of bill authorizing town of Bristol to pay certain expenses in pursuance of vote of town.

By the same gentleman: Petition of J. W. P. Goudy and 29 others in favor of same.

By the same gentleman: Petition of E. J. Ervin and 67 others in favor of same.

By Mr. Buzzell of Belfast: Resolve repealing resolve for maintenance of the Blaine House.

By Mr. Rounds of Portland: Bill, "An Act to include ice in the bill relating to profiteering."

By Mr. Atherton of Stacyville: Bill, "An Act to amend Section 14, paragraph one of Chapter 10 of the Revised Statutes, relating to the taxation of personal property." (500 copies ordered printed.)

By Mr. Wing of Auburn: Bill, "An Act relating to full weight and full size canvas goods, and to provide for the stamping, branding and marking of same, with penalties." (500 copies ordered printed.)

#### Legal Affairs

By Mr. Phillips of Bar Harbor: Bill, "An Act relating to Sunday hunting in Hancock and Washington counties."

By the same gentleman: Petitions of John I. Duffy and 32 others; Horace F. Wescott and 55 others; Charles Kurcher and 108 others; Judson H. Carver, Jr., and 22 others; I. L. Worcester and 45 others; H. B. Stanwood and 62 others; W. S. Thorne and 19 others in favor of same.

#### Sea and Shore Fisheries

By Mr. Oram of Bristol: Remonstrances of W. A. Eastman and 28 others of Cundy's Harbor; Forest L. Davis and 32 others of Port Clyde; Lester Burns and 11 others of Friendship; E. C. Bibber and 16 others of South Harpswell; and Charles McKenney and 26 others of Sebasco against the nine inch lobster law.

By Mr. Baker of Steuben: Remonstrances of J. W. Strout and 41 others of Steuben; J. A. Strout and 24 others of Steuben; Shirley Stewart and 42 others of Corea; Franklin Alley and 72 others of Sealand; E. B. Stanwood and 112 others of Jonesport; Avery Wallace and nine others of Roque Bluffs; A. E. Maloon and 23 others of Cutler; and O. L. Beal and 66 others of Beals Island against same.

By Mr. Carney of Newcastle: Remonstrances of Walter S. Davis and 11 others of Monhegan; E. C. Poland and two others of Round Pond; Leaman Langley and 11 others of Rockland; Willard C. Carter and 25 oth-

ers of Loudville; H. W. Cline and 25 others of Spruce Head; and Seamon L. Wood and 26 others of So. Thomaston against same.

By Mr. Clarke of Stonington: Remonstrances of Jason Cross and 105 others of Stonington; A. M. Parker and 47 others of Swan's Island, Alexander Davis and 41 others of Frenchboro; E. H. Colby and 21 others of Deer Isle; and E. Forest Conary and 29 others against same.

#### Taxation

By Mr. Tilden of Hallowell: Bill, "An Act to repeal Chapter 105 of the Public Laws of 1919, relating to exemption from taxation of the property of war veterans."

#### Reports of Committees

Mr. Crabtree from the committee on Mercantile Affairs and Insurance reported "Ought not to pass" on Bill, "An Act relating to the cancellation, non-renewal or restriction of health and accident policies."

Report was read and accepted and sent up for concurrence.

Mr. Towne from the committee on Education reported "Ought to pass" on Bill, "An Act to amend the powers of superintending school committees in relation to vaccination of school children."

(On motion by Mr. Snipe of Bath bill and report tabled, pending acceptance.)

Mr. Wood from the same committee reported the same on Bill, "An Act to amend Section 56 and paragraph 2 of Section 57 of Chapter 16 of the Revised Statutes as amended relating to the election and term of office of superintendents of schools."

Mr. Varney from same committee reported the same on Bill, "An Act to amend Section 2 of Chapter 51 of the Public Laws of 1919 relating to the training of rural teachers."

Mr. Houghton from the same committee reported the same on Bill, "An Act to amend Section 2, Chapter 501 of the Private and Special Laws of 1889 relating to the charter of Maine Central Institute."

Reports were read and accepted

and the bills ordered printed under the joint rules.

Mr. Barwise from the same committee on Bill, "An Act to provide for Temperance Day in the public schools in the State of Maine" reported the same in a new draft under same title and that it "Ought to pass."

(Tabled by Mr. McIlheron of Lewiston, pending acceptance of report.)

Mr. Cordwell from the same committee on Bill, "An Act to require the teaching of American History and Civil Government in public and private schools" reported the same in a new draft under same title and that it "Ought to pass."

Report was read and accepted and the bill ordered printed under the joint rules.

#### First Reading of Printed Bills and Resolves

House 193. An Act to confirm and make valid the municipal election held in the city of Eastport the first Monday of March, 1920.

House 194. An Act to authorize the town of Rangeley to acquire the wharves in Rangeley Lake of the Rangeley Lakes Steamboat Company.

House 195. An Act to amend Section 1 of Chapter 66 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917, relating to non-resident fishing license fees.

House 196. An Act to protect the water supply of the town of East Livermore.

House 197. An Act authorizing the town of Cape Elizabeth to adopt a corporate seal.

House 200. An Act to amend Section 55 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 and Chapter 244 of the Public Laws of 1917, and by Chapter 62 of the Public Laws of 1919, relating to the protection of game birds.

House 202. An Act to incorporate the Monmouth Water and Sewer District.

House 198. Resolve to reimburse the town of Mapleton.

House 199. Resolve in favor of Helen Vaun Bangs.

(On motion by Mr. Lowe of Gray, the rules were suspended, and the resolve was given its second reading and was passed to be engrossed.)

House 204. Resolve in favor of the town of Hartland, for aid rendered to a mother with dependent children, during the year 1918, under the provisions of Chapter 222 of the Public Laws of 1917.

#### Passed to be Enacted

An Act to amend Chapter 16 of the Private and Special Laws of 1911, relating to the issue of stocks and bonds by the Lewiston Gas Light Company.

#### Orders of the Day

The SPEAKER: Upon the calendar, under the heading "Tabled and Today assigned," the first matter for consideration is reports "A" and "B" of the committee on Judiciary on Bill, An Act relating to the appointment of clerks of Judicial Courts, tabled pending the acceptance of either report on motion by the gentleman from Augusta, Mr. Maher, but owing to the absence of the gentleman from Augusta, the Chair will present for consideration of the House the regular Wednesday calendar under the heading of "Tabled and Unassigned." The first matter for consideration will be Senate Doc. No. 29, Bill, An Act relating to heating, lighting, etc., in school buildings, tabled pending its third reading on motion by the gentleman from Portland, Mr. Cram.

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

The SPEAKER: The Chair presents for the consideration of the House, House Doc. No. 170, Resolve reimbursing Kennebec county for money expended in pursuing insane criminals, tabled pending commitment to committee on bills in the third reading, on motion by the gentleman from North Anson, Mr. Holley.

On motion by Mr. Holley of North Anson, the bill was committed to the committee on bills in third reading.

The SPEAKER: The Chair presents for the consideration of the House, Senate Doc. No. 58, Resolve to pur-



chase history of Williamsburg. The Chair wishes to call the attention of the House to the fact that has been previously stated that the rules of the House require that measures of this nature be presented and be stamped by the committee on Appropriations and Financial Affairs, and that the friends of this measure have failed to have that action taken in this instance. This measure will remain on the table until its friends have attended to their duties.

The SPEAKER: The Chair presents for the consideration of the House, Senate Doc. No. 62, Resolve to purchase history of York. The Chair is informed by the Clerk that the same situation obtains with reference to this matter, that it has not been stamped, and it will be again tabled.

The SPEAKER: The Chair presents for the consideration of the House, Senate Doc. No. 61, Resolve to purchase alphabetical index of pensioners. The Chair will state that the same condition applies to this measure and the same action will be taken, it will be again tabled.

The SPEAKER: The Chair presents for the consideration of the House, House Doc. No. 52, Bill, An Act to prevent the marriage of persons having syphilis, tabled pending its third reading on motion by the gentleman from Perham, Mr. Bragdon.

On motion by Mr. Bragdon, the bill was recommitted to the committee on Public Health.

The SPEAKER: The Chair presents for the consideration of the House, House Doc. No. 166, Resolve in favor of J. Wilbur Day, tabled pending its second reading, on motion by the gentleman from South Portland, Mr. Hinckley.

Mr. HINCKLEY: Mr. Speaker, inasmuch as this bill has been reported by the committee "ought to pass"—

The SPEAKER: The Chair will suggest that this resolve does not bear the stamp of the committee on Appropriations and Financial Affairs.

Mr. HINCKLEY: Mr. Speaker, I was going to ask to have the matter

recommitted. And just at this time, Mr. Speaker, I wish to call the attention of the House to the resolve itself. This resolve reads as follows: "RESOLVED, That there be and hereby is appropriated the sum of \$230, to be paid J. Wilbur Day of Wesley, in the county of Washington, as compensation for the destruction of cattle killed by bears in townships Nos. 31 and 37, in Washington county."

I wish also to call the attention of the House to a resolve that was passed two years ago by this Legislature, being Chapter 15, which resolve reads as follows: "RESOLVED, That there be and hereby is appropriated the sum of \$195 to be paid J. Wilbur Day of Wesley, in the county of Washington, as compensation for the destruction of cattle killed by bears in township No. 31 in Washington county."

And, Mr. Speaker, having made this statement, I move that this resolve be recommitted to the committee on claims.

The motion was agreed to.

The SPEAKER: The Chair presents for the consideration of the House, Senate Doc. No. 31, House Amendment "A" to Bill, An Act relating to sanitary conditions in school buildings, tabled pending adoption of the amendment, on motion by the gentleman from Lubec, Mr. Case.

Mr. Case of Lubec then yielded to the gentleman from Paris, Mr. Forbes.

Mr. FORBES of Paris: Mr. Speaker, I will ask for the consent of the House to withdraw House Amendment "A" previously offered by me.

Unanimous consent being given for the withdrawal of House Amendment "A,"

The same gentleman then offered House Amendment "A," to amend the bill so that Section 1 shall read as follows:

"Section 1. In order to safeguard the health and morals of the children of the State, towns, shall from their regular appropriations for school-house repairs, or from special appropriations for the purposes of this act, provide and maintain sanitary, protected and clean toilets free from all

obscene markings in all school buildings or in other buildings rented or used for school purposes."

The question being on the adoption of the amendment,

The amendment was adopted.

The bill then received its third reading, and on motion by Mr. Dodge of Portland was tabled and specially assigned for consideration on Tuesday of next week.

The SPEAKER: The Chair presents for the consideration of the House, House Doc. No. 1, Bill, An Act relating to elections, tabled pending its passage to be enacted, on motion by the gentleman from Eliot, Mr. Cole.

On motion by Mr. Cole, the bill was then passed to be enacted.

The SPEAKER: The Chair presents for the consideration of the House, House Doc. No. 60, Bill, An Act to regulate fishing in the waters around Monhegan Island, tabled pending commitment to committee on bills in third reading, on motion by the gentleman from South Portland, Mr. Hinckley.

On motion by Mr. Hinckley, the bill was then committed to the committee on bills in third reading.

The SPEAKER: The Chair presents for the consideration of the House, Report of committee on Sea and Shore Fisheries on Bill, An Act relating to protection of alewives in Damariscotta River, tabled pending acceptance of the report, reporting "ought not to pass."

On motion by Mr. Carney of Newcastle the report of the committee was accepted.

The SPEAKER: The Chair presents for the consideration of the House, Report of the Committee on Public Utilities on Bill, An Act authorizing the proprietors of Portsmouth Bridge to sell its property, etc., tabled pending acceptance of the report, on motion by the gentleman from Eliot, Mr. Cole.

On motion by Mr. Cole, the bill was again tabled and unassigned.

The SPEAKER: The Chair presents for the consideration of the House, Report of Committee on Agriculture on Resolve in favor of U. of M. Dept. of Agriculture, tabled pending acceptance of the report, on motion by the gentleman from North Anson, Mr. Holley.

On motion by Mr. Holley, the report of the committee was accepted.

The SPEAKER: The Chair presents for the consideration of the House, Majority and Minority reports of committee on towns on Bill, An Act to divide South Thomaston, tabled pending the acceptance of either report, on motion by the gentleman from Rockland, Mr. Spear. The Chair will state that on Wednesday morning, these matters come up without motion, and the Chair in this particular matter will state the parliamentary situation. Perhaps for the first time this session we are presented with two reports from a committee. The Chair will present first the Majority report of the committee on division of the town of South Thomaston, reporting "ought to pass," and secondly the Minority report from the same committee reporting "ought not to pass," and the House is in a position to accept either report.

Mr. Spear of Rockport moved that the Majority report be accepted.

Mr. Smith of Ludlow moved that the reports be recommitted to the committee on Towns for reconsideration.

The SPEAKER: Is there anything to be said upon this matter?

Mr. SPEAR of Rockport: Mr. Speaker, I should not favor that motion. This matter has been practically recommitted twice, and it would seem as if the committee had had plenty of time to consider the matter and arrive at a conclusion. It seems to me it is a ridiculous proceeding to keep this matter jumping between the House and the committee; and therefore, I move that the Majority report be accepted.

Mr. SMITH: Mr. Speaker, as a member of that committee, I feel that we could arrive at a more definite

and satisfactory conclusion in this matter if we had a chance to reconsider the bill.

The SPEAKER: The question is on the recommitment of these reports to the committee.

A viva voce vote being taken,

The motion was lost.

Mr. SPEAR: Mr. Speaker, I now move the acceptance of the majority report "ought to pass."

Mr. Smith of Ludlow moved that the bill be laid upon the table until tomorrow morning.

A viva voce vote being taken.

The motion was lost.

Mr. JORDAN of Cumberland: Mr. Speaker, if I may have the opportunity, I would like to make a statement—

The SPEAKER: The Chair will entertain any motion if the gentleman will either appeal from the decision of the Chair or doubt the vote.

Mr. JORDAN: Mr. Speaker, I doubt the vote.

The SPEAKER: All those who are in favor of the acceptance of the majority report, reporting "ought to pass," will rise in their places and stand until counted.

Mr. McILHERON of Lewiston: Mr. Speaker, I would like to ask for a little information. Does this mean that by accepting this report the town is not to be divided, or that it is to be divided? There are other members in the House here who do not understand exactly what this means, whether by accepting this report, it dispenses with the matter altogether.

The SPEAKER: The Chair will state that the bill, which has not been printed, is a bill to divide the town, and by accepting the report it will be the judgment of this chamber that the town should be divided. The House has already accepted the report. The question now is on the sustaining of the correctness of the Speaker's determination of the vote of the House, whereby the result of the viva voce vote was given.

Mr. BUZZELL of Belfast: Mr. Speaker, as I understand it, we are now voting on the question of whether or not we shall lay this matter on the table.

The SPEAKER: The gentleman from Belfast, Mr. Buzzell, understands the question as the Chair does. The question before the House is whether the Chair properly interpreted the vote.

Mr. GARDINER of Gardiner: Mr. Speaker, I did not understand that that vote was put in regard to the acceptance of the report. As I understood it, the vote was put as to whether or not the bill should be recommitted to the committee.

The SPEAKER: The Chair will state that when the Chair represents the action of the House, the proper motion is either the doubting of the vote or calling for a division of the House. All those who are in favor of sustaining the decision of the Chair will rise and stand in their places until counted.

A rising vote being taken.

Fifty-eight voted in the affirmative, and nineteen against.

So the ruling of the Chair is sustained.

Mr. McILHERON of Lewiston: Mr. Speaker, I would like to ask for the privilege of a little explanation in regard to the taking of votes upon matters. Now I know that there was one gentleman in the House here who was in favor of not dividing the town, and he did not understand the matter as it was presented because he voted just to the contrary, and he is in favor. Of course, this is a matter in which I am not particularly concerned, any more than I like to see justice done to the people of the town, and this gentleman is in favor of having the town remain as it is, and he voted to the contrary.

The SPEAKER: The House probably has no particular concern in this, and certainly the Chair has not, and we will proceed as near as we can in accordance with parliamentary rules. The Chair will be pleased to be set right at any time by the majority vote of the House.

Mr. WARREN of Portland: Mr. Speaker, perhaps I do not understand the situation in this matter, but I must say that I really do not know how to vote understandingly.

The SPEAKER: The Chair will state that there is no motion before the House. If the gentleman rises to make a motion, the Chair will entertain the

motion; otherwise, the gentleman is out of order.

Mr. WARREN: Mr. Speaker, I move that the vote be reconsidered, or that this matter be recommitted to the committee.

The SPEAKER: Does any member second that motion?

Mr. McILHERON: Mr. Speaker, I second the motion.

The SPEAKER: The question before the House is on the motion that the bill be recommitted to the committee.

A viva voce vote being taken, and the Chair being in doubt,

The SPEAKER: All those in favor of recommitment to the committee will rise and stand in their places until counted.

A division being had,

Seventy voted in the affirmative, and 42 against,

Mr. MAHER of Augusta: Mr. Speaker, before the vote is announced, I simply wish to rise for a point of clarification upon this matter. Is a renewal of a motion to recommit equivalent to a motion to reconsider?

The SPEAKER: The Chair will state that a renewal of a motion to recommit has no relation whatever to a motion to reconsider.

Mr. MAHER: Mr. Speaker, I will say that the purpose of my inquiry is that I understood that that had been compassed by a previous vote at this day's session, and that we had already voted not to recommit, and it had been so announced.

The SPEAKER: The Chair will rule that after the decision of a question, whether or not to recommit to a committee, if no other action has been taken, the Chair will entertain a motion to recommit. The vote being 70 in favor of recommitting to the committee for the second or third time, and 42 against, the motion prevails.

The SPEAKER: The Chair presents for the consideration of the House, Reports "A" and "B" of the Committee on Judiciary on Bill, An Act relating to the appointment of clerks of Judicial Courts, tabled pending the acceptance of either re-

port, on motion by the gentleman from Augusta, Mr. Maher.

Mr. MAHER: Mr. Speaker, I yield to the gentleman from South Portland, Mr. Hinckley.

The SPEAKER: The Chair will state that this is another case where two reports presented from a committee, one reporting "ought to pass" and the other reporting "ought not to pass." The subject matter is the appointment of clerks of the Supreme Judicial Court.

Mr. HINCKLEY of South Portland Mr. Speaker and gentlemen, Inasmuch as this report comes from the Judiciary committee, five members reporting in favor and five against, it cannot be called a lawyer's bill, and you have a chance this morning to take your choice on the merits of the proposition without injecting lawyers into it. The Bill, as you are undoubtedly aware is a bill that provides that in the future, without affecting those who have been elected and who hold the offices at the present time, but in all future elections when the term of office expires of the present clerks of court, they shall be appointed by the justices of the Supreme Judicial Court in this State.

Now, some lawyers will argue to you and propose this, that you are taking another office away from the people; but I want to say to you gentlemen, in all frankness, as one who practices in all the courts of this State, that the office of clerk of courts of the supreme judicial court of the State of Maine is one of the most important offices in this State. It is an office that should be filled by a man who is trained in the law, otherwise complications will arise, and complications that in many instances have serious results. We, who are in touch with the office of clerk of courts in the various counties in this State, are well aware that when we get a good clerk of courts it is very important to keep him.

Even with a man who is learned in the law and who is elected to that office, it takes years before he becomes proficient and then if per-

chance by any political upheaval, which has nothing to do and no connection with the great judicial offices in this State, some person may be elected, and in many instances in this State has been elected, who knew absolutely nothing about these important duties, and who never was able to learn them; and we who have had this experience have found in more than one instance in the State of Maine clerks of court who have been elected and who were absolutely incompetent and inefficient, and as a consequence the people of the State of Maine have suffered.

Now, I say to you, gentlemen, that the office of clerk of courts, which is in fact the clerk of the justices of the supreme judicial court in this State, that the judge of the court knows better, understands better, and is better qualified to pick out a man who is competent and efficient to fill that office than are the people at large. I do not believe in taking offices away from the people, taking away from the people their right to vote upon them as a general proposition; but I say to you that many of the States throughout this country have tried this principal out and they have found it a most unsatisfactory way of doing things.

Thirty-one of the states in this country are now having the clerks of court appointed by the justices of the supreme judicial court, and four more have them appointed by the governor, making thirty five states out of a total of forty eight where they are at the present time having them appointed in that way. So that you see it is not a novel proposition; it is not a new idea. And besides the states, the district courts of the United States, the circuit courts of the United States and the supreme court of the United States all have the clerks appointed by the justices of the courts.

Now, gentlemen, I am not going to weary you today. I know this House well enough to know that you do not care for any long speeches; I know that you can understand a

proposition and can grasp the point without being talked to for one or more hours upon any particular subject, and I am going to leave it to you, and you will hear arguments presented here against it from the fact that five of the lawyers on the judiciary committee are opposed to it and five are in favor of it.

I want to say to you again, men, and I want to repeat it, with all emphasis, that it is in the interest of the State of Maine and for the best interest of the State of Maine, laying aside all petty suggestions or political influences and all those things that I do not care a rap about—I say to you, men, you laymen who are in touch with things, that you will be doing a real service to the State of Maine if you permit the justices of our supreme judicial court to pick out the right men for this office and then retain them just so long as they do their duty faithfully and efficiently. I thank you, gentlemen.

Mr. McILHERON of Lewiston: Mr. Speaker, I am thankful to say I am not a lawyer.

Mr. HINCKLEY of So. Portland: We agree.

Mr. McILHERON: Where lawyers disagree, let the common people beware. (Laughter). When the American people's judgment is questioned, and when you set on the bench of judgment that is superior to the American people's judgment, then I say I have got to beware. Now this is a peculiar condition of affairs. A committee of ten lawyers divide and bring in a report. Well, I have always understood that of two evils choose the least; and, Mr. Speaker, I move you that the report "ought not to pass" be accepted.

Mr. WING of Auburn: Mr. Speaker, as a member of this House who signed the report "ought not to pass," I find myself supporting the motion of the gentleman from Lewiston (Mr. McIlheron) who casts such aspersions upon the legal craft of which I am a member; but let that pass. I think this House should be told somewhat of the history of this particular piece of legislation and that this is not the first

time that it has appeared. It originated in the mind of a distinguished jurist in this State, now no longer in office. It was a pet scheme of his for some years. It was usually presented at the State Bar Association at its meetings held in the years that the Legislature met; and that the most of the lawyers had gone from the meeting, there would be presented a motion that the State Bar Association go on record in favor of the appointment of the Clerks of the Supreme Judicial Court by the Justices thereof. I could never bring myself to view with favor that exercise of power by the Court. So much for the history of the thing. You now have it before you, and you are to judge of its merits. The gentleman from So. Portland (Mr. Hinckley) has said that this is an appointment by judges of a court which is doing the court's business. Now I come from a county in which we have established a Superior Court, and that court is transacting the business of the county to a large extent. The average run of business, the trial of causes, the foreclosure of mortgages, the criminal business of the county, is done in that Superior Court, and this bill does not provide that the judge of that court shall have anything to say about the Clerk who serves in his court; and I say to you gentlemen that this is an occasion where a so-called reactionary can render service to the State, because it does not concern me and it should not concern you what they do in Arkansas or what they do in North Dakota. We should have sufficient ability and sufficient intelligence to decide our own affairs. It is written in the Constitution of this State that Judges of Probate and Registers of Probate shall be elected by the people, but it is not provided in the Constitution how Clerks of Courts shall be elected. The Statute provides that they shall be elected by the people. Under that method we have lived and got along very well. I will cite you an instance which is interesting. There was a clerk in a certain county elected to office and he was a carpenter, and certainly of all the Clerks with which I have had to do that man discharged the duties of his office as well as anyone; he gave satisfaction. He used

the wits that God gave him and he was a satisfactory Clerk. So I say to you, gentlemen, that you should not confuse the Judicial with the Executive; you should not allow the judiciary to have executive powers. It is a wrong principle; and I certainly hope that this report which I have signed, and which is my best judgment in the matter, will be accepted.

Mr. MASON of Ellsworth: Mr. Speaker, I have had something to do with Clerks of Courts and courts myself. We have had no difficulty in having efficient officers in Hancock county in the Clerk of Court's office. There is also another consideration that appeals to me why Clerks of Courts should be elected by direct vote, and that is that they are essentially county officers being paid by the county. A part of their duty, and no inconsiderable part, is that of clerk of the County Commissioners; and it seems to me that the counties themselves, which are directly interested in the work of the Clerk of Courts, should have the appointing power rather than the Judges of the Supreme Court. For that reason I hope that the report "ought not to pass" will be accepted.

The SPEAKER: The gentleman from So. Portland (Mr. Hinckley) made the motion that the report "Ought to pass" be accepted. The Chair will put that first.

Mr. BUZZELL of Belfast: Mr. Speaker, it is a pleasure for me to acknowledge that I am a member of the Judiciary committee of this Legislature, and, through accident or misfortune, I have to agree for the first time I think with the gentleman from Lewiston (Mr. McIlheron) on this subject. (Laughter).

I do not feel, gentlemen of this House, that there is any call for this measure. I am in favor of the judges having more pay because I think they deserve it. I am not satisfied that the judges of the State of Maine want the privilege of appointing the Clerks of Courts in the State of Maine. I can hardly imagine the members of this House voting to place political preferment in the laps of eight judges of the Supreme Court of the State of Maine. I honor them; I place them above de-

siring a condition of that kind. My friends, stop and think what this would bring about, for a moment. They are busy men. They are engaged in great subjects, the consideration of which concerns the people of this whole State. For instance, suppose a certain county in this State, or any county, had about four candidates for the position of Clerk of Courts. There are eight judges. This bill says that a majority of the judges shall pass and elect a Clerk of Courts. Eight judges and three or four candidates, and all their friends writing letters to the judges of the Supreme Court of the State of Maine setting forth their qualifications for this office. Then they must get together. Where are they going to get their information? Supposing, for instance, that they are all new men. They must go back to the people for their information, and that is where I say that this power of election should stay—in the people. The people are the ones who sent us here. I am willing to admit they do make some mistakes, however, even at that. (Laughter).

It has been argued here that so many states in the Union do one thing and so many States in the Union do another thing. In some States the judges do appoint their clerks; in other states, the Legislature; and in other States, they are elected by the people. That is the method we are pursuing here. Now it was but a short time ago that we gave the women of the State of Maine the ballot, and at the very next session of the General Court do we want to say to the women of the State of Maine that we feel that we want to take a fractional part of their rights away from them and place it in the hands of somebody else?

Now, my friends, do not be deceived by this proposition. You can trust the people ordinarily the most of the time and I feel that we should continue to do it. The idea that there are not good men in the State of Maine that the people will elect to the office of Clerk of Courts! I have never known of an instance

where they have fallen down, and I believe that we should continue to elect them by the people. Let the women have a chance to vote upon this proposition. If you pass this bill, you simply allow the Clerks of Court, a part of them to be taken care of by appointment. What are you going to do with the Clerks of Court of your Superior Courts? If this idea is good, your Registers of Probate and Judges of Probate throughout the State of Maine should be taken care of by appointment. Then there is your county treasurer, a very responsible position. He handles all the money; he should be honest beyond a doubt. What are you going to do with him? Why not have some organization that one of its purposes is to look over the personal accomplishments of the man and let them appoint? The idea is wrong; I do not like it.

Then here is another proposition: Your Clerk of Courts at home will say I want you to vote for that. How many men from all the counties in this State have been impertuned to vote for that measure? It would be unbecoming for a Republican House to place in power Republicans all over the State of Maine in the offices of Clerks of Courts and say "Now you are well rooted and you can stay there." It is unfair, and I take just the position as does the gentleman from Auburn (Mr. Wing), and I hope that the report "ought not to pass" will be accepted.

The SPEAKER: The gentleman from So. Portland, Mr. Hinkley, moves that the report "ought to pass" be accepted. Those in favor of accepting this report will say aye, contrary minded, no.

A viva voce vote being taken, the report "ought to pass" was rejected; and on motion by Mr. McIlheron of Lewiston, by a viva voce vote,

It was voted that the report "ought not to pass" be accepted.

The SPEAKER: The Chair presents at this time House Document, No. 61, Bill "An Act relating to poll

tax," tabled by Mr. Murray of Portland, pending third reading.

Mr. MURRAY of Portland: Mr. Speaker, I move that the matter be taken from the table, and I yield to the gentleman from Washburn, Mr. Story.

Mr. STORY of Washburn: Mr. Speaker, I would like to present House Amendment A.

The SPEAKER: This is House Document No. 61. A former House Amendment A having been entertained and refused, the gentleman from Washburn, Mr. Story, offers House Amendment B as follows:

#### House Amendment B

So that said section as amended shall read as follows:

"A poll tax shall be assessed upon every male inhabitant of the State above the age of 21 years, whether a citizen of the United States or an alien, in the manner provided by law, unless he is exempt therefrom by this Chapter, which said poll tax shall be three dollars."

On motion by Mr. Story of Washburn Amendment B was accepted, and the bill as amended by House

Amendment B received its third reading and was passed to be engrossed.

Mr. Smith of Skowhegan received unanimous consent to present out of order the following order:

Ordered, that the use of the hall of the House of Representatives for the evening of March 23rd be granted to the United Americans of the State of Maine for the purpose of a lecture and musical entertainment. The subject of the lecture will be Americanism.

The order received a passage.

Mr. Small of Brewer received unanimous consent to present out of order the following order:

Ordered, that the use of the hall of the House of Representatives be granted to the committee on Agriculture on Wednesday evening, March 16 for the purpose of an illustrated lecture by Professor Benson of the Eastern States Exposition.

On motion by Mr. Gardiner of Gardiner,

Adjourned until 10 o'clock tomorrow morning.