

# MAINE STATE LEGISLATURE

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# Legislative Record

OF THE

# Eightieth Legislature

OF THE

# State of Maine

1921

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AUGUSTA  
KENNEBEC JOURNAL PRINT  
1921

## HOUSE

Wednesday, March 9, 1921.

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

Prayer by the Rev. Mr. Blair of Livermore Falls.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Report of the committee on towns reporting ought not to pass on Bill "An Act to divide the town of Jonesport and incorporate the town of Beals."

Mr. VARNEY of Jonesboro: Mr. Speaker, I move that this bill be tabled, pending acceptance of the report.

Mr. JORDAN of Cumberland: Mr. Speaker, did not that bill come from the Senate with a unanimous report? I should think it was time to pass some of these bills along. I ask for a division of the House.

The SPEAKER: Mr. Varney of Jonesboro moves that the bill, pending acceptance of the report of the committee be laid on the table. All those in favor of this motion will rise and stand until counted, and the monitors will return the count.

A division being had, and 26 voting in favor of tabling the report and 66 against it, the motion to table failed of passage.

Mr. VARNEY of Jonesboro: Mr. Speaker, I move that we non-concur with the Senate in the acceptance of this report, and that the bill be substituted for the report.

Mr. BUZZELL of Belfast: Mr. Speaker and gentlemen of the House: I have no particular interest in this bill, but here is a unanimous report from this committee. We have been here several weeks and it seems to me that we have been drifting on many matters. We have not been abiding our time as well as we might. Now it does seem to me that we ought to take a definite stand and allow that this committee

which has had this proposition under consideration has used its best judgment, and that it has equitably and fairly decided what should be done with this matter; and I hope in all fairness to the gentleman who has just made the motion that his motion will not prevail.

Mr. VARNEY of Jonesboro: Mr. Speaker, I would like to say just a few words in behalf of this measure. The citizens, I think, are thoroughly justified in making this demand on the Legislature that they be separated from the town. They have no motive other than a desire to be free from the town on the mainland that they may have an opportunity to grow. They are an intelligent class of people and a people who can carry on the affairs of the town as well as the people on the mainland. There has been many unjust accusations against the people of the island of Beals. It has been set forth at the committee hearing that should this division be granted to the citizens of the Island of Beal that the privileges of weir fishing which the people on the mainland now enjoy will be taken away from them, and there is one point here that I want to make clear. I want the gentlemen of this House to understand that there is one man in particular on the mainland in Jonesport who has a monopoly on all the weir privileges on the Island of Beal, and he feels that should this town be divided and selectmen be chosen on the island of Beal that they will grant privileges to the citizens of the island of Beal giving them a grant to build weirs within a legal distance of the weirs which he now owns, and he will be placed on an equal basis with the citizens of the island of Beal. That is their main contention. The island of Beal, as you understand, is an asset to the mainland of Jonesport. They have also claimed that they had been putting more money into the island of Beal than they have taken from it in taxes. This is a very good argument for the citizens of the island of Beal. If the island of Beal proves to be a liability then why should we not set them off? But their only reason is, gentlemen, that they had

a monopoly on the weir privileges on the island and they are afraid they will lose that monopoly if there is a division of the town and I sincerely hope, gentlemen, that my motion will prevail.

Mr. ROGERS of Jonesport: Mr. Speaker and gentlemen: I am a citizen of the town of Jonesport. I was in hopes that I would not feel called upon to talk upon this subject, but the gentleman from Jonesboro (Mr. Varney) has seemed from the beginning to take a very lively interest that we be divided. I think that is the principal argument—that we be divided. We were at one time a part of Jonesboro—set off a great many years ago, being 12 miles from that town. Now the claims set forth by the gentleman from Jonesboro (Mr. Varney) are that it is for a selfish purpose that we retain the island of Beal and its inhabitants. They are friends of mine of lifelong standing, and there is no trouble between us. This contention has arisen very recently, and so far as the weir privileges are concerned, they belong to Jonesport and Beals together. We are one and undivided, and I should hope that it would be the sense of this House that they leave us undivided. If there is any particular advantage in setting Beals apart for themselves it would be, of course, a selfish motive, and there is no selfish motive in that we should stay together, live together, and prosper together as we have in the past. We have long stretches of road, and the people of the island use our roads and all of those things. We are one people, and it is too bad—unfortunate—and I am very sorry that this has come up. It is a serious thing for us and I believe it also to be a serious thing for Beals. I think those people will be sorry—actually sorry in time if this division is made. Therefore, I move that we accept the committee's report.

The SPEAKER: The question is on the motion of the gentleman from Jonesport, Mr. Varney, to substitute the bill for the report. All those in favor will say aye, contrary minded, no.

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

On motion by Mr. Rogers of Jonesport, a viva voce vote being taken, the report of the committee was accepted in concurrence.

#### Senate Bills in First Reading

Senate 99: An Act to amend Section 36 of Chapter 104 of the Revised Statutes, relating to admission to bail.

#### 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 March 2nd, 1921, to March 8th, 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 subjoined list of legislative counsel and agents be printed in the Record as a part of this day's proceedings.

#### List of Legislative Agents

S. T. KIMBALL, of Rockland, employed to act as Legislative Counsel by R. & T. Cement Railroad. The purpose of employment is "Renewal of Charter." He is General Counsel for the Company. Notification of employment filed March 2, 1921.

WESTON M. HILTON, of Damariscotta, employed to act as Legislative Counsel by G. E. Gay and ninety others, voters and tax payers within the proposed water district of Damariscotta and Newcastle.

The purpose of employment is "To remonstrate against the incorporation or passage of An Act to incorporate the Twin Village Water Company." Employed March 2, 1921. Employment ceases upon adjournment of present Legislature. Notification of employment filed March 2, 1921.

**WILLIAM S. LINNELL**, of Portland, employed to act as Legislative Counsel and Legislative Agent by E. I. duPont deNemours & Company of Wilmington, Delaware and Portland, Maine, York Manufacturing Co. of Saco, and Fox Bros., of Fryeburg. The purpose of employment is "To act for and represent E. I. duPont deNemours & Company and York Manufacturing Company and Fox Brothers in all matters directly or indirectly affecting said companies that may be presented to the Legislature of 1921." Employed especially for this purpose February 28, 1921. Employment ceases upon final adjournment of Legislature of 1921. Notification of employment filed March 2, 1921.

**BENJAMIN B. SANDERSON**, of Portland, employed to act as Legislative Counsel and Legislative Agent by Brown Company of Portland and Kennebago Improvement Company of Portland. The purpose of employment is "To act for and represent Brown Company and Kennebago Improvement Company in matters affecting said companies which may be presented to Legislature of 1921, specially at hearing March 2, 1921 before Public Utilities Commission Bill to enlarge powers of Oquossoc Light & Power Company and generally pertaining to said bill." Employed March 2, 1921. Employment ceases upon final adjournment of Legislature of 1921. Notification of employment filed March 2, 1921.

**EDWARD W. WHEELER**, of Brunswick, employed to act as Legislative Counsel by Inhabitants of the Town of Kennebunk, inhabitants of the Town of Kennebunkport, inhabitants of the Town of Wells. The purpose of employment is "To ap-

pear in behalf of said towns at a public hearing before the Judiciary Committee in support of House Bill No. 81, entitled 'An Act to Incorporate the Kennebunk, Kennebunkport and Wells Water District.'" Employed January 27, 1921. Employment ceases after final hearing on said bill. Notification of employment filed March 3, 1921.

**JAMES H. HUDSON**, of Guilford, employed to act as Legislative Counsel and Legislative Agent by Elliottsville Plantation. The purpose of employment is "To obtain the passage of a resolve to enable the Land Agent of the State to sell and convey a public school lot in Elliottsville Plantation." Employed February 26, 1921. Employment ceases at the end of the session. Notification of employment filed March 3, 1921.

**WM. H. MITCHELL**, of Newport, employed to act as Legislative Counsel by Inhabitants of Town of Stetson. The purpose of employment is "In furtherance of an Act to make valid and legal the annual town meetings of Stetson for the years 1919 and 1920. Employed March 2, 1921. Employment ceases after final action on above, this session. Notification of employment filed March 3, 1921.

**JAMES D. RICE**, of Bangor, employed to act as Legislative Agent by Howland Pulp and Paper Corporation, Advance Bag and Paper Company, Inc., both of Howland. The purpose of employment is "To act for said corporation in all matters arising out of proposed legislation during the present session." Date when employed is given as "Regular employment and attorney." Date when employment ceases is given as "Regular employment, present duties to cease with the session." Notification of employment filed March 3, 1921.

**CHARLES J. HUTCHINS**, of Brewer, employed to act as Legislative Counsel and Agent by the City of Brewer. The purpose of employment is "To promote or oppose legislation by the Legislature af-

fecting the interest of the City of Brewer." Employed March 7, 1921. Employment ceases March 21, 1921. Notification of employment filed March 8, 1921.

**RALPH W. CROCKETT**, of Lewiston, employed to act as Legislative Counsel and Legislative Agent by Turner Center System, Minor avenue, Auburn, Coon Ice Cream Company, Inc., 14 Granite street, Lewiston Deering Ice Cream Company, 184 St. John street, Portland, and Simmons & Hammond Manufacturing Company, 329 Commercial street, Portland. The purpose of employment is "To represent said employers in the matter of any proposed legislation affecting the ice cream industry and other industries connected therewith." Date when employed, March 7, 1921. Employment ceases at end of legislative session. Notification of employment filed March 8, 1921.

**ROBERT A. CONY**, of Augusta, employed to act as Legislative Counsel and Legislative Agent by D. W. Pettengill, O. O. Stetson and Charles H. Davis, all of Augusta. The purpose of employment is "To assist in passage of bill amending Chapter 93 of the Public Laws of 1913 as amended by Chapter 2 of the Public Laws of 1915 relating to the retirement of veterans of the Civil War in the service of the State. Employed March 7, 1921. Employment ceases at end of 1921 session of Legislature. Notification of employment filed March 8, 1921.

**A. S. LITTLEFIELD**, of Rockland, employed to act as Legislative Counsel by Town of South Bristol. The purpose of employment is "To appear before road committee." Notification of employment filed March 8, 1921.

**H. C. WILBUR**, of Portland, who registered as a Legislative Agent and Counsel in the employ of the National Fertilizer Association of Washington, D. C., has notified the Secretary of State under the date of March 3, 1921 that his employment in this capacity has ceased.

The following bills, petitions and remonstrances were received and upon recommendation of the committee on Reference of Bills were referred to the following committees:

#### Legal Affairs

By Mr. Phillips of Bar Harbor: Bill "An Act to make the provisions of the Sunday hunting law inapplicable in Kennebec county."

By the same gentleman: Petition of James Page and others of Kennebec county in favor of same.

By Mr. O'Connell of Millinocket: Bill "An Act to change the method of payment for services of local sealers of weights and measures."

Mr. BREWSTER of Portland: Mr. Speaker, I am under the impression that it is the recommendation of Legal Affairs that the last bill should properly be referred to Inland Fisheries and Game, and that the bill which has been referred to us will come back with that recommendation.

The SPEAKER: The Chair will state for the benefit of the House that this is a bill regulating the fees charged by local sealers of weights and measures. It is a salary bill, but it changes the payor from whom the fees are required. It has nothing to do with salt water seal. It is the pleasure of the House that it now be referred to the committee on Legal Affairs and that 500 copies be printed?

Thereupon the House voted the reference as suggested and the printing.

Mr. BREWSTER: I think that the matter I had in mind was in reference to the Sunday hunting law in Kennebec county.

The SPEAKER: The gentleman from Portland, Mr. Brewster, suggests that the bill relative to the Sunday hunting law in Kennebec county should not be referred to the committee on Legal Affairs, but should be referred to the committee on Inland Fisheries and Game.

On motion by Mr. Brewster of Portland, the House voted to reconsider its action whereby Bill "An Act

to make the provisions of the Sunday hunting law inapplicable in Kennebec county" was referred to the committee on Legal Affairs; and on further motion by the same gentleman the bill was referred to the committee on Inland Fisheries and Game.

#### Military Affairs

By Mr. Varney of Jonesboro: Petition of M. S. Springer and 17 others in favor of passage of bill relating to the payment by the State of the burial expenses of honorably discharged soldiers and sailors.

#### Sea and Shore Fisheries

By Mr. Case of Lubec: Remonstrance of George S. Hamilton and seven others of Lubec against the nine-inch lobster law.

By the same gentleman: Remonstrance of Herbert O'Brien and eight others against the same.

#### Reports of Committees

Mr. Blanchard from the Committee on Indian Affairs reported "Ought not to pass" on Bill "An Act to amend Sections 12, 13 and 15 of Chapter 14 of the Revised Statutes, relating to adoption into the Penobscot Tribe of Indians."

Mr. Buzzell from the Committee on Judiciary reported the same on Bill "An Act to incorporate the Maine State Company."

Mr. Cole from the same Committee reported the same on Bill "An Act to amend Section 3 of Chapter 21 of the Revised Statutes as amended by Chapter 166 of the Public Laws of 1917, relating to burying grounds." (Being a new draft previously reported by the same Committee on a bill of the same title.)

Mr. Willard from the Committee on Legal Affairs reported same on Bill "An Act creating the office of probation officer for the city of Bangor."

Mr. Fagan from the same Committee reported the same on Bill "An Act amending Chapter 120 of the Revised Statutes and An Act changing the age of consent from 14 to 16 years.

Mr. Mason from same Committee

reported the same on Bill "An Act to repeal Chapter 456 of the Private and Special Laws of 1870."

Reports were read and accepted and sent up for concurrence.

Same gentleman from same Committee on Bill "An Act relative to the registration of persons, firms and corporations designing to install wires or apparatus for electric light, heat or power purposes" reported that the same be printed and recommended to the Committee on Legal Affairs.

The Report was read and accepted.

Mr. Downs from the Committee on Agriculture reported "Ought to pass" on Bill "An Act to repeal the Act creating the office of live stock sanitary commissioner and to transfer the duties of said office to the Commissioner of Agriculture."

Mr. Chandler from the same Committee reported the same on Bill "An Act to amend Chapter 218 of the Public Laws of 1917 providing for the establishment of a Bureau of Markets."

Same gentleman from same Committee reported the same on Bill "An Act to amend Section 11 of Chapter 46 of the Revised Statutes as amended by Chapter 74 of the Public Laws of 1919 relating to the furnishing of slips by weighers."

Mr. Cole from the Committee on Judiciary on Bill "An Act to authorize the American Realty Company to construct and maintain a dam across the Aroostook River in Washburn" reported the same in a new draft under same title and that it "Ought to pass."

(On motion by Mr. Maher of Augusta, tabled pending acceptance of report.)

Mr. Willard from the Committee on Legal Affairs reported "Ought to pass" on Bill "An Act to amend the charter of the Mutual Fire Insurance Company of Saco, Me."

Same gentleman from same Committee reported same on Bill "An Act to authorize the town of Sanford to raise and expend the money

to erect a memorial to its soldiers and sailors."

Same gentleman from same Committee reported same on Bill "An Act to incorporate the York County Bar Association."

Mr. Fagan from the same Committee reported the same on Bill "An Act to amend charter and change name of Portland Realty Company."

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

#### First Reading of Printed Bills

House 238: An Act authorizing the Ashland Company to construct and maintain booms and piers in the Aroostook River.

(On motion by Mr. Snipe of Bath, tabled pending second reading.)

House 239: An Act to extend the charter of the Penobscot Valley Gas Company.

House 240: An Act to legalize and make valid the acts and doings of the inhabitants of the town of Stetson at the annual Town Meeting held on March 10, 1919, and at the annual Town Meeting held on March 8th, 1920, and by adjournment on March 10th, 1920.

House 241: An Act to legalize the granting of certain fish weir licenses in tide waters of what was formerly Muscle Ridge Plantation.

House 242: An Act to amend Section 2 of Chapter 176 of the Private and Special Laws of 1887, entitled "An Act creating the Fryeburg Village Fire Corporation."

House 244: An Act to authorize the proprietors of Portsmouth Bridge to discontinue the public use of its bridges and to sell its property and franchises to and merge the same with the Boston and Maine Railroad.

(On motion by Mr. Cole of Eliot, tabled pending second reading.)

House 246: An Act to provide for a sinking fund for the war bonds and bonus bonds issued by the State of Maine.

House 247: An Act to amend Section 4 of Chapter 167 of the Private

and Special Laws of 1907, incorporating the Allagash Improvement Company.

#### Passed to Be Engrossed

Senate 96: An Act to confer additional rights and powers upon Penobscot Lumbering Association, a corporation incorporated by Special Act of the Legislature, approved April 5, 1854.

Senate 97: An Act to amend Section 18 of Chapter 130 of the Revised Statutes, in relation to the disposal of fines imposed thereunder and personal property used for prizes in lotteries or devices of chance, and the procedure of punishment.

#### Passed to Be Enacted

An Act to amend Section 10 of Chapter 182 of the Public Laws of 1919, relating to inmates escaping from the Reformatory for Men.

An Act to extend the provisions of Chapter 155 of the Private and Special Laws of 1917, as extended and amended by Chapter 9 of the Private and Special Laws of 1919, entitled "An Act to authorize the town of Yarmouth to supply gas and electricity."

An Act relating to the catching of smelts in the Piscataqua River.

An Act for the better protection of clams within the limits of the town of Brunswick.

#### Finally Passed

The Chair presents to the House a Resolve carrying the emergency clause in favor of Helen Vaun Bangs. This resolve requires the affirmative vote of two-thirds of the entire membership of this Chamber in order to be finally passed. All those in favor of its final passage will rise and stand until counted, and the monitors will return the count.

A division being had,

One hundred and twenty-two voting in favor and none against, the resolve was finally passed.

#### Orders of the Day

On motion by Mr. Wadsworth of Winthrop, the rules were suspended and that gentleman was granted permission to introduce at this time, re-



solve for the screening of certain waters in Kennebec County.

On further motion by the same gentleman, the rules were suspended and the resolve received its first and second readings and was passed to be engrossed.

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Mr. VARNEY of Windham: Mr. Speaker and gentlemen, I wish to introduce a resolve, and ask unanimous consent that I may be permitted at this time to introduce a resolve in regard to the appropriation of money for the purchase of copies of the history of the town of Windham.

Mr. BUZZELL of Belfast: Mr. Speaker and gentlemen, I do not wish to ask the House at this time to invoke arbitrarily one of its own rules, but some days ago we agreed not to introduce any private or special legislation after February 17th. We have had about three weeks to seriously consider private and special legislation. Yesterday we passed a measure that seemed to be recommended. Of course, I did not look into the merits of the case yesterday, but I have no doubt that in all these proposed measures there may be such merit. I will say that I have a bill of my own that ought to be introduced, but I shall not introduce it at this session, because I was a member of this House at the time it adopted that rule, and I do not wish to violate it. I simply wish to call the attention of the House to these matters of private and special legislation.

The SPEAKER: The gentleman from Windham, Mr. Varney, asks permission at this time, out of order, to introduce a resolve appropriating money for the purchase of copies of the history of the town of Windham.

A viva voce vote being taken,

Permission was not granted.

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Mr. BELMORE of Princeton: Mr. Speaker, I have a resolve which I wish to introduce under a suspension of the rules, being a resolve in favor of Grand Lake Stream Plantation; and I will say that this resolve does not call for the appropriation of any

money, only what is kept in trust for the town of Grand Lake Stream, or for the Plantation.

The SPEAKER: The gentlemen from Princeton, Mr. Belmore, asks that the rules be suspended and that he be permitted at this time to introduce out of order a resolve in favor of Grand Lake Stream Plantation.

Mr. BUZZELL of Belfast: Mr. Speaker, it seems to me as if I can see in the form and features of this measure another Private and Special Act, and I hope the House will so treat it.

Mr. HINCKLEY of South Portland: Mr. Speaker, I happen to know something about this particular matter, and it is simply a case where it is necessary to have this Act in order for the Plantation of Grand Lake Stream to obtain certain trust funds which the State already has; this resolve does not ask for any appropriation, but simply gives the right for the State to pay over this trust fund to Grand Lake Stream, no appropriation being asked of this Legislature; and it seems to me, inasmuch as we have allowed the introduction of a bill here this morning appropriating the sum of \$500 for the purpose of screening some river, it is just as important to allow Grand Lake Stream Plantation, a poor community in this State, to get this trust fund from the State which properly belongs to it.

The SPEAKER: All those in favor of a suspension of the rules permitting the introduction of this resolve at this time will say aye; those opposed will say no.

A viva voce vote being taken,

Permission was granted for the introduction at this time of the resolve.

On further motion by Mr. Belmore, the rules were suspended and the resolve received its first and second readings and was passed to be engrossed.

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Mr. COLE of Eliot: Mr. Speaker and gentlemen, I think every one of the members of this House must realize that we are here for the purpose of giving fair play to all. I had the honor of serving as a member of the

House of Representatives with the gentleman from Windham, Mr. Varney, in 1913. I do not like to see one member given the privilege of introducing a bill or resolve, and having it passed unanimously, and then for another member to introduce a measure and have it turned down, and then a third member introduce another resolve and have it receive favorable action.

Now, gentlemen, I have nothing to say as to the merits of this particular resolve which was sought to be introduced by the gentleman from Windham, but I do believe that this House ought to give him at least fair consideration under all the circumstances, and treat all men alike. Now we may pass arbitrary rules, and we may make laws unto ourselves, but we are here to represent our constituents, and as long as this Legislature is in session, if there is any man who has a measure which is in the interest of his constituents, whether it be public or private, I believe that he should have the right to express himself in this Legislature, and to get a fair hearing upon his measure without the enforcement of any arbitrary rule. We have all seen bills turned down here—

The SPEAKER: Does the gentleman from Eliot, Mr. Cole, make any motion?

Mr. COLE: I will, Mr. Speaker. I move that we reconsider our former action in regard to the measure sought to be introduced by the gentleman from Windham, Mr. Varney.

Mr. BUZZELL of Belfast: Mr. Speaker, I will say that it is not my desire to make fish of one and flesh of another—

Mr. COLE: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman will state his point of order.

Mr. COLE: I would like to know, Mr. Speaker, upon what particular subject the gentleman from Belfast, Mr. Buzzell, is talking.

The SPEAKER: He is seconding your motion.

Mr. BUZZELL: I was going to second your motion.

The SPEAKER: The subject of this resolve is a resolve appropriating money for the purchase of copies of the history of the town of Windham. The gentleman from Eliot, Mr. Cole, moves that the House reconsider its action whereby it voted to refuse permission for the introduction of a resolve.

Mr. VARNEY of Windham: Mr. Speaker, I simply wish to say that I introduced the resolve at the time I did, not expecting it would pass. I expected the House to turn it down, thinking it would be a good chance to stop any further measures of this nature. (Applause.)

The SPEAKER: All those in favor of reconsidering the vote whereby the reception of this resolve was refused, will say aye; those opposed will say no.

A viva voce vote being taken,

The motion was lost.

Mr. LEIGHTON of Dennysville: Mr. Speaker, I ask unanimous consent for permission to introduce out of order resolve for the pay and mileage of the representative of the Passamaquoddy tribe of Indians.

The SPEAKER: The Chair will state that the credentials supporting this resolve did not arrive until after the 17th day of February, and furthermore, that it may have a good many of the elements of a public act.

Mr. DODGE of Portland: Mr. Speaker, I wish to state that there is a similar resolve now before the committee on Appropriations and Financial Affairs, and it occurs to me that it might be well to have this measure referred to the committee, and I therefore move that this resolve be committed to the committee on Appropriations and Financial Affairs.

The motion was agreed to and the resolve was referred to the committee on Appropriations and Financial Affairs.

On motion by Mr. Wilson of Presque Isle, the vote was reconsidered whereby the resolve for the screening of certain waters in Ken-

nebec county, introduced this morning by Mr. Wadsworth of Winthrop, was passed to be engrossed, and whereby it received its first and second readings.

On further motion by Mr. Wilson, the resolve was then referred to committee on Inland Fisheries and Game.

On motion by Mr. Downing of Bangor, permission was given that gentleman for the introduction of resolve in favor of Mrs. E. L. Robinson of Bangor.

On motion by Mr. Holley of North Anson, the resolve was then referred to the committee on Claims.

The SPEAKER: Under the calendar for today, at the suggestion of the House, the matters assigned or unassigned may have precedence. The Chair will present, in the absence of any motion, House Doc. No. 37, being majority and minority reports of the committee on Judiciary on Bill, An Act relating to the Auburn charter, tabled March 3rd, pending the acceptance of either report, on motion by the gentleman from Auburn, Mr. Wing.

Mr. WING of Auburn: Mr. Speaker, I now move the acceptance of the majority report, reporting "ought not to pass," and I now yield the floor to my colleague, Mr. Myrick of Auburn.

Mr. MYRICK of Auburn: Mr. Speaker, I have not prepared anything in the way of a speech regarding this matter, and am somewhat surprised, and will yield to my colleague, Mr. Winter of Auburn.

Mr. WINTER of Auburn: Mr. Speaker and gentlemen, this is really a surprise to me. The records will show that I have stated before on the floor of this House that I wished to have an open mind upon this question. The constituents of my colleagues are my constituents; and if this House chooses to take the responsibility of depriving those constituents, many of whom have not been here, of the right to vote on their own affairs in their own way, in their own town, then I certainly will yield gracefully.

The city of Auburn is one of the finest cities in the whole of the State of Maine, and under the old form of government for a period of 50 years she has prospered and made a very satisfactory growth. I have here a pamphlet written by the Hon. George C. Wing, of Auburn, September 12th, 1919, and in the course of this article, in speaking of the Auburn city government, he says: "I desire to place on record my testimony, made without exception or qualification, that there has never been during the fifty years of the city any scandal connected with the administration of its business affairs, and that no misappropriation of money or maladministration has darkened the history of the city or left a blot upon its page. Men of different views of business, or politics and of administration have been selected, and each and every one has to the best of his ability discharged the duties of his office fearlessly and honestly, and when the mantles borne by them have been surrendered to their legitimate successors they have been without stain or smell of smoke. This I believe to be as clean a record as can be shown by any city in the nation and we may well claim the dignity and credit of having lived in a city so well governed that there is no basis for regret or cause for excuse in the administration of its municipal affairs."

Now, gentlemen of the House, when two charters came before you, affecting the city government of the city of Portland, you referred them to the Portland delegation. The Auburn delegation, composed of four members, stands in the position of three to one for the reference of this new charter to the voters of Auburn for decision. It is true, gentlemen, that you have undoubtedly received letters from the Auburn Chamber of Commerce, and that you have been interviewed by members of that chamber; it is true, as it has been charged on the floor of this House, that the citizens of the city of Auburn do not thoroughly, perhaps, understand their present charter; that it has not been sufficiently tried out, and that it would be better for all the people of the city of Auburn, notwithstanding their desires to vote upon

their own affairs, to wait for another two years.

Personally, I have no objection. but I submit that when we yield to the voters of Bangor a privilege of voting upon their own city charter, and when we yield to the citizens of Portland, and when we yield to other cities, we are accepting an undue responsibility when we undertake to place the citizens of the city of Auburn under guardianship and refuse them the right to vote upon their own affairs in their own city.

I stand here, gentlemen, for the people, and I trust the common people; they may sometimes make mistakes. No doubt mistakes have been made in our city of Auburn where there are hundreds of farms scattered over her ten square miles of territory.

I am deeply interested in Auburn's growth and prosperity. My home is there, and there I expect to live out the remaining days of my life. I am loyal to the city's best interests and willing to sacrifice and work and serve to the end that the people of Auburn may continue to enjoy their natural rights of life and liberty, of earning and possessing property, and of obtaining safety and happiness.

We here today, representing all of the people of this State, may well consider, seriously and thoughtfully, the second section of our own Declaration of Rights:-

"All power is inherent in the people; all free Governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute Government, and to alter, reform, or totally change the same."

I am thoroughly familiar with the Auburn Charter, and know in detail just how the city has been governed under it. I believe in the spirit of the Charter—its Short Ballot form of Government, its Civil Service rules, its financial safeguards, its budget system, its sinking fund protection, its city planning and zoning features, its accounting system, and its general business provisions.

The heart and soul of its charter is sound and right, and no change is suggested in its general plan and purpose.

Under the provisions of this charter the autocratic powers permit the manager to disregard the will of the majority and become a master rather than a servant of the people. The Chamber of Commerce, the association responsible for the agitation to withhold from the people of Auburn the right of suffrage on their own affairs, has suggested the elimination of the mayor. The Lewiston Journal, our great family newspaper, has suggested the same thing; but, gentlemen, no such amendment has been brought before this House, but there has been an amendment brought here suggesting the elimination of the manager, and I submit to you that if the people of Auburn can be allowed the privilege of voting upon their own affairs, that they should and would be willing to give this charter a vote of commendation if they, in their best judgment, believe that is the best form of government for them; and also, if they believe that the amendment is best for them, I, as one member of this House, am absolutely in favor of allowing them to cast their ballots.

Mr. WING of Auburn: Mr. Speaker and gentlemen of the House, I do not care to weary this House today about the troubles and the difficulties of the city of Auburn. My distinguished colleague (Mr. Winter) is mistaken in one of his statements, as it seems to me. There are three members here representing the city of Auburn, and not four, two of whom you have heard, and you are now hearing the third. I was not aware before that the city of Auburn was represented by four representatives on the floor of this House.

Now, gentlemen, it is perfectly true that we have a very decent citizenship in the city of Auburn. You have just heard read here the words of my father, who spoke at the time of the Fiftieth Anniversary of the town in which I was born, and I will agree with my colleagues that we

have a good city, and that it is filled with good citizens; we are a progressive, forward-looking city of folks.

Some years ago the far-seeing men of my town and the men who had its affairs in charge, became convinced that the old-fashioned form of charter, with a city council and a board of aldermen, and the usual run of conditions, those peculiar excrescences on the body politic, was not an able medium for the government of our city. We were confronted by an increasing debt; each year as the old administration went out and as the new one came in, the snowball of debt increased. We looked into our sinking fund, which was supposed to be established by law, and there was nothing there, and like the decent men we were, as my colleague says, we tried to remedy it, and that remedy is found in the charter which this Legislature gave to the citizens of Auburn in 1917. That charter was a departure in municipal government in this State; that charter was submitted by referendum in 1917 to the people of the city of Auburn. It provided that the affairs of the city of Auburn should be placed in the hands of a council of five men. The policy and the government in the city of Auburn was placed in the hands of that council; the execution of that policy was placed in the hands of a manager, and we began operations under that form of charter. In other words, we attempted to turn from a political organization into a business organization with business methods.

Now, gentlemen, the first thing to discuss in any controversy is to state distinctly what the question is, and where prejudice and misrepresentation has been exerted, to distinguish it from any other form. I think that this House will agree with me that it is the duty of the State, in the first instance, to provide the form of government; it is not the right of the individual to determine in the first instance what the form of government shall be, because all citizens have an interest in orderly sustained government. My fellow-member from York,

Mr. Moody, has an interest in what kind of government is to be established in the city of Auburn; the gentleman from Bangor, Mr. Barwise, has an interest in the form of government established in the city of Auburn, and likewise I have an interest in the government of the city of Bangor. And it was for that reason that this Legislature some years ago, without a referendum, placed the police department of the city of Lewiston in the hands of a commission, and it has been there ever since that time. That matter was not submitted to the people of Lewiston at the time, but it has worked out well. The authority of the Legislature to determine the form of government, the very existence of government that should exist in the city of Lewiston was sustained and recognized.

Now, gentlemen, the question right here is not by referendum whether the city of Auburn wishes to retain the present form of charter, but it is whether she shall have the form of charter which is represented by House Doc. No. 37. That is the question; and you will see that that is not the same question submitted for your consideration by my distinguished colleague, Mr. Winter. I repeat it: The question for this House to determine is not by referendum whether Auburn wishes the present charter, but whether she shall have the form of charter contained in House Doc. No. 37, or not. Of course, if the city of Auburn has the form as proposed in House Doc. No. 37, she will lose her present charter; I understand that; but the question for us to determine here is whether the form of charter as proposed in House Doc. No. 37 is a proper form of charter for the citizens of Auburn.

This present bill provides that the affairs of the city of Auburn shall be turned over into the hands of a Mayor. The amendments to the present charter have been discussed in the public press, and with your permission I will read to you a few extracts from those comments. Let us see just what the amendments amount to, that is the amendments to House Doc. No. 37.

"First, they give the mayor a vote and a voice in the city council. A good idea, possibly inessential, but willingly agreed as fine.

But what kind of a voice and vote. Hear what a holler this new Mayor can have in the City Council. He can appoint every administrative and department head. EVERY ONE of them. He has the power of high and low decree. He can name every department and administrative head. Nothing like this ever was attempted before in any city in Maine. It means that he would be more powerful than any other mayor that Auburn ever had. And if it came to pass where he happened to be of one mind and the City Council happened to be of another mind in regard to choice of said department and administrative heads, there would be a deadlock and we should have no department or administrative heads as happened in exactly the same form of appointment and confirmation in Lewiston, in the old days when the Mayor appointed the Police and the Aldermen had the power to confirm them. Several times conditions have arisen in Lewiston police that if applied to all administrative and department heads would have stopped the entire business of a city."

"Second, this so-called amendment of the City Charter makes the Mayor the chief executive of the city. He may or may not appoint a City Manager. What a lovely, indefinite affair the city would be. He may have the city manager idea or he may not, as suits his Royal Highness. He may himself be city manager. He may have no manager. He may manage or not as he please. He may exercise discretion as it is called."

"This sounds well; but where does it lead us. Where, if not back again into the old pitfalls of political management. This Mayor is to be elected by popular vote. In short, we are electing in one man, all appointive and all discretionary, and all business power, through political parties."

"In short, we favor the retention of the City Charter and hope that the Legislature will not open its ears to this appeal this year. Give us at least

two years more of peaceful pursuit of the better and better Auburn without the annoyances of political intrusion and subjection of all city business to the question of being a good fellow and being able to supply the votes.

Now, gentlemen, the question recurs to whether this House Doc. No. 37 is a proper form to be submitted to the people of Auburn. Upon that question, there came from the city of Auburn to a hearing during this session of the Legislature in this very room, four carloads of the representative citizens of my city, taxpayers of my city who came here to protest to this Legislature that they be let alone and be allowed to go about their own affairs under their present order. The proponents of the measure presented their case. They offered what purported to be a large number of petitions presented to the Legislature; those petitions were offered to the committee, but they did not bear the stamp of having been properly received before this Legislature. I find no fault with that, but they have never been introduced here for the consideration of this House, but were presented to the committee. It was said that they represented something like 1500 names. That is certainly a good many names to be appended to petitions. Against that was presented a petition of 2300 names remonstrating against this act of the Legislature. In other words, there were something like 1,500 for the bill, and something like 2,300 against it. And these people from my city came here in person to this Legislature, and sat in this room, and by their presence and by their voices protested against this change in their charter.

Now, gentlemen, do these people come here and say that any emergency exists as a reason why this charter should be changed? Do they say that the public affairs of our city have been conducted so that any scandal has resulted? Not at all. They make no reference to that. Let me tell you, gentlemen, it is something of which a person might

well be proud, to live in a community such as ours, with a tax rate of thirty mills on a dollar, with a tax for betterments, such as sprinkling taxes and sewer taxes, which do not fall upon all of us, amounting to four mills, so that the outside tax rate is thirty-four mills on the dollar.

Now, I say to you, gentlemen, in these times and through these last few years if we can bring a community of more than 17,000 people with great industries and great activities through with a tax rate which ranges from thirty to thirty-four mills, that we have a form of government which this Legislature should allow us to keep and prosper under.

What are some of the things that have happened under this form of charter? My people are alarmed about this matter, and they are disturbed, and they feel that it is a matter of importance and should be considered as such. Under this charter, we have built as many feet of permanent streets as were built in the entire previous history of the city; we have built 6,000 feet of State road; we have built more than 23,000 feet of cement sidewalk; we have built 13 bridges, and we have repaired six others; we have built a new school house and a large addition to another, installed a fire alarm system, a new police system, and have fitted up a building for the transaction of the city's business, established a city blacksmith shop, established a system of garbage collection, and so forth and so on.

And then, more than that, this form of government which my two colleagues have opposed in this Legislature, restored the sinking fund. When this form of government went into effect in my city, the sinking fund was nothing; today we have a sinking fund of more than \$24,000. We have it in money, and subject to interest, and we are ready to meet our maturing obligations.

Now, gentlemen, I do not wish to weary you further, but I do wish you to understand that in dealing with this proposition you are dealing with

a principle of orderly government. The people of our race believe in orderly government, and if you are going to submit a referendum every time that 1500 people, or 2000 people, or 500 people want a referendum, as to their particular form of government, or whether they want this, that or the other, then how long will your orderly government exist. I urge upon you the consideration that we must maintain at all events our orderly government; we cannot keep our people continually upset by political turnovers, or by every little factional fight that occurs in a town.

The prophet always goes before; there has never been a reform, since the reform in the British Parliament, but what there were men who were back-biters and criticsers, and such a condition will never arise. I am convinced that my city or your city is engaged in the duty of proving to the people of this State that we are a progressive people, and that we are engaged in a great reform of municipal affairs, and that we are going to demonstrate by our high character and by our ability and our brains that we can conduct the business of a city along business lines and within the limits of appropriations which are made for the benefit of the taxpayers.

Gentlemen, as I said to you before, and as I now repeat, the prophet always goes before. There are no longer discussions in our communities as to who shall be hog reeves or who shall be fence viewers; that is not the question now. The question before the people today is the good of the community, and I for one do not wish to put my community in the position in which it was placed by some of those who appeared here, with the protest of 2300 citizens—I do not wish to submit my community and my town to a campaign on the question of whether or not this town of mine shall be governed in accordance with this House Doc. No. 37.

Now in regard to this Document, I would like to ask, how was that bill drawn? Was it drawn by any committee of citizens of Auburn? Not at all. It is not necessary for me to state to the members of this House

where this Document did originate. How did the charter under which we are now acting come into existence? By a committee of citizens of the city of Auburn.

So, gentlemen, I hope that you will sustain the majority vote of this committee which has heard this measure discussed thoroughly, and which knows something of the merits of the measure, and I hope that you will sustain the report of this committee on this bill, reporting "ought not to pass."

(At this point Mr. Cole of Eliot assumed the Chair.)

Mr. HINCKLEY of South Portland: Mr. Speaker and gentlemen of the House, as a member of the committee before which this matter was considered, I wish to make a few observations. The report of the committee was a divided report, and I as a member of the committee signed the minority report, together with one of the senators from that county.

It makes very little difference to the members of this House just what form of government the city of Auburn operates under; it makes no material difference to me what form of government the city of Auburn operates under; but it does make a difference to me; and it does make a difference to this legislature what action they take upon this matter this morning, because I say to you, gentlemen, it is a fundamental proposition, and it is for you members of the legislature to say whether or not the people in a community shall have the right to determine just what their form of government is, or whether this legislature will do it for them. Now that is the question in a nutshell.

Upon that fundamental question, I disagree with the majority of the distinguished attorneys who made up the judiciary committee. I am old-fashioned enough, gentlemen, to believe that the theory of government as evolved by Washington, by Jefferson, by Adams, by Hancock and men of that type in the early days, is still workable and still feasible. I am still old-fashioned

enough to believe that the city of Auburn and every other city and town in the State of Maine that has within its limits a man who is capable of running the business of that city of Auburn or any other city or town in the State of Maine to go into some western state and hire a man to come here and run their business. I do not believe in it, and I do not believe I ever shall.

It is not my purpose, gentlemen, to discuss these two charters in detail because I feel that is not the question at stake. The question, as I have suggested, is more fundamental than that; but I do want to make this observation. The gentleman from Auburn who has just spoken (Mr. Wing) has told you that four years ago when this new form of government took control of affairs in the city of Auburn, it found the city of Auburn with a large debt. I want to say to you, gentlemen, that by looking up the records of the different cities in the State of Maine you will find that Auburn at that time, so far as its debt was concerned, compared very favorably with the other cities of the State, in a very advantageous position, so far as its debt was concerned. And I want to say to you further that the evidence presented at the hearing before the Judiciary committee showed that since this commission form of government, or this city manager form of government took charge of the city of Auburn, the bonded debt of the city has increased by leaps and bounds, and it is now very materially larger than it was three years ago when they took possession of it.

In reply to the suggestion of the gentleman from Auburn, Mr. Wing, that the city of Auburn was operating on a thirty-four dollar tax rate, I want to say to you, if I am correct in my understanding, that that is the largest tax rate of any city of its size in the State of Maine, and many mills larger than it was under the old form of government. Now I suppose there is no argument in this, and there is nothing to it, but the question is whether or not, when 1500 citizens of the city of Auburn, 1500 citizens rep-



resenting more than one quarter of the entire voting strength of the city of Auburn, petitioned this Legislature for a right to vote upon a certain charter, whether you are going to say to them, "go home; we won't permit you that privilege"—is it true, as one of the gentlemen from Auburn has remarked, that it is for the Legislature to determine and not for the people to determine? If so, they were very inconsistent four years ago when they came here and proposed a charter to this Legislature with a referendum attached, a charter that provided for the city manager form of government which they now have.

The city of Auburn had not been getting along very badly for years, and as they all admit, there never had been any blot upon the fair name of the city of Auburn; that is true; but somebody conceived the idea that they wanted what they called a business form of government instead of a political form of government. I submit to you if you look over the list of men who have been elected as mayors of the various cities in the State of Maine for the past 25 years, you will find a very substantial and honorable list of men, men who have made success in their own communities, men who have not only been successful in their professions but successful in business, and men who have accumulated property and are paying taxes; and I say to you that I do not agree that it is proper to substitute the business man who has been elected mayor of a city, to substitute his rights and duties and powers by what they call a business man that they go outside the State and procure, a man who pays no taxes, I think I might say, not only in the city to which he is called, but he probably pays no taxes in any community, and never did, because I say to you that if you go to work and look over the history of the business managers of different cities you will find that they are theoretical business men, men who have made money on paper but have never made the kind of money that you can deposit in a bank and draw upon. That is the kind of men we have for business managers and I think the citizens of our cities and towns are

thoroughly capable of picking out suitable men and electing them, and I think they have done it in the past.

Now, they came here four years ago and presented the matter here, a charter just exactly the same as these 1500 citizens have presented now, and they said to the Legislature "there are some citizens over in Auburn who are not satisfied, and we want a chance to vote upon this matter," and they did vote upon it, and the total vote was less than 1000, or 500 less than those who were petitioning here for a chance to vote, less than 1000, and the matter was carried and the new charter enacted by less than 100 majority; and that is what happened over there four years ago. And they have been doing business under it during this time, and now 1500 people from Auburn have come to this Legislature and say "we want to vote against the autocratic powers given by this charter," says the gentleman from Auburn—some thing that has never been asked for before in the history of the State, exactly the same power that the city of Augusta has given to its mayor several years ago, and under which the city of Augusta is operating today very successfully.

Now I want to correct some of these misrepresentations; I want to be fair. You understand, gentlemen, that I have no interest in the matter. Before the judiciary committee two bills have been presented from the city of Bangor both of them providing for a change of the city's charter. Three or four men came down in favor, five or six men against one of them. That is all we knew in our judiciary committee, but only yesterday, the judiciary committee voted unanimously—and the report either came into the Senate or House today, or will tomorrow—voted unanimously to let the people in Bangor decide what they are going to do on it, and it is right they should decide on it. Two weeks ago they did the same thing, the committee on judiciary, on the Bangor matter and it came in with a unanimous report, allowing the city of Bangor to vote, and under suspension of the rules, it was rushed through so that it could be voted on

at their election day this month. Yesterday, the judiciary committee voted unanimously to allow the citizens of Gardiner to vote on a proposition whether or not they will change their charter, and there are two bills here, two different charters, before this Legislature for the city of Portland; and I hope and believe that the Legislature in its good judgment will allow the citizens of Portland to decide that matter. Now I say to you, Mr. Chairman, with all due respect to my committee, that we have not been consistent. There is no reason why a handful of men should come down here from Gardiner, a handful of men from Bangor, a handful of men from Portland, with charter changes, and you send it back to the people, and then fifteen hundred come here from Auburn, 500 more than the total vote that changed the charter there four years ago, and say to Auburn, you cannot vote on it, it is not Americanism. Now that is the situation, gentlemen, in a nutshell, and if you wish to go back on this fundamental principle and do for Bangor and do for Portland and do for Gardiner, with practically no evidence of how the people feel on it in those cities, with the tremendous evidence of how they feel on it in Auburn, then I say that you are inconsistent, unfair, and you are working contrary to the fundamental theories of this government, as I understand them. I thank you.

Mr. BUZZELL of Belfast: Mr. Speaker, I have no special interest in the bill providing for a change of charter for the city of Auburn. In 1917 I was a member of this House when the good people of Auburn desired a change of charter and we gave it to them. So far as the committee could determine at that time they all wanted it, and they got the charter. In two years from that time I know that they were not satisfied with that charter, but no means were taken to modify it or amend it, and they come here at this time and introduce what is known as House Bill 37. Now let us look at the history of this bill for a moment: Introduced here in this House, referred to a committee, with a full committee hearing

in this room, and eight of that committee report one way and two the other. Now I simply wish to approach this bill with an open mind and analyze its course for a moment. We heard the proponent's argument, and I wish to rest my judgment right on the words of one of those proponents in substance as follows: He said he had no fault to find with the working of this charter and no criticism to make of its officials. Therefore I say they placed that proposition in our laps something like this: They opened their case; the other side opened their case and what evidence did we have to pass upon? We figured that proposition as fair-minded men simply with the case opened before us and no evidence; and I submit that it is fair procedure in any court when a man sets up a proposition and offers no evidence in support of it that his case should fail. It seems to me that the good people of the city of Auburn ought to be let alone a little while. They have got a charter that has worked well, so all agree. There is no evidence here before this committee that it did not work well. What the distinguished gentlemen from So. Portland (Mr. Hinckley) has dug out in the meantime I am not interested in. I passed upon that case according to the evidence that was placed in my lap, and as one of eight men I said that it ought not to pass. If they had anything that they could tie a horse to that was wrong with the fundamental working of the charter that they have, I for one would be willing to remedy it; I for one would be willing to submit it to the people for their consideration; but when you are voting to change the charter of a city, you are voting to take the cornerstone of government and replace it with something else.

Now I do not know just how many people voted and want to vote upon this. They talk about fourteen and fifteen hundred on one side and twenty hundred on the other. It is not fair to consider our action here in this House regarding the Gardiner charter, the Portland charter and the Bangor charter as compared with this where three or four people appear and

say in that suave way that there is no opposition to this measure, and where the committee generally gives it to them if it is equitable and fair. That was the case with Gardiner, Portland and Bangor. I remember in one case the gentlemen who appeared for the proponents said that they were all agreed and we gave it to them. On the other hand, in the city of Auburn there seems to be a turmoil, an unsettled condition, and I say let the good people over there work out their own salvation until such time comes that it appears that wrong is being done someone, and then the great and general court of the State of Maine will take it in hand and deal with them on the evidence presented to them; but until that time they should settle down, weigh and measure their own petitions, and adopt some other plan. I fear, gentlemen of this House, that there is an ulterior motive behind this proposition. In 1917, when a member of this House, I heard this: "Oh, we want to take the city of Auburn out of politics!" I never could just understand how one is going to take a city out of politics, but that was their purpose at that time. They wanted to take the city of Auburn out of politics, and we gave them their charter for that purpose; but I thought I discovered here the other day at that hearing where they wanted to work the city of Auburn back into politics. Now I am in favor of following my hand more than two years. I am not in favor of taking out the cornerstone of fundamental government and replacing it with another cornerstone of a different color just because some people in that locality want to do it. There ought to be a reason for it. Therefore, I hope that the majority report will be accepted.

Mr. PHILLIPS of Bar Harbor: Mr. Speaker, I call for the question.

Mr. HINCKLEY of South Portland: Mr. Speaker, I ask for a division, and hope that the members will all understand that those who are in favor of giving a referendum will vote no at this time.

The SPEAKER pro tem: A division is called for. Is there any objection?

The question is on the motion of the gentleman from Auburn, Mr. Wing, that the majority report, "ought not to pass" be accepted. As many as are in favor of the motion of the gentleman from Auburn (Mr. Wing) will rise and stand until counted.

A division being had,

Eighty-four voting in favor of the adoption of the majority report "ought not to pass" and 26 voting in the negative, the motion prevailed, and the majority report was adopted.

Mr. HINCKLEY of So. Portland: Mr. Speaker, I now wish to give notice that I shall ask for a reconsideration of the vote in the morning, and I ask that the bill be held until that time.

Mr. WING of Auburn: Will the clerk read me what the distinguished gentleman from South Portland (Mr. Hinckley) said in an undertone?

The SPEAKER pro tem: That tomorrow morning he should ask for a reconsideration.

Mr. WING: I move that we reconsider the vote now.

Mr. BUZZELL of Belfast: I second the motion.

Mr. WINTER of Auburn: Mr. Speaker —

The SPEAKER pro tem: It has been moved and seconded that the House reconsider its action whereby it voted to adopt the report of the majority ought not to pass; and the Chair recognizes the gentleman from Auburn, Mr. Winter.

Mr. WINTER—I rise to ask how the gentleman from Auburn, Mr. Wing, voted.

The SPEAKER pro tem: The Chair presumes he voted with the majority.

Mr. WINTER: I rise to a point of order then, that he cannot move to reconsider.

Mr. McILHERON of Lewiston: Mr. Speaker, I believe that the gentleman from Auburn, Mr. Wing, has got that right from the fact that he voted that way, and that he has the right to vote to reconsider.

The SPEAKER pro tem: The gentleman is right, and the Chair so rules.

Mr. McILHERON: Mr. Speaker and gentlemen of the House: I did not

wish to speak on this matter. I thought that the good judgment and the fairness of the House would prevail, and I believe and am confident that each member of this House wants to do what is fair and right. I am living in a neighboring city to the city of Auburn and I have got friends in the city of Auburn—

Mr. BUZZELL of Belfast: Mr. Speaker, I rise to a point of order.

The SPEAKER pro tem: The gentleman will state his point of order.

Mr. BUZZELL: There is no question before the House at this time.

Mr. McILHERON: There is a question before the House, to reconsider.

The SPEAKER pro tem: There is a motion to reconsider.

Mr. BUZZELL: If reconsideration cannot be made by the gentleman who made it, there cannot be any motion before the House.

Mr. McILHERON: Did I understand that Mr. Wing made a motion to reconsider?

The SPEAKER pro tem: Yes.

Mr. McILHERON: And that motion prevails.

The SPEAKER pro tem: It does.

Mr. McILHERON: May I speak to that motion?

The SPEAKER pro tem: You may.

Mr. McILHERON continuing: Mr. Speaker and gentlemen of the House: There are two forms of government that are put up to the American people today. One form of government is, government of the people, by the people and for the people. The other form of government, fathered by the Chamber of Commerce of the United States, who are wolves in sheep's clothing (Laughter) for the independent American citizen who wants justice and fairness and that form of government that they put up—and the president of one of their branches is here representing the city of Lewiston, and I want to tell him that their form of government is government for the few, by the few and

of the few, and that is the kind of government that they want, through the assistance of the Judiciary committee, to force upon the people of Auburn. Now I say that the people of Auburn have a right to determine for themselves what they want as American citizens. Gentlemen, I stand for the American citizen's form of government,—of the people, by the people, and for the people, and I have just got one argument to offer to this House for its consideration. At breakfast this morning I was eating with a lady, a citizen of Auburn, and she said to me "If you do not give us a right to vote on this question, we shall have to move from Auburn. We are almost taxed now out of our homes." I read in my last night's paper that they were going to force another large school on the people of Auburn for which they will have to pay and about which they have nothing to say. Now, gentlemen, I appeal to you as American citizens to look to the trust that has been entrusted to you by the people of the State of Maine and that you give Auburn the right to express its opinion on this matter and regulate its own affairs. I thank you, gentlemen.

Mr. BUZZELL: Mr. Speaker, I wish to say just a few more words on this proposition. You have just listened to the gentleman from Lewiston (Mr. McIlheron) and you have heard his reference to sheep's clothing. Did he appear before this committee and say one word against the present city government of Auburn? Not one word! What kind of clothing was it that some men were wearing then? If there was a single injustice being done to the good people of the city of Auburn, he was withholding that information in the region of where a heart ought to be and now appears here and grandstands the proposition. If he had learned of any of their things even after the hearing and before report was made, why did he not rush to the Judiciary committee and say "I have some real information for you." No, but he wants to come up here and plead for some lone

woman over there, (Laughter). As I understand he has been a long time pleading for one woman (Laughter and applause) and he talks about wearing sheep's clothing at this time and gets up here and tells about being in favor of a government for the people, and of the people and by the people. Just stop and think of it! (Laughter) My friends, you will find that his attitude on this proposition is simply a desire to come out in print for at the consideration of this proposition before the committee he was so far behind the firing line that his beautiful voice was not even heard. (Laughter).

Mr. McILHERON: Mr. Speaker--

The SPEAKER pro tem: The Chair will suggest that the gentlemen in their remarks confine themselves to the question under discussion.

Mr. ROUNDS of Portland: I would like to call for the previous question.

The SPEAKER pro tem: The previous question is called for. As many as are in favor of the question will say aye, opposed, no.

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

The SPEAKER pro tem: The question is on the reconsideration of the vote of the House adopting the majority report, ought not to pass.

Mr. WINTER of Auburn: Mr. Speaker, I still insist on the point of order. Having voted on the majority side, the gentleman cannot move to reconsider.

The SPEAKER pro tem: As many as are in favor of reconsidering the vote of the House, sustaining the majority report on this measure will say aye, opposed, no.

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

The Chair lays before the House, House Document No. 58, Report of the committee on education on bill "An act relating to the vaccination of school children," and recognizes the gentleman from Bath, Dr. Snipe

(Speaker Barnes assumes the Chair.)

Mr. SNIPE: This bill relating to the vaccination of school children has been very carefully considered by the committee on education. This bill relates to education in some degree, but it relates to public health in even greater degree. I, therefore, move that as a matter of courtesy and as a matter of wisdom that this bill be recommitted to the committees on education and public health.

Mr. GERRISH of Lisbon: Mr. Speaker, I second that motion.

The SPEAKER: The motion of the gentleman from Bath, Dr. Snipe is for a recommitment of this bill to a joint committee to be made up of the committee on public health and the committee on education. The motion is seconded by the gentleman from Lisbon, Dr. Gerrish. Discussion is in order, and the Chair recognizes the gentleman from Portland, Mr. Brewster.

Mr. BREWSTER: Mr. Speaker, I will not take the time of the House to discuss the merits of this proposition; but I do want to call your attention to the fact that this measure was introduced early in the session; that it went through its orderly course of reference by the committee on reference of bills to the committee on education, that committee being concerned with the powers of school committees under the Revised Statutes; that full hearing was given; that everyone had an opportunity to be heard there; that there was one physician on the committee, which has unanimously reported that this bill ought to pass; that this has laid upon the table now since it was reported back to the House a week ago; and that now at this late season to refer this back for further hearing and consideration is inevitably going to greatly block the wheels of legislation. I therefore hope that his motion will not prevail.

Mr. BARWISE of Bangor: Mr. Speaker, I wish merely to say that the committee on education held a very widely attended hearing. We considered this single bill for proba-

bly an hour or an hour and a half and everybody had an opportunity to be heard. It pertains to the powers of school authority, and it is too late in the session for these medical men to come in and try to get the bill recommitted to a medical committee.

Mr. CORDWELL of Westbrook: Mr. Speaker, I heartily agree with the remarks of the gentleman from Portland, Mr. Brewster, and also the gentleman from Bangor, Mr. Barwise. This matter was thoroughly and carefully considered by the education committee after due consideration and time had been given so that anyone who had any objection whatever could appear, and I certainly hope that the report of the committee, which was unanimous, will be accepted.

The SPEAKER: The motion before the House is the commitment of the bill and report to a joint committee made up of the committee on public health and the committee on education. All those who are in favor of so committing will say aye; contrary minded, no.

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

On motion by Mr. Brewster of Portland, the report of the committee was accepted, and the bill had its two several readings.

The Chair presents report of the committee on Education on Bill "An Act to provide for Temperance Day in the schools," tabled on March 1st by the gentleman from Lewiston, Mr. McIlheron, pending acceptance of the House report.

On motion by Mr. McIlheron the Bill and report were retabled, and specially assigned for Tuesday, March 15.

The Chair presents House Document No. 33, majority and minority reports on Bill "An Act to amend the trustee process," tabled March 3rd by the gentleman from Augusta, Mr. Maher, pending acceptance of either report.

Mr. MAHER of Augusta: Mr. Speaker, as one of the two signers of the minority report, I yield to the other signer or to any of the majority.

The SPEAKER: The Chair awaits the motion.

On motion by Mr. Gardiner of Gardiner, the majority report was accepted.

The Chair presents House Document No. 170, Resolve reimbursing Kennebec county for money expended in pursuing insane criminals, tabled by the gentleman from No. Anson, Mr. Holley, on March 3rd, pending its second reading.

On motion by Mr. Holley, the Resolve was retabled.

The Chair presents Senate Document No. 58, Resolve to purchase history of Williamsburg, tabled on March 3rd by the gentleman from Portland, Mr. Dodge, pending commitment to committee on Bills in Third Reading.

On motion by Mr. Dodge, the Resolve was retabled.

The Chair presents Senate Document No. 62, Resolve to purchase history of York, tabled by the gentleman from Portland, Mr. Dodge, on March 3, pending commitment to committee on Bills in Third Reading.

On motion by Mr. Dodge, the Resolve was retabled.

The Chair presents Senate Document No. 61, Resolve to purchase index of Revolutionary pensioners, tabled by the gentleman from No. Anson, Mr. Holley, on March 3rd, pending commitment to committee on Bills in the Third Reading.

On motion by Mr. Holley of No. Anson, the Resolve was retabled.

The Chair presents report of Portland Delegation on Bill "An Act relating to fire department of the city of Portland," tabled on March 4 by the gentleman from Portland, Mr. Cram, pending acceptance.

On motion by Mr. Cram of Portland, the report was retabled.

The Chair presents report of committee on Legal Affairs on Bill requiring free treatment to patients from

State reformatories, tabled March 7, pending acceptance.

The SPEAKER: The Bill is an Act requiring institutions receiving State aid to give free treatment to patients from the Reformatory for Men and the Reformatory for Women. It was reported from the committee on Legal Affairs that the same ought not to pass. It is not a printed Bill.

On motion by Mr. Rounds of Portland, the report was accepted.

The Chair presents report of the committee on Library on resolve authorizing purchase of "Music and Musicians of Maine," tabled March 7 in the absence of the sponsors of the bill by the Chair.

The SPEAKER: The committee on Library reported unanimously "ought not to pass," and is it the pleasure of the House now to accept the report.

The report was accepted.

The Chair presents reports of committee on Education on bill "An Act relating to payment of salaries of superintendents of schools," tabled by Mr. Varney of Jonesboro, pending acceptance of report, the report of the committee on education being that the same ought not to pass.

Mr. VARNEY of Jonesboro: Mr. Speaker, I yield to the gentleman from Windham, Mr. Varney.

Mr. VARNEY of Windham: Mr. Speaker, I move that the report be relaid upon the table, and for this reason: There is other legislation which will obviate the objections that the committee has to the bill.

The motion to retable prevailed.

The Chair presents House Document No. 225, resolve in favor of Commissioner of Labor and Industry, tabled by the gentleman from No. Anson, Mr. Holley, pending commitment to committee on bills in the third reading.

On motion by Mr. Holley of No. Anson, the resolve was retabled.

Mr. MAHER of Augusta: Mr. Speaker, will the gentleman who has

just tabled the resolve (Mr. Holley) please indicate when he will be prepared to discuss whether or not it should go along.

The SPEAKER: The gentleman from Augusta (Mr. Maher) inquires through the Chair of the gentleman from No. Anson (Mr. Holley) whether or not he will assign a time for the consideration of the measure.

Mr. HOLLEY: One week from today.

The SPEAKER: Automatically it will come up one week from today, but it is understood that it will be treated on that day, and is it the pleasure of the House that the resolve be now retabled for special consideration on Wednesday, March 16?

The motion prevailed.

The Chair presents Memorial to Congress urging favorable consideration of principles of Smith-Towner Bill, tabled March 8 by the gentleman from Augusta, Mr. Maher, pending reference to a committee.

On motion by Mr. Maher of Augusta, the Memorial was retabled and specially assigned for Tuesday, March 15.

The Chair presents House Document No. 226, resolve authorizing Michael Burns to bring suit against the State of Maine, tabled yesterday by the gentleman from Auburn, Mr. Winter, pending its second reading. On motion by Mr. Winter of Auburn, the resolve had its second reading and was passed to be engrossed.

The Chair presents House Document No. 125, resolve appropriating money for purchase of "History of Grand Lake Stream," tabled yesterday, pending its final passage by the gentleman from No. Anson, Mr. Holley.

On motion by Mr. Holley of No. Anson, the resolve was retabled, pending final passage.

On motion by Mr. Landers of Eustis,

Adjourned until ten o'clock tomorrow morning.