

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

AUGUSTA
KENNEBEC JOURNAL PRINT
1921

HOUSE

Tuesday, March 15, 1921.

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

Prayer by the Rev. Mr. Wilkins of Hallowell.

Journal of previous session read and approved.

On motion by Mr. Rounds of Portland, seconded by Mr. McIlheron of Lewiston, the rules were suspended and there was introduced a resolve appropriating money for the University of Maine for temporary maintenance.

(Resolve read by the Clerk)

On further motion by Mr. Rounds, the resolve was given its two several readings, under suspension of the rules, was passed to be engrossed, and sent to the Senate for concurrence.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

Senate 107: Resolve in favor of Lena I. Sanborn, an employee of the Board of State Assessors in 1918.

Senate 82: An Act to amend Section 146 of Chapter 16 of the Revised Statutes, as amended, relating to the appropriation for maintenance of normal and training schools.

Senate 104: An Act to make unnecessary the filing of affidavits by mortgages in foreclosing real estate mortgages.

Senate 106: An Act to amend Section 17 of Chapter 12 of the Revised Statutes, as amended by Chapter 121 of the Public Laws of 1917, as amended by Chapter 299 of the Public Laws of 1917, relating to the recording of deeds.

Senate 108: Resolve in favor of Rena Cooley.

Senate 109: An Act to extend the charter of the R. & T. Cement Railroad.

Act to prevent the manufacture and exhibition of motion picture films depicting or involving cruelty to or suffering of animals, reporting same in a new draft under title of An Act to prevent the manufacture and exhibition of moving picture film involving in its preparation intentional and deliberate cruelty to animals," and that it "ought to pass."

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

In the House report accepted, in concurrence, the bill given its two several readings, and on motion by Mr. Gardiner of Gardiner, the following amendment was adopted: By striking out in the first line thereof the word "who"; and on further motion by the same gentleman, the bill as amended was tabled, pending its third reading.

From the Senate: Report of the committee on public utilities on bill, An Act to amend Section 37 of Chapter 24 of the Revised Statutes, relating to the appropriation for the abolishment of grade crossings, reporting the same in a new draft under same title.

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

In the House report accepted in concurrence, the bill given its two several readings, and on motion by Mr. Holley of North Anson, tabled pending third reading.

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

On motion by Mr. Wing of Auburn, the rules were suspended, and that gentleman was granted permission to introduce bill, "An Act to authorize the Auburn Water Commissioners to make a further issue of bonds to be used for the purpose of erecting a new pumping station at Lake Auburn and for the extension and improvement of the present system; and the bill was referred to the committee on public utilities.

From the Senate: Report of the committee on judiciary on bill "An

Ways and Bridges

By Mr. Case of Lubec: Bill, An Act to provide for an issue of State highway and bridge bonds.

Orders

On motion by Mr. Rounds of Portland, it was,

Ordered, that the sum of ten dollars be paid to C. O. Barrows of Portland, Maine, for services as stenographer at hearings before the Portland Delegation on February 26 and March 4, relative to proposed changes in the city charter in the city of Portland.

On motion by Mr. Varney of Jonesboro, it was,

Ordered, that two thousand copies of a comparative statement of amounts paid out of present school funds, and payable by proposed changes in methods of distribution of school funds, be printed as a Legislative Document.

Reports of Committees

The gentleman from Auburn, Mr. Wing, from the committee on judiciary reports "ought not to pass" on bill, An Act to enable the voters in the city of Lewiston to elect a police commissioner.

On motion by Mr. McIlheron of Lewiston, the bill was tabled, pending acceptance of the report.

The gentleman from Lubec, Mr. Case, from the committee on ways and bridges reports "ought to pass" on bill, An Act relating to the construction of a bridge over tide waters between Orr's Island and Bailey's Island.

Report accepted.

Passed to Be Engrossed

271. An Act to amend Section 17 of Chapter 60 and Section 11 of Chapter 61 of the Revised Statutes, relating to the taking of land for public uses.

House 272. An Act to amend Section 10 of Chapter 93 of the Private and Special Laws of 1878 relating to the Farmington municipal court.

House 273. An Act to amend Section 36 of Chapter 53 of the Revised

Statutes, relative to Mutual fire insurance companies.

(Tabled by Mr. Ricker of Poland, pending passage to be engrossed).

House 274. An Act to amend Section 3 of Chapter 144 of the Revised Statutes, as amended by Chapter 245 of the Public Laws of 1919, relating to the age of commitment to the State School for Boys.

House 275. An Act to amend Section 20 of Chapter 144 of the Revised Statutes, as amended by Chapter 10 of the Public Laws of 1917 and Chapter 232 of the Public Laws of 1917 relating to the age of commitment to the State School for girls.

(Tabled by Mr. Smith of Skowhegan, pending third reading.)

House 278. An Act to provide for the jurisdiction of the Public Utilities Commission over certain motor vehicles.

(Tabled by Mr. Rounds of Portland, pending passage to be engrossed).

House 279. An Act extending the charter of the Salisbury Cove Water Company.

House 280. An Act to extend the provisions of Chapter 214 of the Private and Special Laws of 1915, relating to the town of Lisbon.

House 284. An Act to incorporate the Hallowell Water District.

House 285. An Act to amend Section 10, Chapter 25 of the Revised Statutes, as amended by Section 3, Chapter 258 of the Public Laws of 1917, and to amend Section 3, Chapter 319 of the Public Laws of 1915, as amended by Section 3 of Chapter 304 of the Public Laws of 1917, and by Chapters 162 and 243 of the Public Laws of 1919, providing for the deposits of surety bonds or certified checks with bids for State highway work, or for State and county aid bridge work.

Senate 1. Resolve proposing an amendment to Section 5, Article 4, Part 1st, of the Constitution, as amended by the twenty-third Amendment, relative to absent voting.

Senate 81. Resolve in favor of Mary S. Hillman.

House 264. Resolve to reimburse the town of Milo for money advanced under the Soldiers' Dependent Law.

House 265. Resolve in favor of Alfred William Anthony for services and expenses as police commissioner of the city of Lewiston.

House 266. Resolve in favor of Francois X. Marcotte for services and expenses as police commissioner for the city of Lewiston.

House 267. Resolve in favor of Ralph Crockett for services and expenses as police commissioner for the city of Lewiston.

House 268. Resolve in favor of Milo for aid to mothers with dependent children.

House 269. Resolve providing for payment for the care of Pearl Clark during the year 1919.

House 276. Resolve to increase the pension granted to Harmon Varrell of York.

House 277. Resolve providing a State pension for Caroline Springer.

House 283. Resolve in favor of C. K. Hopkins of Camden, Maine, for labor performed at Camden fish hatchery.

Passed to Be Enacted

An Act to authorize the city of Lewiston to issue its bonds to the amount of \$100,000 dollars to pay its bonds now outstanding and maturing in the year 1923.

An Act to amend Section 8 of Chapter 118 of the Revised Statutes, relating to fees of jurors.

An Act to amend Chapter 13 of the Private and Special Laws of 1915, entitled "An Act to incorporate the Mopang Dam & Improvement Company."

An Act to amend Section 2 of Chapter 51 of the Public Laws of 1919, relating to the training of rural teachers.

An Act to amend Section 2 of Chapter 501 of the Private and Special Laws of 1869, relating to the charter of Maine Central Institute.

An Act to amend Section 2 of Chapter 574 of the Private and Special Laws of 1856, entitled "An Act to

incorporate the Kendall's Mills Village Corporation," as amended by Chapter 139 of the Private and Special Laws of 1891.

An Act to amend Section 16 of Chapter 28 of the Revised Statutes, increasing the compensation of fence-viewers.

An Act to amend Section 122 of Chapter 16 of the Revised Statutes, as amended by Chapter 146 of the Public Laws of 1919, requiring the teaching of American History and Civil Government in the Public and Private Schools.

An Act to amend Section 56 and Paragraph II of Section 57 of Chapter 16 of the Revised Statutes as amended, relating to the election and term of office of superintendents of schools.

An Act to amend Section 41 of Chapter 51 of the Revised Statutes, providing for the amendment of corporate purposes.

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

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

An Act to amend Section 8. of Chapter 13 of the Revised Statutes, relating to county law libraries.

An Act for the better care of inmates of the State Prison and Men's Reformatory suffering from tuberculosis.

An Act to prohibit advertisements of cures or medicines relating to venereal diseases and certain sexual disorders.

An Act to amend Chapter 133 of the Private and Special Laws of 1881, entitled "An Act to incorporate the Mercantile Home for Aged Men Association," as amended by Chapter 267 of the Private and Special Laws of 1883, which changed the name to Home for Aged Men.

An Act to authorize the town of Bristol to pay certain obligations in-

curred by its citizens in opposing the division of said town.

An Act for the improvement of sanitary conditions in School Building Toilets.

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

An Act to authorize the city of Lewiston to issue its bonds to the amount of \$250,000 to pay its temporary loans consisting of notes now outstanding and maturing at various dates prior to January 1, 1922.

An Act validating and making legal a meeting of the stockholders of the American Warp-Drawing Machine Company in amending and enlarging the purposes of the Corporation.

An Act to authorize the Boston and Maine Railroad to acquire the property and franchises of, or to consolidate with, any of its subsidiaries not already acquired by or consolidated with it under and by virtue of Chapter 186 of the Private and Special Laws of 1915 and Acts amending and extending the same.

An Act relating to the dipping of alewives and shad in Dennys river in Edmunds and Dennysville in the county of Washington.

An Act to amend Section 51 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917 and by Chapters 196 and 249 of the Public Laws of 1919, relating to the placing of bear traps.

An Act to incorporate the Great Pond Railway Company.

An Act to amend Section 55 of Chapter 52 of the Revised Statutes, relating to payments of deposits upon liquidation of Savings Banks.

Finally Passed

Resolve authorizing Michael Burns to bring a suit at law against the State of Maine.

Resolve authorizing F. Burton Haggett and Lawrence B. Haggett to bring a suit at law against the State of Maine.

Emergency Measures

The Chair presents to the House a bill carrying the emergency clause

entitled "An Act to legalize and make valid the doings of the inhabitants of the town of Stetson at the annual town meeting held on March 10th, 1919, and at the annual town meeting held on March 8th, 1910, and by adjournment on March 10th, 1920." This bill requires the affirmative vote of two-thirds of the entire membership of this House in order to be passed to be enacted. All those in favor of its passage to be enacted will rise and stand until counted, and the monitors will return the count.

A division being had.

On hundred and twenty-one voting in favor and none against, the bill was passed to be enacted.

The Chair presents to the House a resolve, carrying the emergency clause, re-appropriating funds heretofore provided and authorizing new funds to pay for one-half the cost of an International Bridge between Madawaska, Maine, and Edmundston, New Brunswick. This resolve requires the affirmative vote of two-thirds of the entire membership of this House 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 thirteen voting in favor and none against, the resolve was finally passed.

Orders of the Day

On motion by Mr. Tilden of Hallowell, the rules were suspended and that gentleman was granted permission to introduce out of order Bill, An Act to legalize and make valid the proceedings of the town meeting of the town of Manchester, in the county of Kennebec, held on the 7th day of March, 1921.

On further motion by the same gentleman, the rules were suspended and the bill received its three several readings and was passed to be engrossed without reference to a committee.

On motion by Mr. Rounds of Portland, the report of the commit-

tee on claims on resolve in favor of the town of Kennebunk for money paid for loss of domestic animals, was taken from the table.

The pending question being the acceptance of the report of the committee, on further motion by the same gentleman, the report was accepted.

On motion by Mr. Holley of North Anson, House Doc. No. 170, Resolve reimbursing Kennebec county for money expended in pursuing insane criminals, was taken from the table, and on further motion by the same gentleman, the resolve received its second reading, and was passed to be engrossed.

On motion by Mr. Maher of Augusta, House Doc. No. 246, Bill, An Act to provide for a sinking fund for war bonds and bonus bonds issued by the State of Maine, was taken from the table, and on further motion by the same gentleman, the bill received its third reading and was passed to be engrossed.

On motion by Mr. Varney of Jonesboro, permission was granted and that gentleman introduced out of order, the following order:

Ordered, that there be printed 1000 copies of Bill, An Act to amend Sections 169, 170 and other sections of the Public Laws of the State of Maine, relating to teachers' pensions, the same being advertised for hearing before the committee on education on Thursday, March 17th.

The order received a passage.

The SPEAKER: The Chair will state that inasmuch as the House is making such favorable progress with the matters which are tabled and unassigned, the Chair will hesitate about suggesting action on the matters which are especially assigned for today, and will inquire whether or not there may be other measures upon the calendar that may be disposed of.

On motion by Mr. Holley of North Anson, Senate Doc. No. 61, Resolve to purchase index of Revolutionary Pensioners, was taken from the table.

The pending question being commitment to committee on bills in the third reading, the Resolve received its second reading and was passed to be engrossed.

On motion by Mr. Spear of Rockport, the vote was reconsidered whereby the House passed to be enacted, Senate Doc. No. 97, Bill, An Act to amend Section 18 of Chapter 130 of the Revised Statutes, relating to the disposal of fines imposed thereunder and personal property used for prizes in lotteries or devices of chance, and the procedure of punishment.

On further motion by the same gentleman, the bill was tabled pending its passage to be enacted.

The SPEAKER: The Chair presents for consideration, Memorial to Congress urging favorable consideration of the principles of the Smith-Towner bill, tabled March 9th by the gentleman from Augusta, Mr. Maher, pending reference to any committee.

Mr. MAHER of Augusta: Mr. Speaker, I yield to the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON of Perham: Mr. Speaker, at the session of two years ago, a certain provision of the Smith-Towner bill came before this House in connection with a measure that was then under discussion and which was finally disapproved by the House. Recently I have had a copy of this bill and have gone over it somewhat carefully, and I find that the particular provisions to which I objected at that time appear to have been removed. At the same time, I think that this Legislature should make haste slowly in memorializing Congress in regard to matters to which we have not given due consideration, and it seems that in a matter of such importance as this, that it should be considered carefully. For that reason, I will move that this memorial be referred to a joint committee consisting of the committee on Judiciary and the committee on Education.

Mr. MAHER: I second the motion.

Mr. BARWISE of Bangor: Mr. Speaker, I rise to oppose the motion of the gentleman from Perham, Mr. Bragdon. This bill is purely and simply an educational bill, and it seems to me that it is not necessary at this time for me to go into any extended analysis of the bill. Let me say briefly that this bill provides for a distribution of school money by the Federal government in somewhat the same way that we do here in the State of Maine. That is, we take from the rich towns and distribute to the poorer towns. This bill takes from the well-to-do states and distributes to the poorer states. Under the provisions of this bill, we in the State of Maine shall receive about \$925,000 a year, one-half of which is to be expended in leveling up the educational opportunities in the rural districts, in the increasing of the salaries of teachers in the rural districts so that the best teachers will not be drained from the rural districts into the cities. The object of this bill is to raise the standard of education in the different states. We do not have to change our policy a hair's breadth; in order to come under the provisions of this bill, we do not have to raise an extra dollar, we do not have to change our educational machinery in the slightest degree. Another feature of this bill is that it teaches the illiterates above the age of 14 years, whether foreign or native born. We have in the State of Maine something like 26,000 illiterates. In every way this bill is an educational bill; there is nothing in it that departs from the traditional policy of the Federal government, except in the matter of aiding education in the different states.

There is no new policy involved, as seems to be intimated by the gentleman from Perham. The medical question which he objected to, and which was in the bill formerly, I should have objected to, and that has been cut out by the educational committee of Congress, and this is reduced merely to what we already teach in all our public schools, under the ordinary courses in physiology,

matters of public health. The government from the earliest times has assumed the same careful attitude toward the states that it assumes in this bill; there is no new policy of departure.

When we were functioning under the articles of Confederation in 1785, the Federal government in the northwestern territory set apart a lot of land in each town for public school in the territories and states to be hereafter created; in 1826, when we were doing the same thing for the Jefferson and the Louisiana purchase, the same provision was applied. In 1848, when the Oregon purchase was being surveyed, two lots of land in each township were set aside. In 1863, under the first Morrill Act we set aside a very large tract of land for each of the State colleges, and they were known as Land Grant Colleges. Under the second Morrill Act in 1890, we set aside \$25,000 a year for each of the Land Grant Colleges and under the Lever Act of 1914 and 1917 we still extended Federal aid to the states. This bill is new in principle, and I submit, Mr. Speaker, that it should go to the committee on Education.

Mr. GARDINER of Gardiner: Mr. Speaker, I wish to oppose the motion as made proposing a joint reference of this measure. I do not mean to indicate that I think the Judiciary committee is not aware of the importance of this matter, but I have examined the provisions of the Smith-Towner bill and I do not find anything therein that I believe cannot be properly heard and considered by the committee on education alone. It is becoming late in the session, and all members of this House are familiar with the difficulties connected with arrangements for a joint session of two committees. This particular matter has been upon the table in this branch since March 9th, and I think it would be better to have the matter heard and determined by the committee on Education alone.

Mr. BRAGDON: Mr. Speaker, I understand the objections that have been raised by the gentleman from

Gardiner (Mr. Gardiner) to this reference, and if every member of the Judiciary Committee had examined this bill, as the gentleman from Gardiner appears to have done, I certainly would have no objection to taking their judgment at the present time. I do not claim to be able to speak whether this makes any changes in our educational system or not, but I would feel a great deal better about the matter if it were referred to the upper legal committee in this House, or in this Legislature, and I feel that if it were so referred, the members of this House would feel easier in allowing it to go along on its passage. For myself, I would like to have the judgment of that committee as to whether or not this makes any changes in the management of our educational system.

The SPEAKER: The pending question is on the motion made by the gentleman from Perham, Mr. Bragdon—

Mr. BUZZELL of Belfast: Mr. Speaker, it does not seem to me as if this is a matter that should disturb us very much. As near as I can understand it, this is simply a memorial to Congress urging favorable consideration of the proposed Smith-Towner bill. This Legislature simply passes that memorial, or is called upon to pass this memorial, but at this time we are simply referring this memorial to a committee for their consideration, and it has been thought best by some that we refer this slight matter to a joint committee in the last days of this Legislature. The committee on education is a strong committee; unquestionably they will give this bill proper consideration and look it over carefully, and supposing we should pass the memorial, supposing the committee should act favorably and we should pass the memorial, it is my best judgment that Congress would do at the time they were called upon to act upon the measure pretty nearly what they thought best, regardless of what our attitude and action might be here in the Maine Legislature.

I am not going to argue the

merits of this bill; I am not going to tell you about what I understand the action has been in Congress in regard to this bill. At this time we are simply considering and trying to determine what committee this memorial should be sent to, and I oppose the motion to have this referred to a joint committee. I do not think it is necessary. It seems to me as if this matter has been here on the table a long time, and we have put off the consideration of it in my judgment too long. If it were such an important matter, why did we not get at it before? I hope the motion of the gentleman from Perham, Mr. Bragdon, will not prevail.

Mr. HOLLEY of North Anson: Mr. Speaker, this matter of referring measures to joint committees seems to be a new wrinkle, and it has cost this Legislature a great many dollars. I rise at this time to support the suggestion of the gentleman from Belfast, Mr. Buzzell. If we persist in referring matters to joint committees, we shall be here when potatoes are in blossom, and I sincerely hope that the motion of the gentleman from Perham, Mr. Bragdon, will not prevail.

The SPEAKER: Is the House ready for the question?

Mr. MAHER: Mr. Speaker, if I might take a moment of the time of this House, I do not intend to address myself at all to the considerations of either policy or change or the wisdom involved in the Smith-Towner bill. I do not intend to intimate, except indirectly perhaps or inferentially, what my opinion might be of that. I certainly could not occupy the position of being upon a committee and seeking to have this measure sent to the committee of which I was a member in contradiction to the suggestions of the committee upon reference of bills; but yet I cannot refrain from supporting the action of the gentleman from Perham, (Mr. Bragdon). The gentleman from Belfast, Mr. Buzzell, indicates that there is not any objection to the bill at all, and that what ever this Legislature may do will be of no avail; the gentleman

from Gardiner, Mr. Gardiner, also upon the Judiciary Committee, says that there is nothing in the bill upon close analysis or examination that the committee on education is not competent to pass upon. The gentleman from Bangor, Mr. Barwise, also an attorney, and I believe a member of the committee on education, says that there is no departure from policy. And the gentleman from North Anson, Mr. Holley, says that the departure from policy inaugurated by this Legislature in referring matters to joint committees is an expensive thing. Now, all the gentlemen may be right, and yet that may not have any particular bearing upon the motion of the gentleman from Perham.

This Legislature has been making numerous departures, and I presume that many of the changes are in the line of progress, and while we have been indulging in a considerable number of changes, some of them are progressive and some not. The practice of referring to joint committees may be an innovation, and may be expensive. We have had an innovation in the shape of a budget committee, and very recently from a suggestion made to this Legislature by the highest authority in this State we have seen an illustration of an expensive innovation along the line of change and progress in the shape of a budget committee, about the most expensive and extravagant investment the State of Maine could make, because at one fell swoop we heard lopped off a million and a half from the calm and sober judgment of that mature and thinking committee. So that I do not see much force in that suggestion. The argument of the gentleman from Belfast, our distinguished floor leader, eminent attorney, wise and sagacious member of the Judiciary Committee, leads me to believe that we could not discuss this measure at all this morning because he says whatever we do, Congress won't pay any attention to it, and this is simply a memorial. I submit, gentleman, that Maine has found memorials somewhat expensive in recent years. And now, when we are contemplating as

to what committee will pass upon this matter, when we hear that Congress will not pay any attention to our suggestions, would it not be well to consider that the bill is dead itself, and there is not any such bill, and Congress has failed to pass it, and that distinguished shaper of progressive thought, the eminent and distinguished Democratic Senator from Georgia, Mr. Hoke Smith, in his far-seeing wisdom in attempting to benefit the poor State of Maine and the rest of the northern, partially tax-paying states, stood sponsor for this measure; and another little thing bearing upon this, and I do not know whether I am speaking to the point or not, but a delegation attended the Republican National Convention at Chicago and endeavored to write in—and this is no new matter, for he who runs may read—a delegation favoring this principle of the Smith-Towner bill, attended the Republican Convention at Chicago, and attempted to write in to that platform endorsement thereof. A Senator whose independence and sterling Americanism will make him long remembered, Senator Borah, would have none of it, and the Republican National Convention would have none of it, and it was not written in, either directly or inferentially, into the Republican National platform. And that same delegation journeyed westward and reached San Francisco, and they endeavored there to have a memorial written into the Democratic platform, and the Democratic National convention—and it is a matter of record—refused to have anything to do with it; and there was a special committee appointed upon which, as we are informed by the newspaper accounts, was a very distinguished citizen of our own State who happened to be there as a delegate or as a member, and there was a very slight, a very modest, just a seeming endorsement of the principles of bureaucracy and Federal control and centralization, to take and control the educational impulses of the next generations in this country.

Now, I do not know what committee it is best to send this matter to. I do not know how the educational

committee feel. The only gentleman who has spoken here on the floor, and I may be mistaken, he may not be a member of this particular committee, but the gentleman from Bangor, Mr. Barwise, has indicated a very strong preference for the measure. The gentleman from Gardiner, Mr. Gardiner, a member of the judiciary committee has indicated inferentially a support of the measure. Certainly, the gentleman from Belfast, Mr. Buzzell, has indicated a support for the measure, and those two gentlemen, are members of the judiciary committee.

Now I say to you, Mr. Speaker and gentlemen of the House, that there will be no measure before this Legislature that will more vitally concern government as we know it and as we love it, than this measure, and your principles of representative government are not imperiled by outside aggression but the difficulty with our form of government is that it is destroyed from within; it is the "borer"—not "Borah"—but the borer of the variety of the corn borer and the office borer and the educational borer, and the borer in the shape of labor organizations that are making for the I. W. W.'s and centralized Prussianism instead of Americanism; and the Smith-Towner bill deserves intelligent consideration. I do not tell you at this time whether I am for it or against it, and if I were to amend or to suggest any proposition such as that emanating from the gentleman from Perham, Mr. Bragdon, it would be that this Legislature move along in its appointed course to consider the matters of the people of the State of Maine, and not to waste time in advertising or hearing in this way or take the time for consideration by any committee or committees; but for myself I feel that we should proceed to move along the lines of economy, the lines of progress, the lines of action; and I believe that the wise thing to do now that this matter has laid on the table a long time, from the ninth day of March to this the 15th day of March, with an intervening period of two days or three days, and I think it was about the last item tabled last week—I would say

the proper thing to do at this time would be to move for the indefinite postponement of this measure. I won't do it, lest it would be misinterpreted that I was opposed to the bill, but I certainly hope that the motion of the gentleman from Perham, Mr. Bragdon, will prevail, and that if we are going to have a hearing upon this measure, it should be a full, frank, free and regular hearing, and let the members all attend, and let every man become informed and then vote. (Applause.)

Mr. BUZZELL: Mr. Speaker, it is always very cheering to me to listen to the distinguished gentleman from Augusta, Mr. Maher. Lest there may be a mystery about how I stand upon this proposition, I wish to say from where I approach this measure at this time, I am in favor of it. That ought to be good enough. I realize what organizations in this State, such as the County Teachers' Association, the State Teachers' Association and various other organizations, women's clubs, business and professional clubs in this State that are in favor of this bill. Now, I will say that I have not followed its course in Congress minutely. I have not fully informed myself as to the positions of the gentlemen in Congress who have been for and against this bill; I have not worked by day and by night to discover some nigger in the wood pile, or anything of that sort; but as I understand it, this bill appropriates something like \$1,000,000 for the State of Maine, and that that money shall be expended for certain purposes. That is as far as I went with the bill. I have assumed that the educational committee in this Legislature is amply competent to pass upon this proposition. That is my position. If they are allowed to pass upon it, and if we go to that hearing, I assume that the distinguished gentleman from Augusta, Mr. Maher, who knows this proposition from A to Z, will be there, and it will be a great pleasure for me to sit down and listen to him as long as he cares to talk upon the proposition for the purpose of enlightening us. I should then seriously let his words sink deep into my understanding, and probably I

should be governed thereby. It would be a hard proposition at this time for me to make a guess on just what his attitude is; he says at this time he is not going to tell us what it is. I wish to be shown, and I believe that the educational committee can make a report, and at that hearing we can get just as much information under all the conditions as we can to have it referred to a joint committee.

The SPEAKER: The pending question before the House is on the motion that this memorial to Congress now under discussion be referred to a joint committee made up of the committee on judiciary and the committee on education.

A viva voce vote being taken,

The motion was lost.

Mr. Maher of Augusta doubted the vote and called for the yeas and nays.

The SPEAKER: The vote having been taken on the motion of the gentleman from Perham, Mr. Bragdon, and that vote having failed, the gentleman from Augusta, Mr. Maher, now calls for the yeas and nays. Under the Constitutional privilege allowed to a member of this House, the rules require that one-fifth of the members present vote with the proponent in order that his motion be sustained. Those who are in favor of the yeas and nays being ordered will please rise in their places and stand until counted.

A sufficient number not having arisen,

The yeas and nays were not ordered.

Mr. Maher then asked for a division of the House.

The SPEAKER: The decision of the Chair on the motion of the gentleman from Perham, Mr. Bragdon, that the memorial to Congress be referred to a joint committee made up of the committee on judiciary and the committee on education, having been questioned, those who are in favor of referring to a joint committee, made up of the committee on judiciary and the committee on education, will please rise and stand in their places until counted.

A division was had, and the motion was lost.

Mr. Maher then moved that the memorial to Congress be assigned specially for consideration on Tuesday of next week in committee of the whole.

A viva voce vote being taken,

The motion was lost.

Mr. WARREN of Portland: Mr. Speaker, it seems to me that we have already wasted a good deal of time upon this matter, and I move that this memorial be indefinitely postponed.

Mr. BARWISE of Bangor: I rise to oppose that motion, and at the proper time I wish to make a motion that this be referred to the committee on education.

The motion to indefinitely postpone was seconded.

The question being on the motion to indefinitely postpone the memorial to Congress,

A viva voce vote being taken,

The motion was lost.

On motion by Mr. Barwise of Bangor, the memorial to Congress was then committed to the committee on education.

The SPEAKER: The Chair presents for consideration of the House, Report of the committee on Education on Bill, An Act to provide for Temperance Day in Schools, tabled March 9th, by the gentleman from Lewiston, Mr. McIlheron, pending the acceptance of the report of the committee, reporting "ought to pass."

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

The SPEAKER: The Chair presents for consideration Senate Doc. No. 12, majority and minority reports on Bill, An Act to regulate cold storage, tabled March 11th by the gentleman from Gardiner, Mr. Gardiner, pending the acceptance of either report.

Mr. GARDINER of Gardiner: Mr. Speaker this is an act to regulate cold

storage, being Senate Doc. No. 12. It was before the judiciary committee, and there were two reports made by that committee. The minority report is that the bill should pass in a new draft. That new draft is changed considerably from the printed document, and a good many of the changes were made at the suggestion of the opponents of the bill.

In considering this matter, I wish to state that the members of the House who signed the minority report have no feeling of opposition to cold storage as such. Cold storage is a great blessing, and properly conducted and properly understood is of enormous benefit, both as far as prices of food are concerned, and as far as the convenience and ability to have cold stored foods whenever desired.

This bill in brief in the new draft provides for the licensing of cold storage warehouses. The new draft makes it plain that the provisions do not apply to retail dealers. Any objection on the part of the retailers is done away with in the new draft. A small license fee is provided, and the department of agriculture is given the power of inspecting. One feature of the bill is that goods shall not be kept in cold storage for longer than one year, except that permission to extend that period for four months shall be granted if the department of agriculture finds that the articles of food are in proper condition to remain in storage. Another important feature of the bill is that which provides that goods which have been kept in cold storage for longer than 30 days shall be marked when offered for sale by a sign designating them as cold storage **goods**.

There is one impelling reason for the wisdom of this cold storage act. Similar acts are in force in eleven of the States of the Union. A law very similar to the one provided in this measure is now in force in Massachusetts, in New Hampshire and in Canada, and thus the State of Maine is completely surrounded by cold storage regulations in which we have no equivalent measure in this State. You will understand that if goods

held in Massachusetts, New Hampshire or Canada have passed beyond the time limit allowed for cold storage, the only thing the owner can do is to ship them into Maine and dump them on the Maine market.

Now I do not maintain that a period of cold storage longer than a year is necessarily injurious, but you will note at once that a period of storage longer than a year, with a possible extension of four months, provides an opportunity for manipulation of prices. A year, or a year and four months, is sufficient to preserve foods from seasonal fluctuations and should be a sufficient period to keep goods in storage.

I have been consulting a number of authoritative works on the subject, and I find that certain kinds of food are subject to a change by reason of the fact of their having been cold stored. This same authority remarks on the fact that whiskey which has been frozen changes its flavor and character, but I never have had an opportunity to demonstrate that proposition in a practical manner. Some of you no doubt are familiar with this fact in so far as it may relate to cold storage chickens and turkeys. Now an article of food which has been placed in cold storage may be in a perfectly wholesome condition, nothing poisonous about it, but it is a well known fact that when removed from cold storage the tissues deteriorate and decomposition sets in more quickly. Therefore, if a person is aware that an article of food has been kept in cold storage, that person may be prepared to know how to handle the article of food; but if a person buys a fowl or an article of food under the impression that it is fresh, and keeps it the same length of time they would keep the fresh article of food, there is liable to be some decay which may prove injurious.

The first draft of the bill providing for the submission of monthly reports to the department of agriculture has been eliminated in the new draft. The provision is made that the commissioner of agriculture shall have access to the records of the

cold storage company. There are not very many cold storage warehouses in the State of Maine, and those that are conducted in the State are generally run in a proper manner, but it will be just as well to have them subject to control and inspection.

For instance, an important provision in this bill is that goods once taken from cold storage shall not be put back into cold storage. The provision as to the marking of goods offered for sale indicating that they have been cold stored goods, is one that should not necessarily prejudice the public against cold storage articles, but on the contrary should show the public the value of cold storage. A person may want to buy eggs for the table, and may want fresh eggs, they may want to buy eggs for cooking purposes and might be perfectly willing to buy cold storage eggs, but they want to be able to know the difference and to know when they are buying an article of food that has been in cold storage, they want to have a label on the goods indicating that they have been in cold storage. Therefore, Mr. Speaker, I move the acceptance of the minority report, reporting out to pass in a new draft.

Mr. WING of Auburn: Mr. Speaker, I shall oppose the motion of the gentleman from Gardiner, Mr. Gardiner, for certain reasons which I will briefly state to you. This bill is an instance of continuous and continual interference on the part of government with the affairs of citizens. You should not be unduly alarmed about cold storage, because without cold storage you could not live. Nature is not bountiful enough to supply us all at the same time with fresh food. There are, in the community which I represent, several large packing establishments. This bill, or the minority bill, provides that if from one of those establishments a lamb, or a side of beef, or a case of eggs, is

taken from the ice box of that establishment and offered for sale in my community, or in the neighboring community of Lewiston, that article cannot be returned to that ice box if it is not sold. Now, gentlemen, any such interference with business, with food, is not right, and you should go very slow before you impose on the people of this State, and on the farmers of this State who have ice boxes, the right of the commissioner of agriculture, under a set of rules of his own making, to come and say to you that this shall be thrown away, or this shall be kept, and you shall go to prison for this offence, for having a few eggs in your ice box or not; and I say to you gentlemen that the committee hearing this bill, and this measure, in a crowded room, with representatives of the various packing industries and merchandizing industries of this State, and having heard that measure fully and carefully, they reported that this bill ought not to pass, and I sincerely hope that the motion of the gentleman from Gardiner (Mr. Gardiner) will not prevail.

The SPEAKER: All those who are in favor of the acceptance of the minority report, ought to pass in a new draft, as made by the gentleman from Gardiner, Mr. Gardiner, will say aye; contrary minded, no.

A viva voce vote being doubted.

A division was had,

Thirty-one voting in the favor of the acceptance of the minority report, and so many voting in the negative that the vote was not counted, the motion to accept the minority report was lost.

On motion by Mr. Wing of Auburn, the majority report, ought not to pass, was accepted.

On motion by Mr. Moody of York,
Adjourned until 10 o'clock tomorrow morning.