

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

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HOUSE

Thursday, March 24, 1921.

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

Prayer by the Rev. Mr. Walch of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill, An Act to amend the charter of the city of Lewiston relating to the office of city clerk. This was indefinitely postponed in the House in non-concurrence on March 22.

Comes from the Senate, that body insisting on its former action where-by the bill was passed to be engrossed, and asking for a committee of conference, with the following conferees appointed on the part of the Senate: Messrs. Parent of Androscoggin, Clark of Lincoln, and Morrill of Cumberland.

The SPEAKER: And what is the pleasure of the House?

Mr. LARRABEE of Lewiston: Mr. Speaker, this is a matter that was considered, I think, in the House Tuesday. It relates to whether the mayor shall appoint the clerk or he be elected as he now is by the city government. It was indefinitely postponed in the House, and then the gentleman from So. Portland (Mr. Hinckley) asked that the vote be reconsidered, and the House stood by its former action. I hope it will do so now, and I move that the House insist and join the committee of conference.

The motion prevailed, and the Chair appointed as conferees on the part of the House, Messrs. Larrabee of Lewiston, Buzzell of Belfast and Viles of Augusta.

From the Senate: Report of the committee of conference on the disagreeing action of the two branches on bill, An Act to amend Section 5 of

Chapter 11 of the Revised Statutes, as amended by Chapter 170 of the Public Laws of 1917, relating to the salaries of the justices of the supreme judicial court, reporting that the bill be amended by fixing the salary at six thousand dollars, and to that end the adoption of Senate amendment B, and that the bill as amended be passed to be engrossed.

Comes from the Senate, report read and accepted, and the bill passed to be engrossed as amended by Senate Amendment B.

The SPEAKER: Is it the pleasure of the House to accept the report?

Mr. PERKINS of Orono: Mr. Speaker, I do not believe that the feeling of the members of this House in any way differs from their action of some time ago. I do not believe that this is a question that requires a whole lot of discussion, because I think that everything that can be said in favor of or against the bill has been said upon both sides, and I believe that it is the feeling of the people all over the State that they do not want this bill to pass at this time. I now wish to move for its indefinite postponement.

The SPEAKER: A conference committee on the disagreeing action of the two bodies reports that the bill as amended by Senate Amendment B—of which the House has not yet any official notice—shall be accepted, and the gentleman from Orono, Mr. Perkins, moves that the bill at this time be indefinitely postponed.

Mr. BUZZELL of Belfast: Mr. Speaker, I should certainly feel remiss in my duty if I did not say just a word upon this subject. It does not seem to me that this House at this time is approaching this subject with the interest that it should. It has been debated long and well, it has been admitted by some of the gentlemen of this House that our judges should receive more pay, and as soon as I heard that the conference committee had settled upon the sum of six thousand dollars, I assumed that that report would be accepted without delay and without argument. I do hope that the motion

of the gentleman, just made, will not prevail.

The SPEAKER: The Chair will state that the action upon the conference committee report has precedence over the motion of the gentleman from Orono (Mr. Perkins). No question of higher import arises in the deliberations of the Senate and the House of Representatives than action on conference reports. If the Chair is correctly informed, or remembers aright, the House indefinitely postponed. Acceptance of the conference report is open to the House and rejection of the conference report is open to the House. Rejection of the conference report would amount to indefinite postponement, the House having once so voted. The gentleman from Portland, Mr. Rounds.

Mr. ROUNDS: Mr. Speaker, as a members of the salaries and fees committee, we discussed this matter I think longer than any other we have had before our committee. My first inclination was for six thousand dollars. The fact that the chief justice of the State of Maine is not getting any more than the clerk of the school committee in the city of Portland seems to me ridiculous. My idea would have been that they should receive more than this conference committee has reported; but as they have come to a decision, I hope that decision will stand.

Mr. WEATHERBEE of Carroll: Mr. Speaker, I would like to ask the Chair if that report was signed by all the members of the conference committee.

The SPEAKER: The report is signed by five of the six members of the conference committee.

Mr. WEATHERBEE: Would it be permissible, Mr. Speaker, to speak in regard to that at this time?

The SPEAKER: The gentleman has the floor. Would you desire to know what amendment B is?

Mr. WEATHERBEE: I understand personally what the amendment is.

The SPEAKER: Are you willing to have it read?

Thereupon on motion by Mr. Weatherbee of Carroll, Senate amendment B was read.

Mr. WEATHERBEE: Mr. Speaker and fellow Representatives: I think in considering this measure we should bear in mind that we are not considering a unanimous report. We are today slowly recovering from the abnormal and unsettled conditions which always follow a great war. The wages of all classes of labor are being sharply reduced, farmers are being forced to dispose of their products at a price far less than the cost of production; our local taxes are staggering, and yet in spite of these undisputable facts hundreds of office holders are clamoring before this Legislature for increases in salaries. Some of them are meritorious and will be so considered; but the learned men who are today gracing the bench of Maine are actuated by higher and loftier motives than mere dollars and cents. They will never permit an injury to the state which they love and whose interests they protect. We trust that they will always endeavor to lighten the burdens of taxation which mean increased toil and increased poverty for the poor.

The opponents of this measure are anxious to protect the bench of Maine, but we know that there is now and ever will be sufficient legal ability at the Maine bar to ever fill our bench of justices with the ablest and truest of her sons, and that our high, judicial standard will never be lowered but will ever stand with that of any state in the Union. We believe that this increase should wait for more opportune times, when the trend is toward prosperity and contentment in our land and taxes grind less heavily upon our people. We believe they should wait until this increase will meet with the hearty approbation of the common people.

I trust that this House will not recede from its former action, as such a course will reflect upon our judgment and indicate that we voted before hastily and without proper consideration. I wonder if anybody would be so rude as to suggest that the Honorable Senate has cast its

wisdom over them until they see the light of greater intelligence and are ready to follow in the paths pointed out by their superiors. I trust not, but let those who admit their former action to be wrong now vote for this increase, but those who acted before according to the dictates of their best judgment should continue to respect that judgment and cling to their former convictions. Legislators, I submit that we must "stand pat" for the people of Maine, prosperity and the progress of Maine demand that we do so.

Mr. BARWISE of Bangor: Mr. Speaker, we are here as grown men and I hope that we will not indulge in any boys' play. We have two deliberative bodies, and each coming to a different decision, we appointed a committee of conference. What did we appoint the committee of conference for? The underlying reason of all committees of conference is that there is going to be some compromise between the two bodies; otherwise we would not appoint the committee. When we appoint a committee of conference we tacitly agree to give them power to come to some compromise between the two positions. The history of conferences from the very earliest days between the House of Lords and the House of Commons, and of the different branches of all legislative bodies in this country has always been for the purpose of conference. Now we have appointed and instructed the Speaker to appoint a very able conference committee, and this able conference committee has come in with a report, and there is no minority report. No minority report has been signed. They bring before us that report of conference, and I hope that we will be sensible enough and have plain horse sense enough to adopt this reasonable compromise which we have already tacitly in advance approved.

The SPEAKER: The pending question is on the acceptance of the conference committee report on bill relating to the salaries of the Justices of the Supreme Judicial Court as amended by Senate amendment B. Is it the pleasure of the House to accept the report?

Thereupon the report was accepted.

On motion by Mr. Buzzell of Belfast, the House voted to reconsider its former action whereby this bill was indefinitely postponed; and on further motion by the same gentleman, it was voted to adopt Senate amendment B in concurrence.

Mr. BUZZELL of Belfast: Mr. Speaker, I move that Senate Document No. 54 as amended, be now given its first reading.

Mr. WEATHERBEE of Carroll: Mr. Speaker, I move that the bill now lie upon the table.

A viva voce vote being taken, the Chair declared the motion lost.

The SPEAKER: What time will the House assign for the second reading of this bill? The present time and by title only.

Mr. WEATHERBEE of Carroll: I doubt the ruling of the Chair.

The SPEAKER: All those in favor of tabling this bill, pending its second reading will rise and stand until counted, and the monitors will return the count.

A division being had,

Fifty-five voting in favor of tabling the bill and 57 against, the motion to table was lost.

Thereupon the bill received its second reading, and on motion by Mr. Wadsworth of Winthrop, the rules were suspended, and the bill given its third reading.

The SPEAKER: This bill having had its three several readings is it now the pleasure of the House that it now be passed to be engrossed?

Mr. McILHERON of Lewiston: Mr. Speaker, I move you that the bill lie upon the table, pending its passage to be engrossed.

A viva voce vote being taken, the motion was lost, and the bill as amended was passed to be engrossed in concurrence.

From the Senate: Majority report of the committee on State Lands and Forest Preservation reporting, ought not to pass, on bill An Act to establish the Mount Katahdin State Park.

The report was signed by the following members: Messrs. Emerson of Aroostook, Holt of Hancock of the Senate; Messrs. Viles of Augusta, Wight of Newry, Patterson of Industry, Hammond of Van Buren and Small of Brewer of the House.

Minority report of the same committee on the same bill reporting same in a new draft, under same title, and that it ought to pass. Report signed by the following members: Messrs. Baxter of Sagadahoc of the Senate; Messrs. Granville of Parsonsfield and Winter of Auburn of the House.

Comes from the Senate, majority report read and accepted.

Mr. VILES of Augusta: I wish, Mr. Speaker, to move the acceptance of the majority report in concurrence with the Senate, and in doing so I wish to make a brief statement of facts. In common with the people of the State of Maine, and with the members of this Legislature, I have been interested in the establishment of a park on Mount Katahdin; but if I rightly hear the voice of the people and if I rightly interpret the minds of the Legislature, the time for this project is not at hand. When a park is established on Mount Katahdin, gentlemen, we want a real park. We want it contributed to by every citizen of the State of Maine, and we want every citizen of Maine free to go there. We do not want a park—and the friends of this measure do not desire a park—established by a few people. When we have a park we desire a real park in keeping with the great State of Maine and with this mountain where it is to be established.

This measure has been before this Legislature, gentlemen, practically ever since we convened. Our committee has kept it in committee, hoping that something might be developed toward the establishment of this park. I regret that in the consideration of this measure a great and prosperous company of this State has been attacked. I regret that the Governor in his address to a joint convention, after apparently giving up this project, then proceeded to

outline a plan for its establishment. I understand that a motion will be made to place this matter upon the table, and I trust, gentlemen, that that motion will not prevail. The minority reports provides that this bill shall be recommitted to the committee. This necessitates advertisement and a hearing, and I submit, gentlemen, that it is time to settle this matter now, today, and do away with it. Let us clear up the calendar and clear up the business of this Legislature. (Applause).

Mr. WINTER of Auburn: Mr. Speaker, out of courtesy to the gentlemen who signed the minority report, and their friends, we move that this matter lie upon the table to be considered next Tuesday.

The SPEAKER: The motion of the gentleman from Auburn, Mr. Winter, having precedence, the question before the House is tabling the bill pending the acceptance of either report. The gentleman also suggests that it be assigned specially for consideration for next Tuesday. The question is divisible. The Chair will put the question as to the laying upon the table. All those who in favor of tabling the bill, pending the acceptance of either report will say aye, contrary minded, no.

A viva voce vote being taken, the Chair declared the motion to table as lost.

Mr. WINTER: May we have a division?

The SPEAKER: The gentleman from Auburn, Mr. Winter, doubts the ruling of the Chair and calls for a division as to whether the Chair interpreted your expressed opinion in accordance with the fact. All those who are in favor of laying this measure upon the table, pending acceptance of either report, will rise and stand until counted, and the monitors will return the count.

A division being had,

Three voting in the affirmative and 85 in the negative, the motion to table failed of passage.

On motion by Mr. Viles of Augusta, it was voted to adopt the majority report.

Mr. WINTER of Auburn: Mr. Speaker, I can well appreciate the impatience of the House as to clearing the calendar, and I regret exceedingly that the members who signed the minority report have not their case prepared. I promise not to weary you with any lengthy statement, but I want to say, gentlemen of the House, that this is a question of whether the State of Maine shall be ruled by the people—

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

The SPEAKER: The gentleman from Augusta, (Mr. Viles) will state his point of order.

Mr. VILES: There is no motion before the House.

The SPEAKER: The Chair understands that there is a motion of the acceptance of the report before the House.

Mr. VILES: The majority report has been accepted.

The SPEAKER: The gentleman from Auburn (Mr. Winter) will make a motion or yield the floor.

Mr. WINTER: I move that the minority report be accepted.

The SPEAKER: The gentleman is out of order.

Mr. WINTER: I ask unanimous consent —

Mr. MAHER of Augusta: Mr. Speaker, in order to facilitate the position of the gentleman from Auburn (Mr. Winter) in arriving at the situation that he desires, I would move a reconsideration of the vote whereby the House accepted the majority report, and will hope that that motion will be voted down.

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

Mr. WINTER: Mr. Speaker, may we have a division?

The SPEAKER: On this question? The gentleman from Auburn, Mr. Winter, doubts the decision of the Chair and requests a division of the House.

Mr. WINTER: Mr. Speaker, may I have the floor to speak on the question now?

The SPEAKER: The gentleman is out of order. All those in favor of reconsidering the vote whereby the majority report was accepted will rise and stand until counted, and the monitors will return the count.

A division being had,

One voting in the affirmative and 74 in the negative, the motion to reconsider was lost.

Mr. McILHERON of Lewiston: Mr. Speaker, if there is anything that I love, it is fair play.

The SPEAKER: Will the gentleman make a motion?

Mr. McILHERON: I rise to make a motion. I like to see the members of this House respected; I do not want to see them ignored, because they are representing a portion of the people of this State. Mr. Winter represents the people of Auburn, my neighboring city—

Mr. HINCKLEY of South Portland: Mr. Speaker, I rise to a point of order.

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

Mr. HINCKLEY: There is no motion before the House.

Mr. McILHERON: There is a motion.

The SPEAKER: The gentleman will state the motion.

Mr. McILHERON: The motion is, to reconsider.

The SPEAKER: The motion is out of order, and the gentleman will be seated.

Mr. McILHERON: I rise for explanation. Mr. Maher made a similar motion to give the gentleman a chance, and you did not give him a chance.

The SPEAKER: A motion to reconsider a motion to reconsider has never been entertained in a legislative body, and will not now. (Applause).

Mr. McILHERON: Mr. Speaker, just a word of explanation.

The SPEAKER: The gentleman from Lewiston (Mr. McIlheron) will make a motion if he has any motion to make.

Mr. McILHERON: I move that the gentleman from Auburn, Mr. Winter,

be granted the privilege of the floor that he was deprived of.

The SPEAKER: The Chair objects to the insinuation of the gentleman from Lewiston (Mr. McIlheron) that the gentleman from Auburn (Mr. Winter) has not had his full rights in this body, and will not entertain the motion. The Clerk will proceed.

Mr. WINTER: Mr. Speaker, I have no fault to find with any treatment that I have ever received from the Speaker or any gentleman in this House. I move that the matter be re-committed to the committee on State lands and forest preservation.

The SPEAKER: The Chair will state that there is no business before the House of Representatives of the Eightieth Legislature relating to the Katahdin Park. The clerk will proceed with the business of the House.

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

Education

By Mr. Peaslee of Thomaston: Bill, An Act to amend Section 87 of Chapter 16 of the Revised Statutes, relating to State aid to high schools under emergency conditions.

Inland Fisheries and Game

By Mr. Brewster of Orland: Remonstrance against making Sunday an open time for hunting in the county of Hancock.

By Mr. Wood of Bluehill: Remonstrance of Rev. G. S. Graham and 54 others of Surry, Maine, against same.

Temperance

By Mr. Phillips of Bar Harbor: Bill, An Act regulating the sale of liquor in Maine. (500 copies ordered printed).

Orders

On motion by Mr. Cordwell of Westbrook, it was

Ordered, that the committee on education be allowed the use of the hall of the House of Representatives for a hearing on Wednesday, March 30.

Reports of Committees

Mr. Hinckley from the Committee on Judiciary on Bill "An Act to incorporate the Casco Title Guaranty Company" reported that legislation thereon is inexpedient.

Mr. Maher from the same Committee reported "Ought not to pass" on Bill "An Act to prevent cruelty in the slaughtering of animals.

Mr. Mason from the Committee on Legal Affairs reported the same on Bill "An Act to repeal Sections 57 and 58 of Chapter 9 of the Revised Statutes imposing a tax on business transacted with unauthorized insurance companies, corporations and associations."

Mr. Brewster from the same committee reports "ought not to pass" on bill, an act relating to the incorporation of the Ogunquit Village Corporation.

Mr. McGlaulin from the Committee on Pensions reported the same on Resolve providing a State pension for Frank Metcalf of Searsmont.

Same gentleman from same Committee on Resolve providing a State pension for Alma Sewall of Monticello, reported that the same be referred to the State Pension Agent.

Mr. Moody from the same Committee on Resolve in favor of Zebedee M. Cushman, reported that the proponents have leave to withdraw.

Mr. Ricker from the Committee on Taxation reported "Ought not to pass" on Bill "An Act to repeal Chapter 105 of the Public Laws of 1919 relating to exemption from taxation of the property of war veterans."

Reports were read and accepted and sent up for concurrence.

Same gentleman from same Committee reported same on Resolve amending Section 8 of Article 9 of the Constitution, as amended by Article XXXVI of the Constitution providing for an income tax. (Tabled by Mr. Gardiner of Gardiner, pending acceptance of report and specially assigned for Tuesday, March 29.)

Mr. MORNEAU of Lewiston: Mr. Speaker, I move that we reconsider the vote whereby we voted to accept

the report in regard to exemption from taxation of the property of war veterans.

The SPEAKER: The gentleman from Lewiston (Mr. Morneau) moves reconsideration of the vote just taken by the House accepting the committee report, ought not to pass, on bill, An Act to repeal Chapter 105 of the Public Laws of 1919, relating to exemption from taxation of the property of war veterans.

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

Mr. Wadsworth from the committee on appropriations and financial affairs reports "ought to pass" on resolve appropriating money to pay for preparation of The Maine Book.

Mr. Holley from the same Committee on Resolve making an appropriation to aid in the construction of a hospital in the town of Caribou, reported same in a new draft under title of "Resolve in favor of Cary Hospital, Caribou, Aroostook County, to aid in construction of a Hospital," and that it "Ought to pass."

Mr. Varney from the Committee on Education reported "Ought to pass" on Resolve in favor of Nasson Institute.

Mr. Murchie from the Committee on Judiciary reported the same on Bill "An Act to amend Section 51 of Chapter 28 of the Revised Statutes as amended by Chapter 227 of the Public Laws of 1917 relative to trial terms."

Same gentleman from same Committee on Bill "An Act to provide for the creation of water storage on the Aroostook River" reported same in a new draft under same title and that it "Ought to pass."

Mr. Brewster from the committee on Legal Affairs on Bill, An Act to divide the town of Wells and incorporate the town of Ogunquit, reports the same in a new draft, under the same title, and that it "ought to pass."

Mr. Willard from the same committee on Bill "An Act to authorize a division of towns having less than 4000 inhabitants into convenient poll-

ing places," reported same in a new draft under same title and that it "Ought to pass."

Mr. Fagan from the same committee reported "Ought to pass" on Bill "An Act authorizing appointment of assistant assessors when public exigency requires."

Mr. Moody from the Committee on Pensions reported the same on Resolve in favor of Meldon Nealley.

Same gentleman from the same committee report same on Resolve increasing the State Pension of Vinnie E. Saunders of Trescott.

Same gentleman from same committee on resolve to pay Catherine Nelligan of Brewer a pension of \$12 a month, reports same in new draft, under same title, and that it "ought to pass."

Mr. Warren from the committee on Public Utilities on Bill "An Act to consolidate the Steamboat Inspection Department with the Public Utilities Commission and revise the provisions from Sections 4 to 16 inclusive of Chapter 59 of the Revised Statutes relating to the provisions for safety on inland steamers" reported same in a new draft under title of "An Act to amend Sections 6 and 14 of Chapter 59 of the Revised Statutes of 1916 in relation to the appointment of Steamboat Inspectors" and that it "ought to pass."

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

Majority Report of the committee on Judiciary reporting "ought not to pass" on Bill "An Act to define, regulate and license real estate brokers and real estate salesmen, to create a State real estate commission and to provide a penalty for the violation of the provisions hereof."

Report was signed by the following members:

Messrs. GILLIN of Penobscot,
FARRINGTON of Kennebec,
—Of the Senate.

MURCHIE of Calais,
BUZZELL of Belfast,
WING of Auburn,
GARDINER of Gardiner,
COLE of Eliot,

—Of the House.

Minority Report of the same committee on the same bill reporting same in a new draft under same title and that it "ought to pass."

Report was signed by the following members:

Messrs. PARENT of Androscoggin,
—Of the Senate.
HINCKLEY of So. Portland.
MAHER of Augusta,
—Of the House.

The SPEAKER: The pending question is the acceptance of either report, and the gentleman from Belfast, Mr. Buzzell, moves the acceptance of the majority report, ought not to pass.

Mr. CRAM of Portland: Mr. Speaker, I move that it be tabled for consideration on Tuesday next.

The SPEAKER: The Chair makes many of the motions to adjourn and the Chair proposes to adjourn to Friday at nine, to Saturday at an early hour, and, if the Chair is present in order to make the motion on Saturday, to Monday, probably at a forenoon hour. Friday, Saturday, Monday, Tuesday—and the gentleman from Portland (Mr. Cram) moves that it be tabled and assigned to which day?

Mr. CRAM: I suggest Tuesday, Mr. Speaker.

The SPEAKER: The gentleman from Portland, Mr. Cram, moves that the bill, pending the acceptance of either report lie on the table. All in favor will say aye, contrary minded, no.

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

The SPEAKER: The question now comes on the motion of the gentleman from Belfast, Mr. Buzzell, to accept the majority report, ought not to pass. All those in favor will say aye, contrary minded, no.

A viva voce vote being taken, the motion to accept the majority report, ought not to pass, prevailed.

Mr. CRAM of Portland: Mr. Speaker, I move that we reconsider for the purpose of saying a few words in relation to the bill.

The SPEAKER: Did the gentleman vote with the prevailing side?

Mr. CRAM: I did not.

Mr. MAHER of Augusta: Mr. Speaker, I think I was the solitary one who voted on the other side, and I move to reconsider, and yield to the gentleman from Portland (Mr. Cram).

The SPEAKER: The Chair will state, lest a precedent be established, that while this is out of order, the Chair will entertain the motion from the gentleman from Portland (Mr. Cram).

Mr. CRAM: I would say, Mr. Speaker, that this bill is presented by the Real Estate Association, as I understand, existing throughout the State of Maine, and—

The SPEAKER: The members of the House individually are to be requested to vote upon this matter. The evidence is being presented, and will the members individually give attention to the speaker, the gentleman from Portland.

Mr. CRAM resuming: This is an attempt on the part of the real estate men to place their business on a par and equally similar to that of insurance agents. They desire some State supervision, and that there may be required a license of properly qualified men who desire to act as real estate agents and brokers. They have had some difficulty in the past with real estate brokers or agents who have come into the State from out of the State and who have deceived people who are not familiar with real estate transactions, and who, through them have purchased land, and this is an effort on their part, as I have stated, to place the business under State supervision. I think they should be lauded in their efforts to improve conditions as a benefit to the general public. I therefore hope, Mr. Speaker, that this matter may be reconsidered and be given careful and full consideration by the members of this House.

The SPEAKER: The motion is on the reconsideration of the vote of the House whereby the majority report of the committee on Judiciary,

ought not to pass, was accepted. All those who are in favor of reconsidering the motion will say aye, contrary minded, no.

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

First Reading of Printed Bills and Resolves

House 369: An Act to enforce care of burial lots supported by Trust Fund.

House 372: An Act amending certain Sections of Chapter 197 of the Public Laws of 1917, and Chapter 172 of the Public Laws of 1919, and Chapter 19 of the Revised Statutes, relating to the State Department of Health.

House 373: An Act to amend Section 11 of Chapter 117 of the Revised Statutes, relating to the salaries of stenographers of Cumberland and Kennebec Superior Courts, as amended by Chapter 249 of the Public Laws of 1917 and as further amended by Chapter 198 of the Public Laws of 1919.

House 374: An Act to amend Sections 1 and 4 of Chapter 81 of the Private and Special Laws of 1915, relating to Winthrop Water Company.

House 371: Resolve providing for aid in the payment of premiums awarded by the Eastern Maine State Fair.

Passed to Be Engrossed

Senate 48: An Act to incorporate the Dixfield Water District.

Senate 134: An Act to make uniform the fees of the Deputy Sheriffs in attendance upon Supreme Judicial and Superior Courts.

Senate 135. An Act to increase the State pension to the blind.

Senate 137: An Act to amend Section 32 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 174 of the Public Laws of 1919, relating to pollution of waters of the State by sawdust and other mill waste.

Mr. Varney of Windham offered House Amendment "A," to amend by striking out of the second line of

the substituted Section 32, after the words "in any" in said second line of said section, so that said section shall not apply to deposits in lakes and ponds.

The amendment was adopted, and the bill was then passed to be engrossed as amended.

Senate 140: An Act to amend Chapter 293 of the Public Laws of 1917 relating to the powers of the commission of Sea and Shore Fisheries.

Senate 144: An Act authorizing the Commissioner of Agriculture to provide inspection as to quality and condition of fruits, vegetable, dairy and other perishable farm products, and to furnish statements relative thereto.

House 357: An Act to amend Section 10 of Chapter 46 of the Revised Statutes as amended by Chapter 74 of the Public Laws of 1919 relating to the weight and sale of coal.

House 358: An Act to provide for the acceptance of the benefits of An Act by the Senate and House of Representatives of Congress assembled entitled 'An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry and otherwise and their return to civil employment'; and to provide for the administration of the same.

House 359: An Act to amend Section 139 of Chapter 16 of the Revised Statutes as amended relating to the appropriation for industrial education.

House 360: An Act to amend Section 82 of Chapter 16 of the Revised Statutes relating to free high schools.

House 362: An Act to amend Sections 85 and 86 of Chapter 16 of the Revised Statutes as amended by Chapter 299 of the Public Laws of 1917, Chapter 96 of the Public Laws of 1919 and Chapter 103 of the Public Laws of 1919 providing for an increase in the amount of tuition to be paid by towns for secondary school pupils and in the amount of State aid for the same. (Tabled and specially assigned for consideration on Tuesday of next week, on motion

by Mr. Towne of Madison.)

House 363: An Act to create the Belgrade Lakes Village Corporation.

House 364: An Act to amend the law relating to profiteering.

Mr. MAHER of Augusta: Mr. Speaker, I would like to ask through the Chair whether or not there is anything in this bill, either as reported or in its title which conforms to the record which we have on the calendar. As I find it on the calendar, the title of the Bill is "An Act to annul the law relating to profiteering." If by any chance that is correct—

The SPEAKER: The Chair will state that the printed bill by title reads, "An Act to amend the law relating to profiteering," and so far as the Chair is informed there is nothing in the Act at all annulling anything at present time existing.

Mr. Farnsworth of Caribou then offered House Amendment "A," to amend by striking out the word "shall" before the word "investigate" in the tenth line of the third section thereof, and inserting in place thereof the word "may."

Mr. HINCKLEY of South Portland: Mr. Speaker, this matter was thoroughly considered by the Judiciary Committee, and after due deliberation and consideration, it was felt that there should be some teeth put into the profiteering bill, and the word "shall" was deliberately inserted there and approved by the members of the Judiciary Committee. There has been more or less criticism during the past two years ago that this bill has been a law that the cases, or the seeming cases of profiteering were not properly investigated, and it was deemed best to amend the law to the effect that upon petition of 50 citizens of the State the attorney general shall or must investigate. It was not a mistake, and it was not an accident that the word "shall" was put in there, and it was by design, and I certainly hope it will not be left discretionary with the attorney general, but that the law shall be enacted with teeth in it so that he must investigate upon petition, and for that reason I

hope the amendment will not be adopted.

Mr. ROUNDS of Portland: Mr. Speaker, I introduced that bill some time ago in behalf of a number of my constituents. They were told that they could not get any consideration on the matters of profiteering, and they wanted this put in, and that was put in on their suggestion. One of these gentlemen came before the committee, a gentleman from Portland, and he came to hear that bill discussed, and he was representing a large number of people in the city of Portland, and I hope the amendment will not prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Caribou, Mr. Farnsworth.

Mr. FARNSWORTH: Mr. Speaker, this is by no means my pet measure or amendment. This matter was handed to me with the request that I present it, and it does seem to me, without having the opportunity to go into the matter, that for 50 citizens of the State of Maine to compel the attorney general to take action is perhaps not a justifiable course, and it seems to me that at least the number should be made larger than that. I am not prepared this morning to say anything upon this question, but I certainly hope it will not be voted down without consideration.

The question being on the adoption of House Amendment "A",

A viva voce vote being taken,

The motion was lost and the amendment was rejected.

The bill then received its third reading and was passed to be engrossed.

House 365: An Act to amend Section 1 of Chapter 91 of the Private and Special Laws of 1919 relating to the use of trawls and nets within certain waters.

House 366: An Act to amend so much of the Paragraph of Chapter 82, Section 51 of the Revised Statutes as relates to the holding of trial terms of the Supreme Judicial Court for the county of Sagadahoc.

Senate 141: Resolve extending the

provisions of Chapter 163 of the Resolves of 1919 in regard to the collateral inheritance tax and Probate Laws of the State of Maine.

Senate 143: Resolve in favor of Stephen Blaisdell for materials furnished in the construction of the central school buildings for the Maine State School for Girls.

House 361: Resolve to reimburse the town of Oakfield for two-thirds secondary school tuition.

Resolve in favor of the town of Island Falls for money paid to Levi H. May.

Senate 92: An Act to enable the towns of Dixfield and Peru in the county of Oxford to free the Dixfield and Peru Toll Bridge to public travel. (Passed to be engrossed as amended by House Amendment "A.")

Passed to Be Enacted

An Act to amend Section 57 of Chapter 8 of the Revised Statutes, relating to the duties of the Forest Commissioner.

An Act authorizing the payment of the annuity by the City of Portland to Nettie M. Hamilton.

An Act to enable the inhabitants of Caribou to raise money for the benefit of Cary Hospital.

An Act to legalize acknowledgments taken, oaths administered and marriages solemnized by Adelma G. Humphrey.

An Act authorizing the Ashland Company to construct and maintain booms and piers in the Aroostook River below its dam in the town of Ashland.

An Act to provide for return and cleansing of ice cream and sherbet containers.

An Act to amend Chapter 127 of the Revised Statutes prohibiting the manufacture of intoxicating liquors so that said Chapter will be in harmony with the Federal Law.

An Act to amend Chapter 294 of the Public Laws of 1917, relating to seizure and forfeiture of vehicles carrying intoxicating liquors intended for illegal sale.

An Act to repeal the Act incorporating the town of Hurricane Isle.

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

An Act additional to and amendatory of Chapter 20 of the Private and Special Laws of 1917, relating to the operation of Eggemoggin Reach Ferry in Hancock County.

An Act to amend Chapter 356 of the Private and Special Laws of 1883, relating to the construction of a bridge over tidewaters between Orr's Island and Bailey's Island.

An Act to amend Section 1 of Chapter 139 of the Private and Special Laws of 1899 as amended by Chapter 145 of the Private and Special Laws of 1915, amending the charter of the Dixfield Village Corporation by extending the territory of said Corporation.

An Act to amend Section 47 of Chapter 145 of the Revised Statutes as amended by Chapter 74 of the Public Laws of 1917, relating to admission to Maine School for Feeble Minded.

An Act to amend Section 17 of Chapter 117 of the Revised Statutes, relating to the salary of the State Auditor.

Finally Passed

Resolve in favor of Commissioner of Labor and Industry and State Factory Inspector for bonus as head of a State Department.

Resolve appropriating money for general forestry purposes.

Resolve appropriating money for further maintenance of the State Forestry Nursery.

Emergency Measure

Resolve for laying county taxes for the year 1921.

The SPEAKER: This being an emergency measure, requires the affirmative vote of two-thirds of the entire membership of this House. All those in favor of the final passage of this resolve will rise in their places and stand until counted.

A division being had, 112 voted in the affirmative and none opposed,

So the resolve was finally passed.

Orders of the Day

On motion by Mr. Gagne of Lewiston, Senate Doc. No. 112, Resolve to reimburse St. Mary's General Hospital was taken from the table.

The pending question being the assignment of the resolve for second reading,

Mr. Gagne then offered House Amendment "A," to amend by striking out the word "paid" after the words "that there be" in the first line thereof, and substitute the words "and hereby is appropriated."

The amendment was adopted.

The resolve then received its second reading and was passed to be engrossed as amended.

Mr. BREWSTER of Portland: Mr. Speaker, will the matters which are specially assigned for today be taken up in their order now without a motion to that effect?

The SPEAKER: The Chair will state that the matters assigned for today should be attended to unless there are emergency matters. The Chair will present for consideration House Doc. No. 350, Bill, An Act relating to reformatories for women and men and State schools for girls and boys, tabled pending its third reading on motion by the gentleman from Portland, Mr. Brewster.

On motion by Mr. Brewster, the bill then received its third reading and was passed to be engrossed.

The SPEAKER: The Chair presents for consideration, Senate Doc. No. 180, Resolve for the purchase of Reports of Centennial celebration of Maine State Bar, tabled pending its second reading, on motion by the gentleman from Portland, Mr. Brewster.

On motion by Mr. Brewster, the resolve received its second reading and passed to be engrossed.

The SPEAKER: The Chair presents for consideration Senate Doc. No. 117, House Amendment "A" to Bill, An Act relating to city auditor for Lew-

iston, tabled pending the adoption of the amendment, on motion by the gentleman from South Portland, Mr. Hinckley.

House Amendment "A" was then read by the Speaker.

Mr. Hinckley of South Portland then moved that the amendment as offered by the gentleman from Lewiston, Mr. Larrabee, be indefinitely postponed.

Mr. LARRABEE: Mr. Speaker, House Amendment "A" to Senate Doc. No. 117, simply provides for giving to the people of Lewiston an opportunity to vote upon this matter in relation to the change regarding city auditor. This bill and the two other bills following to some extent amend the charter of the city of Lewiston, and I have in my hand here a copy of an order passed by the city government of the city of Lewiston which I would like to read at this time. The order is as follows:

"In Board of Mayor and Aldermen.

April 21, 1921.

ORDERED that the Lewiston delegation now in the Legislature before which there is now pending certain bills involving the interests of the city of Lewiston, be requested to use their best endeavors to cause the same to be indefinitely postponed, or if they are to be pass, that the referendum be attached thereto.

Passed by Board."

The SPEAKER: The Chair calls the attention of the gentleman from Lewiston, Mr. Larrabee, to the date on the paper which he just read, as being April 21st, when perhaps it should be March 21st.

Mr. LARRABEE: Yes, Mr. Speaker, it should be March 21st. It seems to me that we can act upon these bills now as well as at any time, and this Legislature is giving all cities and towns a chance to vote upon their own affairs. I very well remember the matter in relation to the city of Auburn. The committee on judiciary did not agree upon that matter; there was a minority report issued from that committee, signed by the senator from Androscoggin, the author of these bills, and the gentleman from South Portland, Mr. Hinckley.

At that time the gentleman from South Portland, Mr. Hinckley, was very solicitous that the city of Auburn should be given the chance to vote upon its own matters. Now it does not seem to me that the city of Auburn wants to legislate for the city of Lewiston; the city of Lewiston is on the other side of the river; it is one of the largest cities in the State of Maine, being second in the size of its population, with a population of more than 32,000; it is a city of \$26,000,000 wealth and it pays a tax of \$168,000 into the State treasury; it is one of the best spots in the State of Maine and the people of Lewiston are amply able to look after their own affairs. Now then, if the people of Lewiston want these bills enacted into law, I have no objection. The thing they want is an opportunity to vote upon these questions, and it seems to me that it is nothing more than fair and right. I think it is a right that this Legislature would give to even the Passamaquoddy Tribe of Indians; and I hope the motion of the gentleman from South Portland, Mr. Hinckley, will not prevail.

Mr. WISEMAN of Lewiston: Mr. Speaker and gentlemen of the House, being a member of this Legislature and elected by the voters of the city of Lewiston, I believe it is my duty at this time to rise and express to you the sentiment of the citizens of Lewiston in this matter in relation to this bill and the other bills which are following.

As you know, gentlemen, the city of Lewiston is the largest textile center in the State of Maine; it is also the second largest city in the State of Maine; situated as it is upon the banks of the mighty Androscoggin which gives its motive power to sustain 31,000 or 32,000 souls, representing all the nations of the world, and these and every one of them are true, honest, law-abiding citizens, and the city of Lewiston is proud of its motto, which is "the industrial heart of Maine."

Gentlemen, you have never heard of any serious trouble in Lewiston; you have never heard of any strikes or riots in the city of Lewiston. You may

have heard of Lewiston in a political way, and this bill is only a sample of the advertisement that we have received. Perhaps it would be well to express to you as briefly as possible the birth of this bill, and the history of this bill from the cradle to the grave. The city of Lewiston has an election on the first Monday in March in each year, and a certain citizen of Lewiston had the idea of becoming its chief executive, and in order to do that he thought if he could cut the charter of the city of Lewiston to pieces, that he might be able to manufacture powder and guns and bring it before the voters of the city of Lewiston, and in that way be elected, and that is what he did, gentlemen. But the Lewiston Chamber of Commerce, made up of the best representative men of the city, together with a committee composed of four men from the Republican city committee and a like number from the Democratic city committee, united, 12 men, and there it was thought best that politics should be eliminated from the city of Lewiston, and they voted unanimously that there would be no party affiliations whatever, that there would be no party designation, and that it would be known as the non-partisan party, made up of the Republicans and Democrats of the city. And that went through unanimously, gentlemen, and it was thought that these people that would be candidates for the various offices in the city government would be free to act; there would be no campaign and there would be no promises made and they would be free to act and administer the affairs of the city of Lewiston in the best possible way. And after this time this man became a candidate, but his own party broke their pledges to the extent that they had to give him a caucus, where the party had pledged previously not to give any caucus. At the caucus this man was defeated. What for? Because he had broadly advertised these bills which would give him the full authority over the city government, and not only that but it would plunge the city of Lewiston into expense of about \$13,000 a year, and the city of Lewiston, gentlemen, today is going

along and following in the footsteps of our regretted Governor Parkhurst, and also following in the footsteps of our Governor, His Excellency, Governor Baxter, in the line of economy, and that it what we are seeking for, is economy, and not plunging the city of Lewiston into \$13,000 indebtedness and the Lord knows where it will stop, because you will see in this bill it gives the Mayor the authority to hire clerks, any number of clerks, and we don't know where it will stop.

Now, gentlemen, after being defeated in this caucus this gentleman went ahead and organized a new ticket known as the Citizens' party, and there was a campaign for the Citizens' party, but there was nothing done by the non-partisan party. And then election day came and after advertising these bills the people of Lewiston expressed their sentiment and gave their opinion at the polls, and the result was that the non-partisan party, who had the welfare of the citizens of Lewiston at heart, was elected by about 3,000 majority, and the defeated candidate received the insignificant vote of 1,000 or a little better, and that defeated candidate is no one else but the father of these bills. The city of Lewiston, gentlemen, is asking you to give them a right to express their views at the election, and that is all we are asking for. I am not directly opposed to the bill, but I am opposed to the fact that this man will not give us the right to express our own opinion, and it is up to you, gentlemen, and that is all that the city of Lewiston asks of you. I thank you. (Applause).

(At this point Mr. Morneau of Lewiston assumed the chair.)

Mr. BUZZELL of Belfast: Mr. Speaker, here is another committee report, a unanimous report from the Judiciary Committee, and I do not think there is any necessity of our being disturbed over this bill. The speakers who have enlightened the House here this morning, have talked about referring this back to the people just as if it was something of great moment. They have talked about the gentleman who presented the bill. Now I am not going to dwell

upon the ambitions of anyone or tell you anything about their political past, but just for the purpose of enlightening this House in regard to this bill, I am going to read a little of the first of this bill and the last of it, and then ask you if you think our report is right.

No one appeared in opposition to this bill before the committee. You have heard the honorable gentleman who has just spoken, (Mr. Wiseman), and he asks that the people of Lewiston, one of the largest cities in this State, be afforded an opportunity to vote upon this proposition. I will say that while I knew who the gentleman was, I did not hear his voice before that committee at the time this bill was under consideration. In order that this House may not be delayed, let me read to you a little of the bill. "A city auditor for the city of Lewiston shall be appointed by the Mayor,"—they have their Mayor, as I understand it, and they placed faith in him by their votes. This says that he may appoint a city auditor. Is there anything very bad about that? Then it goes on to say, "He shall hold his office for a term of four years from the date of his appointment. He shall give to the treasurer of the city of Lewiston a bond for the faithful discharge of his duties." Is there anything about that that is very bad? Isn't that in perfect keeping with good government? Then it follows, "with sureties, or with a surety company authorized to do business in the State, as surety, to be approved by the Mayor, with the advice and consent of the city council. Said bond shall not be less than ten thousand nor more than fifteen thousand dollars. He shall be a competent accountant." This splendid city with all its industry and all its life and with all its commercial vigor, shall have a competent accountant. Is there anything very bad about that? Isn't this bill a good one, as far as I have gone? Then it proceeds, "Vacancy occurring during a term shall be filled for the unexpired term." Then section two provides as follows: "The city auditor shall examine all accounts and demands against the city, including all mat-

ters requiring the payment of money from the city treasury." That is something that is most needed in any city government. "In the examination of claims, accounts and demands, he may require affidavits that articles have been furnished, services rendered, and expenses incurred as therein specified; and the affidavits for articles furnished, services rendered, and expenses incurred, for or by any officer, institution, commission, or board of trustees, may be made by the disbursing agent or any officer thereof having special knowledge of the matter." Is there anything there but what the city of Lewiston needs?

Our committee took up this bill section by section and returned a unanimous report. Now the argument of the gentleman from Lewiston who has offered this amendment "A" (Mr. Larrabee), is all very plausible as far as appears on the surface of this proposition. The people of the city of Lewiston vote upon this proposition—that subject was brought up in the committee at that time while the gentleman was there, and there was not anything but what was very plausible about the proposition at that time, but now they come in here and raise a cry wanting to override the deliberations of the judiciary committee at this time and say that you pass this without consideration and we want to turn down a unanimous report and send it back to the city of Lewiston to be voted upon.

Now this is just a proposition that the city auditor may be appointed by the Mayor, a splendid gentleman who was elected over there the other day, and this provides that he must give a bond for the faithful performance of his duties. Do you want to send that over to the people of the city of Lewiston? You have heard here today that he was not against this proposition. Why this contention at this time? Now they talk about how many thousand dollars this is going to cost, and how it varies from the principles of retrenchment that we are talking about all over this State. This bill provides in Section 10 that the auditor shall receive an annual salary of \$2500 and that he may employ such assistance as may be neces-

sary for the dispatch of public business; that he shall be furnished an office in the city building and all expenses authorized under this act shall be paid by the said city, including premium on said bond. The city auditor appointed by the Mayor, working together in the same double harness with the Mayor, presumably of the same political complexion, and he is not going to be under control. We do not seem to understand this. If this amounted to so much and if there was so much argument that might have been used against it why should they not have appeared before the committee? Even now I can see no reason why the unanimous report of a committee should be overturned at this time. It is presumable that the city of Lewiston had a Chamber of Commerce when this hearing was held, and it is presumable that a great many good men, a great many enlightened men, a great many intelligent men lived over there at that time.

These propositions were advertised in the local papers, advertised well, and no stir was created. Now I hate, gentlemen of the House, to see a unanimous report overturned unless there is a reason for it. The Senator from Androscoggin presented these bills to this Legislature and if they are good bills and if they provide for good laws, after a unanimous report of the committee, should the people of Lewiston have them? I fear I can see in this splendid city—and oh, how they want to get out of politics! I have heard that now for several years how the city of Auburn and the city of Lewiston want to get out of politics. This is a good measure, and there was no special opposition in the committee, but in the other end of this building they will lambaste it right between the eyes, clip after clip, so that when they go home they may present their side's case without the actual merit of the proposition being known; and I do hope, gentlemen of the House, that we will consider this proposition in the right light and that the motion of the gentleman from South Portland, Mr. Hinckley, will prevail.

Mr. MAHER of Augusta: Mr.

Speaker, I regret very much that I feel constrained to say a word upon this matter at this time or to tax the patience of the House at this time. The author of this bill is a personal friend of mine. For the preceding speaker, (Mr. Buzzell), I have the highest admiration; the gentleman who made the motion, for the indefinite postponement of the House Amendment (Mr. Hinckley), I admire and respect. I am a member of the judiciary committee and I believe the bill itself was desirable. I cannot agree either with the conclusions or with the reasoning of the gentleman who has just preceded me (Mr. Buzzell), and to my mind there are wider and deeper and bigger things than the pride of opinion of any committee, and there are wider and deeper and bigger things than the discussion of petty politics which may be involved in this matter. To my mind the issue is simply this: When there comes any manifest demand, an intelligent demand for local referendum upon a measure affecting local government, it is a very serious departure from the principles that we work under to deny that; and if I may be permitted to suggest that as the time moves on and in the cycle of things there come changes, it may be a precedent that we have very unfortunately established. Now as I view this proposition, there is a manifest difference between the Auburn situation and this particular situation, and I will endeavor in just a very few words to make clear my position.

Where there is a proposition advanced to the Legislature affecting municipal government, asking for a change, and the committee considering that decides that there is no need of a change, in other words, that the existing law shall remain as it is, then to my mind to ask a submission by referendum to the local government of that question of whether or not they are to initiate a change, that should be voted down, and it was in the Auburn matter. The Auburn matter of referendum was not a referendum, it was an attempted application of the initiative in a way for which the Constitution

makes no provision. Now, in regard to this bill, when the Legislature of the State is asked to change not a matter of police regulation under the police power, but a matter related to the distinct organic make-up of one of the large cities of this State—when the Legislature is asked to make that change, I believe that if there is not any opposition, not any at all, that that matter should not be undertaken without the citizens themselves having an opportunity to pass upon it. And that is not my opinion only. That has been the unvarying and unbroken precedent of the State of Maine, and that has been the unvarying and unbroken precedent of this House and of this Legislature.

In the case of the city of Bangor, two changes were proposed to the charter of that city, and a hearing was had before the selfsame committee, and there was very slight opposition to one, and there was no opposition to the other, and to the measure there was no opposition offered by the Senator from Penobscot, Senator Gillin, and it became law, subject to this very amendment. The amendment the gentleman from Lewiston, Mr. Larrabee, has offered, and the people of Bangor have already voted upon it a week ago Monday.

The city of Gardiner is here and they ask for certain changes in their charter, and there was not a word of opposition, and unless I am very much in error, the amendment was adopted in that case and the committee report which was made to this House was subject to approval by the voters of Gardiner. I may be in error in regard to that result, and I will ask my friend from Gardiner, Mr. Gardiner, if that is correct.

Mr. GARDINER: That is correct.

Mr. MAHER: So that, Mr. Speaker, we have not only the unbroken precedent of the past, but we have the absolute precedent of this Legislature, and further than that we have what I consider to be the highest authority in this Legislature, the distinguished—I am not going to call

him venerable, as his friend did yesterday, but the distinguished and able gentleman from South Portland, Mr. Hinckley, who made the motion. I consider him a high authority, and I want to quote his remarks made upon March 9th of this year. Now it does not make any difference upon which foot the shoe pinches. The principles are just the same, and speaking on the Auburn matter from his place on the floor of this House, on the 9th day of March, he said, and I quote, and that there may be no mistake, if the members of this House will take their Legislative records and turn to Page 429, they will see that the gentleman from South Portland, Mr. Hinckley said:

"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 of a community shall have the right to determine just what their form of government is, or whether this legislature shall do it for them. Now that is the question in a nutshell."

And in order that there may not be any mistake in his position upon the question, on page 431 of the Legislative Record for that same day he said:

"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 1500 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."

Mr. Speaker and Gentlemen of the House, I disagree emphatically with the position of the gentleman who has just preceded me, and I deny that support of the amendment offered by the gentleman from Lewiston, Mr. Larrabee, is a repudiation of the action of the committee upon which I served. It is nothing of the sort. That committee recommended the passage of that bill, as they had a right to do, and attached to that a proposition that it shall be submitted to the voters of the towns and cities affected, and that does not in any way overturn or repudiate the action of that committee, unless that action ought to be overturned and repudiated, because after all this is still a government of, for and by the people. (Applause.)

Mr. HINCKLEY: Mr. Speaker, the remarks of the last gentleman (Mr. Maher), have been very illuminating and educational, particularly that part of his remarks which were read from the record. I enjoy a review of the remarks made early in March. I felt very profoundly on the matter at that time; I believed I was right, but after making, as the distinguished gentleman from Augusta, has seen fit to tell you, a most able argument, this Legislature in its wisdom said that I was wrong, that

I had made a mistake, and the principles laid down by me were not the principles that this Legislature believed were the correct ones; and having the highest regard for the wisdom of these men who have been elected from the several towns and cities in the State of Maine, I have given the matter very serious consideration since that time, and I have been wondering since the 8th day of March if perhaps the great wisdom which I believed I had at that time was not simply in my own mind and was not real, and that the Legislature was right and I was wrong, and for that reason I shall be very anxious to have this House vote upon this question so that I will know at this time whether or not during the last month they have come to the conclusion that my wisdom was great or whether or not they still feel that they were right and I was wrong. I shall await the decision of the House with interest. (Applause.)

Mr. GAGNE of Lewiston: Mr. Speaker and gentlemen of the House, you have heard the remarks of the learned gentleman from Belfast (Mr. Buzzell), saying that there was no opposition to the bills the day they came before the committee. I was intending to remain myself, but was not able to do so that day on account of a bad cold, and the chairman of the committee told me to go home and get well, and when I got well to come back and tell them my position. But, gentlemen, I never heard another word about it afterwards. I am strongly opposed to these bills the way they are, and I am in favor of the amendment such as the people of Lewiston want. We do not want to give the citizens of Lewiston any favors; the citizens of Lewiston do not ask any favors; we want justice and that is all.

Mr. McILHERON of Lewiston: Mr. Speaker and members of the House, I come here representing the city of Lewiston with charity for all and malice toward none. That is the sentiment you will find among the citizens of the city of Lewiston, "the industrial heart of Maine." Gentlemen, I want to tell you sincerely and

candidly that I have lived in the city of Lewiston for upwards of 40 years, and there is not a man in the city of Lewiston whom I know but whom I honor and respect as a neighbor and as a friend; and it makes no difference what his political opinions are, those are guaranteed to him by the constitution of this country. And that is what makes the city of Lewiston such a good place to live in. The city of Lewiston wants no favors whatever, but she does demand justice. I not only stand here as a representative of the people of Lewiston, but as a citizen and as a taxpayer of that city, and I know that the people of that city demand what I am asking, simply justice and fairness, and they want to give you to understand that they are capable of managing their own affairs; and I hope that the members of this House, who I believe in their hearts mean to do justice toward every matter that comes before this House—I hope that they will treat the city of Lewiston fairly and justly, and I know that with that the citizens of Lewiston will be satisfied.

Mr. WISEMAN of Lewiston: Mr. Speaker, to enlighten the gentleman from Belfast, Mr. Buzzell, I will state that I was in attendance at the committee meeting which he has mentioned, and at first there was nothing said about this amendment. I think, however, one gentleman brought it up later, and that is what we were looking for, and it was understood that this amendment was to be attached to this bill and I simply sat down and didn't say a word.

Mr. BUZZELL of Belfast: Mr. Speaker, although I do not personally care whether the city of Lewiston has an auditor under this bill or whether they keep their present auditor,—whatever suits them over there suits me. It is a pleasure for me to say on this proposition and most all propositions discussed in this Legislature, I love to still wear my yoke on the back of my neck.

When this bill was considered in committee, two or three gentlemen from that vicinity said that they did not know as they opposed this bill.

The gentleman from So. Portland, (Mr. Hinckley) at that time said just what the gentleman from Lewiston (Mr. Wiseman), says at this time,— he spoke about the referendum and there was not any decided stand taken by a single man at that time in opposition or that they wanted the referendum. Now I would like to know what this is all about. I can see no necessity for getting a misplaced eyebrow over this proposition. Has the bill changed? It was a good bill at that time and they could hardly say that they opposed it. Has policy so changed in Lewiston that we want to have a tornado over this proposition? What argument has the gentleman from Augusta (Mr. Maher) offered to this House to say that we should change our position? Is there any change in the policy over there? There is just as much virtue in that bill now as there was when we heard it, and it is a good bill. There is no question about that, not for a minute. Why, it is silly the thought about referring every little proposition to a large populace like the city of Lewiston to vote upon. Why, my friends, this is a trivial matter, in a way. If you had a bill like the raccoon bill and the skunk bill such as we had, the other day, I would not want to refer it to the city of Lewiston, would you?

A VOICE: Why not refer it to the city of Belfast?

Mr. BUZZELL: You might get a little decent intelligence down there if you did. (Laughter.)

Mr. PERHAM of Bragdon: Mr. Speaker, I have sat in my seat here about every day during the session, and have examined the bills that have been laid upon my desk. I have examined them by title first, and, if there is anything that I think I am able to comprehend I read down through the bill, if it is not too long, but if it is anything that relates to Sea and Shore Fisheries or to the city of Lewiston I know and think that it is beyond my comprehension, and so I go no farther with it; and for that reason I could not discuss the merits of this bill intelligently. At the same time it seems to me that

if there is any good and sufficient reason for trying to force something upon the city of Lewiston that the people of that place do not want, someone ought to tell us what that reason is, and no one has attempted to do that. It is true that the people of Lewiston usually vote a different ticket from that which I vote, but that is a source of amusement and enjoyment to them, and I would not wish to deprive them of it. I sincerely hope that the people of this House will not force any such measure upon the people of Lewiston contrary to their wishes unless some one gives a good reason for doing so. (Applause.)

The SPEAKER pro tem: The question is on the motion of the gentleman from So. Portland—

Mr. LARRABEE of Lewiston: Mr. Speaker, I wish to say in regard to this matter that our city government was organized last Monday and all these officers were elected. If these bills become law, I think I am not mistaken in saying that they will go into effect in 90 days. Consequently, the danger of changing everything over. I appreciate the kindly interest that the gentleman from Belfast (Mr. Buzzell) takes in us; but all we ask is an opportunity to vote upon these matters so that if there is any good in them we may benefit by it.

Mr. MAHER of Augusta: I call for the previous question.

The SPEAKER pro tem: The question is on the motion of the gentleman from So. Portland, Mr. Hinckley, that House Amendment "A" to Bill, An Act relating to city auditor for Lewiston, be indefinitely postponed. All those in favor of its indefinite postponement will say aye; contrary minded, no.

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

Mr. LARRABEE of Lewiston: Mr. Speaker, I move the adoption of House Amendment "A."

Mr. HINCKLEY: I doubt the vote and call for a division.

The SPEAKER pro tem: A division of the House is called for. All those in favor of the indefinite postponement will please rise.

Mr. MAHER of Augusta: Mr. Speaker, I think that that is not the question. We have just voted upon the indefinite postponement.

The SPEAKER pro tem: The gentleman from So. Portland (Mr. Hinckley) doubted the vote, and asked for a division of the House.

Mr. MAHER: I stand corrected, Mr. Speaker.

A division of the House being had,

Twenty-three voting in the affirmative and 50 in the negative, the motion to indefinitely postpone was lost.

On motion by Mr. Larrabee of Lewiston, House Amendment "A" was adopted, and on further motion by the same gentleman, the bill as amended by House Amendment "A" was given its second reading.

The SPEAKER pro tem: The Chair presents Senate Document No. 116, House Amendment "A," to Bill, An Act relating to Lewiston Fire Department, tabled by the gentleman from So. Portland, Mr. Hinckley, on March 22, pending adoption.

On motion by Mr. Hinckley it was voted that the matter be taken from the table.

Mr. LARRABEE of Lewiston: Mr. Speaker, to my mind we had better settle these matters right now. We never will have a better time. The gentleman has assigned these for hearing today. Why put the matter off?

The SPEAKER pro tem: He is not. He is taking it from the table as the Chair understands.

Mr. MAHER of Augusta: I move the adoption of House Amendment "A."

A viva voce vote being taken, House Amendment "A" was adopted.

Mr. ROUNDS of Portland: Will the Chair please read the amendment? We would like to know what is in it, whether it is to hang somebody in Lewiston or not. (Laughter.)

The SPEAKER pro tem: The amendment is the same as the previous amendment.

Mr. ROUNDS: I thought one was the Fire Department and the other the auditor. One is to put out fires and the other to look after finances.

The SPEAKER pro tem: It is simply relative to a referendum of these bills. The Chair will state that it is a novice at this business and it hopes you will all have as good a time as you possibly can.

Thereupon, on motion by Mr. Larrabee of Lewiston the bill as amended by House Amendment "A" was given its second reading.

Mr. HUNTON of Oakland: Mr. Speaker, I move that we take from the table House Document No. 305, Resolve for State Library building committee.

Mr. WADSWORTH of Winthrop: Mr. Speaker, I would offer an amendment to this resolve, which is really a new draft, and I will ask to have the Clerk read it.

"Resolve appointing a committee of investigation to procure plans and estimates for a State Library building.

Resolved that a committee of five, consisting of the Governor and four others, be appointed by the Governor to investigate and report to the next Legislature plans, estimates and specifications for a library to be built as a wing on the present State House and to serve as a permanent memorial for the soldiers and sailors of the World's War. The committee may employ such assistance and incur such expense as it deems necessary not exceeding five thousand dollars. The committee shall serve without pay but shall receive its actual expenses."

On motion by Mr. Wadsworth of Winthrop, the amendment was adopted, and the resolve received its second reading.

Mr. BARNES: Mr. Speaker, I rise to inquire, through the Chair, whether the wording of the amendment prescribes the appointment of a commission.

The SPEAKER pro tem: Perhaps

the Clerk can answer that more readily than the Chair can.

On motion by Mr. Barnes, the matter was tabled for further amendment.

The Chair presents Senate Document No. 115, House Amendment "A" to Bill, An Act to abolish boards of public works of Lewiston, tabled on March 22 by Mr. Hinckley of South Portland, pending adoption.

Mr. HINCKLEY: Mr. Speaker, I think, inasmuch as the gentleman from Lewiston (Mr. Morneau) is in the Chair, we had better dispose of this one at this time.

On motion by Mr. Hinckley of So. Portland, House Amendment "A" was taken from the table.

On motion by Mr. Larrabee of Lewiston, House Amendment "A" was adopted; and on further motion by the same gentleman, the bill had its second reading as amended by House Amendment "A."

(Speaker Barnes assumes the Chair.)

Mr. ELMORE of Camden: Mr. Speaker, I have a public Act that I would like to introduce out of order.

The SPEAKER: The gentleman from Camden, Mr. Elmore, craves permission to introduce out of order, under suspension of the rules, a public act entitled, An Act to ratify, confirm and make legal and valid certain acts of the Camden Village Corporation and of the town of Camden, and to dissolve the Camden Village Corporation. Is it the pleasure of the House to allow the introduction of this bill?

Thereupon, permission being granted, that gentleman introduced the bill out of order and under suspension of the rules and without reference to a committee. On further motion by the same gentleman, the rules were suspended and the bill given its three several readings and passed to be engrossed.

Mr. HINCKLEY of So. Portland: Mr. Speaker, now that the House has gloriously declared itself in favor of

home rule, I move that we take from the table report of the committee on agriculture on Bill, An Act to provide for the inspection of slaughter houses.

And now, Mr. Speaker, for the purpose of offering an amendment, which I think will be acceptable, I move you that the bill be substituted for the report.

The SPEAKER: The pending question is on the motion of the gentleman from Cumberland, Mr. Jordan, to substitute the bill for the report—An Act to provide for the inspection of slaughter houses and their product, reported from the Committee on Agriculture that the same ought not to pass. The gentleman from Rome (Mr. Downs)

Mr. DOWNS: Mr. Speaker, as a member of that committee to which that bill was referred, just a word of explanation might be in order. The committee considered the bill very carefully, and I think if my memory serves me correctly, considered it in two executive sessions, and the report was unanimous that it ought not to pass, but I understand that the gentleman from So. Portland (Mr. Hinckley) has certain amendments which might change the attitude of the committee if again referred to them. For that reason I am not going to oppose the passage of the bills with the present amendments.

Mr. HINCKLEY of So. Portland: Mr. Speaker, just one word in connection with this matter, so that perhaps it will be understood better by the House. Our Chambers of Commerce over the State, our newspapers, our far-sighted men are advising and advocating and trying to devise means for the purpose of helping the animal industry in the State of Maine. When this committee reported ought not to pass on this bill, I began to investigate the matter believing that inasmuch as we were trying to revive the animal industry of this State, that it was an impracticable thing to work along these lines when under the laws as they exist at the present time it is a practical impossibility for a farmer, after he raises his cattle and after he raises

his swine, to market them in the best markets of the State of Maine, owing to local regulations. Now I am not going to enter into any discussion on the regulations or health rules. I think we have got too many of them, and I think we have got unreasonable ones, but I am not going into this in detail. I do say to you, gentlemen, that when a local board makes a regulation that renders it a practical impossibility for a farmer to market his product in that city, then it is time for this Legislature to do something to relieve the farmer; and incidentally, I want to say to the members of this House that it is time that those of us who live in the cities should come to a full realization of the condition of the farmer in the State of Maine before it is too late. Now this bill provides in substance that, upon the recommendation of the municipal officers of the town, the sanitary commissioner—or if the law is changed the department of agriculture—shall appoint a licensed physician, surgeon, veterinarian, or some other suitable person, to inspect the carcasses of animals that are killed for human consumption and stamp them under rules and regulations to be provided by the Department of Agriculture. I certainly can see no objection to it, and I want to say to you gentlemen that just as truly the State of Maine today is under the influence of the great meat trusts as it is that we are sitting here, and we are advocating and trying to build up the farming industry, the animal industry of the State, and they through their representatives are making it impracticable for us to do it; and I say to you that when the law, as it is at the present time in certain localities, requires that if the farmer has one hog or one veal to slaughter, he must take it to a certain abattoir and have the stamp of approval put on at that place. I say it is impracticable and nonsensical. Now I say that the only objection to this, and the serious objection on behalf of the committee and the Department of Agriculture was that it did not exclude the provisions of the pure food bill. It referred to one chapter, but did not refer to the other, and my

amendment proposes to exclude from the provisions of this act, or exclude at least the pure food law from the provisions of this act, so that they will not be interfered with. That is what the amendment takes care of. I talked with a representative of the Department of Agriculture yesterday as to it, and it was agreeable to him. I have also talked with several members of the agricultural committee.

The SPEAKER: The Chair would suggest that this being a bill which is not printed, the substitution of the bill for the report and the adoption of the amendment will produce a printed copy upon your desks in due season.

Mr. HINCKLEY: Mr. Speaker, I had in mind in offering the amendment having it tabled for printing in the amended form, and I thought the substitution would be the proper order of procedure.

The SPEAKER: The question is on the motion of the gentleman from Cumberland, Mr. Jordan, that the bill be substituted for the report.

The motion prevailed.

The SPEAKER: The gentleman from South Portland (Mr. Hinckley) will forward his amendment to the desk.

Thereupon Mr. Hinckley moved the adoption of House amendment A as follows:

House Amendment A to House Document 1233, relating to inspection of slaughter houses.

Amend said act by inserting after the word "or" in the fourth line of Section 1 thereof, the word "licensed" so that said section as amended shall read as follows:

Section 1. The live stock Sanitary Commissioner shall, upon the written nomination and request of the municipal officers of any city or town, appoint one or more qualified and licensed physicians and surgeons or licensed veterinaries or other qualified person, resident in this State, to be agents to inspect under rules and regulations to be by said commissioner prescribed at a post mortem examination thereof, the carcasses of all cattle, sheep and

swine about to be prepared for human consumption at any slaughter house, canning, salting, packing or rendering establishment in this State.

Add "s" to the word "chapter" in line seven of Section three and add after the word "thirty" the words "and thirty-six" so that said section as amended shall read as follows:

Section 3. Carcasses and products of all cattle, sheep and swine so as aforesaid inspected and found to be fit for human consumption and marked, stamped, or labelled in accordance with said rules and regulations may be sold in any city or town in this State, without further inspection or examinations and subject only to the provisions of chapters one hundred and thirty and thirty-six of the statutes of nineteen hundred and sixteen.

Insert after the word "exceeding" in the tenth line of section six the following "one hundred dollars or by imprisonment not exceeding" so that said section as amended shall read as follows:

Section 6. Any person who shall forge, counterfeit, simulate, imitate, falsely represent or use without authority, or knowingly and wrongfully alter, deface or destroy any of the marks, stamps, or other devices provided for in said rules and regulations, or who shall forge, counterfeit, simulate, imitate, falsely represent, or use without authority or knowingly and wrongfully deface or destroy any certificate or stamp provided for in said regulations, shall be deemed guilty of a misdemeanor and on conviction thereof, shall be punished by a fine not exceeding \$100 or by imprisonment not exceeding one year or by fine and imprisonment in the discretion of the court.

The amendment was adopted.

Mr. MAHER of Augusta: Mr. Speaker, I do not desire to take any time to discuss the matter at present, and I would not consider discussing it for a minute without reading it and being familiar with it. I am not particularly interested for any interest except the people who eat meat, and as I have read House Document 123,

I can conceive of no more dangerous bill on our desks. I trust that the amendment offered by the gentleman from So. Portland, (Mr. Hinkley) has removed the objectionable features, but I should want to look it over, and I move that it be tabled and 500 copies printed.

The motion prevailed.

On motion by Mr. Bragdon of Perham it was voted to take from the table Senate Document No. 123, Bill, An Act requiring permit for burning of slash, tabled on March 21, pending assignment for third reading. On further motion by the same gentleman, the bill was given its third reading and passed to be engrossed.

On motion by Mr. Brewster of Portland it was voted to take from the table House Document No. 336, Bill, An Act relating to the disposition of money collected under Inland Fish and Game Laws; and on further motion by the same gentleman the bill was given its third reading and passed to be engrossed.

On motion by Mr. Rounds of Portland, the Report of the Committee on Salaries and Fees on Bill, An Act relating to the compensation of Clerks was taken from the table.

The pending question being the acceptance of the report, "ought not to pass,"

On further motion by Mr. Rounds, the report was accepted.

Mr. BARWISE of Bangor: Mr. Speaker, I wish to inquire if Senate Amendment "A" on the Curative Act of the Bangor election has arrived on the desk of the Clerk?

The SPEAKER: The Chair is informed that it is here.

Mr. BARWISE: Mr. Speaker, is a motion in order that we reconsider the vote of the House the other day whereby we passed this Bill to be enacted for the purpose of acting upon Senate Amendment "A" afterwards.

The SPEAKER: The Chair will state that such action is in order.

On motion by Mr. Barwise, under a suspension of the rules, the vote was reconsidered whereby Bill, An Act to legalize and make valid the annual municipal election held in the city of Bangor on Monday, March 14, 1921 was passed to be enacted.

On further motion by the same gentleman, the vote was reconsidered, under a suspension of the rules, whereby this bill was passed to be engrossed.

Mr. Barwise then moved the adoption of Senate Amendment "A."

The SPEAKER: The Chair will state, without reading the amendment, that the bill as engrossed and enacted termed certain officers to be "elective" officers, and the purpose of the amendment is to change the word "elective" to "election."

Senate Amendment "A" was then adopted, and the Bill, as amended, was passed to be engrossed.

The SPEAKER: The Chair will present for consideration, suggesting that a motion will be made to introduce out of order, An Act to provide funds for operating the fish hatcheries and feeding stations for fish. A bill of a like nature has been enacted by the Eightieth Legislature, but in the judgment of gentlemen who are interested in the matter it failed to provide for sufficient revenue. Is it the pleasure of the House to entertain this bill out of order.

No opposition being shown, the bill was received.

Mr. WILSON of Presque Isle: Mr. Speaker, I would like to explain briefly what the purpose of this bill is. There have been before the committee a number of resolves requiring appropriations for screening purposes. The Fish and Game Department was cut in their appropriation and there was very little money available for that purpose. In an interview with the Governor and with the head of that department, Mr. Parsons, this measure has been introduced, being an emergency measure, to provide for this screening work, and for that purpose this was introduced as an emergency

measure, that it might go through and in order that the sale of non-resident fishing licenses provided for in a bill which has already been passed by this House and by the Senate and signed by the Governor, could take effect at once, so that money would become available, and as the sale of these licenses is beginning at the present time, we would ask that the rules be suspended and that this bill take its several readings at the present time without reference to a committee.

The bill then received its first and second readings, and on further motion by Mr. Wilson the bill received its third reading and was passed to be engrossed.

On motion by Mr. Roberts of Lyman, the vote was reconsidered whereby Senate Doc. No. 123, Bill, An Act to require permits for the burning of slash, was passed to be engrossed.

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

On motion by Mr. Davis of Freeport, the vote was reconsidered whereby House Doc. No. 359, Bill, An Act to amend Section 139 of Chapter 16 of the Revised Statutes, as amended, relating to appropriation for industrial education, was passed to be engrossed.

On further motion by the same gentleman, the bill was tabled until tomorrow morning.

The SPEAKER: The Chair takes this opportunity to announce to the House that there will be an address delivered before the Legislature at the session tomorrow by the National Commander of the American Legion. The Chair makes this announcement at this time in order that the members of the House may notify any of their friends whom they may care to invite.

On motion by Mr. Peaslee of Thomaston,

Adjourned until tomorrow morning at 9 o'clock.