

# MAINE STATE LEGISLATURE

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# Legislative Record

OF THE

# Eightieth Legislature

OF THE

# State of Maine

1921

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AUGUSTA  
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**ERRATA:**

**The following errata are  
inserted because one or more pages  
in this session day have errors  
noticed and corrected here.**

## ERRATA

Page 154, column	1, line 17, for Chapter "199" read "198."
" 163, "	2, after order by Mr. Winter, read "Tabled on motion of Mr. Buzzell of Belfast."
" 174, "	1, line 8, for "Lewiston" read "Rockland."
" 194, "	1, " 24, for "Sewall" read "Newall."
" 197, "	2, " 50, for "insurance" read "issuance."
" 267, "	2, " second Act referred to Inland Fisheries and Game was referred to Judiciary Committee.
" 305, "	1, " 42, for "Boys" read "Girls."
" 305, "	1, " 45, "H. 169" should read "H. 165."
" 511, "	2, " 2, for "H. 106" read "H. 160."
" 586, "	1, " 13, for "St. Albans" read "St. Agatha."
" 591, "	2, " 23, for "1919" read "1909."
" 602, "	2, " 12, for "enacted" read "engrossed."
" 617, "	1, " 46, for "322" read "332."
" 650, "	2, " 31, for "H. 336" read "H. 366."
" 662, "	2, " 26, for "Barrington" read "Harrington."
" 692, "	2, " 35, for "H. 236" read "H. 336."
" 694, "	1, " 2, for "S. 154" read "S. 155."
" 716, "	2, " 3, for "Mr. Perham" read "Mr. Bragdon of Perham."
" 772, "	1, " 24, for "same" read "Committee on Appropriations and Financial Affairs."
" 869, "	1, " 50, insert "Finally passed."
" 902, "	1, " 24, for "Clark" read "Barton."
" 902, "	1, " 40, for "S. 185" read "S. 184."
" 928, "	1, " 51, for "343" read "243."
" 949, "	1, " 43, for "Merton's" read "Martin's."
" 954, "	1, " 44, insert "ought not to pass."
" 958, "	2, " 20, for "179" read "181."
" 958, "	2, " 28, for "178" read "179."
" 967, "	2, " 49, for "S. D. 198" read "S. D. 180."
" 981, "	2, " 10, for "\$300" read "\$300,000."
" 1000, "	2, " 47, for "Portland" read "Biddeford."
" 1005, "	2, " 42, for "salaries" read "selection."
" 1142, "	1, " 40, for "H. D. 465" read "H. D. 456."
" 1169, "	2, " 2, for "Fogg" read "Forbes."
" 1191, "	2, lines 3 and 11, for "engrossed" read "enacted."
" 1191, "	2, line 20, for "finally passed" read "passed to be enacted."
" 1191, "	2, lines 31, 40, 48, for "engrossed" read "finally passed."
" 1211, "	2, " 12 and 13, "National Guard" should read "Nash and Viles."
" 1280, "	1, line 14, for "bald" read "bomb."
" 1321, "	1, " 35, for "lighting Long and Big Lakes" read "Lewy, Long and Big Lakes."
" 1373, "	2, " 42, for "Arthur B. Forbes" read "Arthur E. Forbes."
" 1376, "	2, " 14, for "S. D. 161" read "S. D. 167."
" 1409, "	2, " 36, for "Chapter 178" read "Chapter 238."

**HOUSE**

Friday, April 1, 1921.

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

Prayer by the Rev. Mr. Phalen of Augusta.

Journal of previous session read and approved.

From the Senate: Bill, An Act to amend the charter of the city of Lewiston and to provide for city auditor. This was passed to be engrossed in the House as amended by House amendment A, March 25, which action the House voted to adhere to on March 30.

Comes from the Senate that body insisting on its action in non-concurring in the adoption of House amendment A, and asking for a committee of conference, with the conferees appointed on its part: Senators Parent of Androscoggin, Clark of Lincoln, and Eaton of Oxford.

Mr. LARRABEE of Lewiston: Mr. Speaker, I move that we adhere to our former action.

The SPEAKER: The situation relative to this bill, as the House will remember, is that in the House, House Amendment A, a referendum to the electorate of Lewiston, was voted. In the Senate that body refused to concur with the House, and asked for a committee of conference, and the gentleman from Lewiston, Mr. Larrabee, makes the motion that the House adhere to its former action. That motion has already been taken. In the House March 25, this bill was passed to be engrossed as amended by House amendment A. In the Senate on March 30, it was taken from the table and the Senate rejected House amendment A in non-concurrence. In the House, on March 30, we did vote to adhere. In the Senate March 31, that body voted to insist on its former action and asked that a committee of conference be appointed; and the only action, as the Chair understands it, that can be taken this morning would arise on a motion to join in the committee of conference.

Mr. HINCKLEY of So. Portland: Mr. Speaker, I move that we join, and that a committee of conference be appointed.

The motion prevailed, and the Chair appointed as conferees on the part of the House, Messrs. Larrabee of Lewiston, Barwise of Bangor, and Wilson of Presque Isle.

From the Senate: Bill, An Act to abolish the Board of Public Works of the city of Lewiston, and to provide for a highway commission. This was passed to be engrossed as amended by House Amendment A in the House March 25. In the Senate that body refused to adopt House Amendment A in concurrence. In the House thereafter a motion was made and carried to adhere. In the Senate on the following day a request for a conference was reported to the House, the Senate appointing Senators Parent, Clark and Eaton as conferees.

Mr. HINCKLEY of So. Portland: Mr. Speaker, I move that we join in the conference.

The motion prevailed, and the Chair appointed as conferees on the part of the House, Messrs. Larrabee of Lewiston, Barwise of Bangor and Wilson of Presque Isle.

The SPEAKER: In the absence of the gentleman from Lewiston, Mr. Morneau, who tabled the other Senate paper relating to Lewiston matters, which is in exactly the same situation, as the last two acted upon, if anyone should move now to take it up out of order—

Mr. HINCKLEY of So. Portland: I move, Mr. Speaker, that it be taken up at this time, and I move that we join in the committee of conference.

The SPEAKER: In the absence of the gentleman from Lewiston, Mr. Morneau, who tabled it, does the gentleman from So. Portland (Mr. Hinckley) insist on that?

Mr. HINCKLEY: No, I will be glad to leave it until he arrives.

**Reports of Committees**

Mr. Fagan from the committee on legal affairs reported "Ought not to

pass" on Bill, "An Act to amend Section 8, of Chapter 5 of the Revised Statutes relating to powers of boards of registration."

The report was accepted and sent up for concurrence.

Mr. Weeks from same committee reported same on Resolve proposing an amendment to the Constitution of the State of Maine so as to allow towns and cities to adopt or amend their charters.

(On motion by Mr. Warren of Portland, tabled pending acceptance of report.)

Mr. Willard from same committee reported same on Bill, "An Act relative to the registration of persons, firms and corporations designing to install wires or apparatus for electric light, heat or power purposes."

The report was read and accepted and sent up for concurrence.

Mr. Brewster from the Cumberland County Delegation reported ought to pass on Bill An Act to authorize the county commissioners of Cumberland county to issue bonds of said county for the purpose of refunding bonds issued for the erection of a county building in Portland under the provisions of Chapter 213 of the Private and Special Laws of 1903 and Acts amendatory thereof.

(On motion by Mr. Rounds of Portland, the rules were suspended and the bill given its three several readings, and passed to be engrossed).

Mr. Cordwell from the committee on education on Memorial to Congress urging favorable consideration of the principles embodied in the Smith-Towner bill, reported same in a new draft under same title and that it ought to pass.

Mr. Varney from same committee on Bill An Act to establish the State School Fund and to provide for apportionment of the same reported same in a new draft under same title and that it ought to pass.

The reports were accepted and the bills ordered printed under joint rules.

Mr. Fagan from the committee on

legal affairs reported ought to pass on Bill An Act authorizing married women and widows to use family name as part of name by which they shall be registered as voters.

(On motion by Mr. Warren of Portland, the rules were suspended, and the bill received its two several readings; on motion by Mr. Farnsworth of Caribou, the rules were suspended and the bill given its third reading and passed to be engrossed).

Mr. Murray from the committee on legal affairs, on Bill, An Act to amend Paragraph 7 of Section 98 of Chapter 4 of the Revised Statutes, relating to gasolene tanks placed within the limits of highways, reports the same in a new draft under title of "An Act to amend Paragraph 7 of Section 98 of Chapter 4 of the Revised Statutes, as amended by Section 2 of Chapter 58 of the Public Laws of 1917, relating to gasolene tanks and pumps placed within the limits of highways," and that it ought to pass.

The report was read and accepted.

(On motion by Mr. Rounds of Portland, the rules were suspended, and the bill given its first and second readings).

On motion by Mr. Poore of Casco, the bill was tabled pending third reading.

#### Orders of the Day

Mr. VARNEY of Jonesboro: Mr. Speaker, may I inquire if it would be in order at this time to make a motion that the rules be suspended and that House Document No. 216, providing for the State School Fund, and also for its apportionment have its three several readings, and be passed to be engrossed?

The SPEAKER: The gentleman from Jonesboro, Mr. Varney, will state to the Chair for the information of the members whether the new draft is greatly in divergence with the phraseology of the bill as printed.

Mr. VARNEY: It is not, Mr. Speaker. It simply provides for a reduction of the equalization fund from \$150,000 to \$100,000, and makes further appropriation of three dollars per pupil on the basis of the school census. As I

understand it is satisfactory to the opponents of the measure, and also to the members of the committee.

Mr. SPEAKER: The gentleman from Jonesboro, Mr. Varney, informs the House that the new draft of the distribution of school funds bill so-called is in form satisfactory to the opponents of the original draft, and that gentleman moves that the rules be suspended—

Mr. MURRAY of Portland: Mr. Speaker, I move that that matter be tabled.

The SPEAKER: The situation is such that if there is no interference, the bill will be printed under the joint rules. If the gentleman from Portland, Mr. Murray, insists upon his motion, the Chair will of course put it.

Mr. ROUNDS of Portland: As I understand, it will be printed anyway.

The SPEAKER: In its present situation, it will come to our desks as a printed bill very shortly. If the gentleman from Jonesboro, Mr. Varney's motion should carry, it would be engrossed.

Mr. ROUNDS: Before it was enacted, the bill would be printed, wouldn't it?

The SPEAKER: It will be if it is left as it is. The gentleman from Jonesboro (Mr. Varney) moves that the rules be suspended and that the bill now be given its three several readings, and does the gentleman from Portland (Mr. Murray) make this motion to table?

Mr. MURRAY: Mr. Speaker, I do not want the bill to receive passage until such time as we can examine it; and if the purpose is that it be passed along over its third reading and then be passed to be engrossed, I would insist on my motion.

Mr. VARNEY: Mr. Speaker, I believe that the situation in regard to this matter is such—

The SPEAKER: The Chair must rule that on the question to table, except in very extreme cases, there is no varying from the strict rule that the question is undebatable. The gentle-

man from Portland, Mr. Murray, moves that the matter lie on the table. Those in favor will say aye, contrary minded, no.

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

The SPEAKER: The gentleman from Jonesboro, Mr. Varney, moves that the rules be suspended and that the bill be given its three several readings under suspension of the rules. This can only be done by affirmative vote of two-thirds of the members present. All those in favor of a suspension of the rules will rise and stand until they are counted, and the monitors will return the count.

A division being had, 92 having voted, 24 in the negative and 68 in the affirmative, the motion of the gentleman from Jonesboro, Mr. Varney, prevailed, and the bill then received its first and second readings.

Mr. VARNEY. I move that the rules be further suspended and that the bill be given its third reading at this time.

Mr. BRAGDON of Perham: Mr. Speaker, while I have looked over this bill and it is—

The SPEAKER: The gentleman will make a motion.

Mr. BRAGDON: I understood there was a motion made to give it its third reading.

The SPEAKER: And you are speaking to that question?

Mr. BRAGDON: Yes.

The SPEAKER: The gentleman will proceed.

Mr. BRAGDON: While I have examined this bill, and am satisfied with it myself, I feel that there are members of this Legislature who have not had the privilege of examining it, and I consider it a dangerous precedent to establish so late in the session to push so important a matter along so fast without printing; and I will move at this time that the bill lie on the table for printing.

The SPEAKER: The Chair will state to the gentleman from Perham, Mr. Bragdon, that he was not proceeding in order. The motion to give this bill its third reading had been

announced to be carried, and the gentleman from Perham, Mr. Bragdon, might have doubted the decision of the Chair and called for a division.

Mr. BRAGDON: I will apologize, Mr. Speaker.

The SPEAKER: Not at all. The gentleman now moves that pending its passage to be engrossed, it be laid upon the table. All those in favor of laying the bill on the table will say aye, contrary minded, no.

A viva voce vote was doubted by the Chair.

The SPEAKER: The Chair will state that the bill is a long one. To some it might appear to be a very laudable purpose to get it to the printer as soon as possible. Those who were in the hall when the matter came up heard the statement of the gentleman from Jonesboro, Mr. Varney, that the new draft differed from the original draft in only two particulars. He stated what they were and said that opposition to the bill so far as he knew had been withdrawn. All those who are in favor of tabling the measure at this time will rise and stand until they are counted.

A division being had, and a sufficient number not arising, the motion to table was lost.

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

Mr. CRABTREE of Island Falls: Mr. Speaker, while I am in favor of the bill, I did not understand that it had had its third reading. I agree with Mr. Bragdon that in fairness to all concerned, it should lie on the table after the third reading, pending passage to be engrossed.

Mr. MURCHIE of Calais: Mr. Speaker, I would like to inquire of the Chair whether tabling the bill will do any good so far as printing is concerned, unless it is ordered to be printed.

The SPEAKER: This bill will be printed now only on—

Mr. MURCHIE: I would like to ask consent to introduce an order out of order.

Consent being given Mr. Murchie of

Calais presented the following order, and moved its passage:

Ordered, that 500 copies of House Document No. 216 in new draft be printed for the use of the Legislature.

A viva voce vote being taken on the adoption of the order, the same received passage; and on further motion by the gentleman from Calais, Mr. Murchie, the bill pending printing was tabled.

On motion by Mr. Buzzell of Belfast it was voted to receive out of order for enactment Resolve in favor of Frank E. Wingate for material furnished for the construction of the Central School Building for the Maine State School for Girls.

The resolve was then finally passed.

The SPEAKER: At this time the Chair will present out of order some House reports.

Mr. Mason from the committee on Legal Affairs reports "ought not to pass" on bill, an act relative to the licensing of steam engineers and firemen.

Same gentleman from same committee reports same on bill, an act relative to filing of interrogatories in civil action.

Same gentleman from same committee reports same on bill, an act to provide for the licensing, inspection and regulation of lodging houses and for the registration of true names.

Same gentleman from same committee reports same on bill, an act relating to lewdness, prostitution and assignation.

The reports were accepted and sent up for concurrence.

Mr. Mason from the committee on Legal Affairs reports "ought to pass" relating to the election of State Auditor.

On motion by Mr. Wadsworth of Winthrop, the rules were suspended and the bill was given its three several readings and passed to be engrossed.

On motion by Mr. Cram of Portland, the action of the House was reconsidered whereby the report



“ought not to pass” on bill an act to provide for the licensing, inspection and regulation of lodging houses and for the registration of true names, was accepted; and on further motion by the same gentleman the matter was tabled, pending acceptance of the report.

The Chair presents remonstrance of George P. Osgood of Hiram and 28 others against passage of bill relating to the sale of liquors, and on motion by Mr. Eastman of Fryeburg, the remonstrance was referred to the committee on Temperance.

On motion by Mr. Rounds of Portland, the House voted to reconsider its action at the last session whereby it accepted the committee report, ought not to pass, on bill, an act limiting the salaries and fees of certain city and town officials, and that gentleman offers House amendment A.

The SPEAKER: The Chair will state the situation before the gentleman speaks to the question. The report was an adverse report and the House is now in the same situation as though no action had been taken upon the matter. The gentleman from Portland (Mr. Rounds) will move that the bill be substituted for the report, and affirmative action thereon will have to be taken before any other disposition, as the Chair understands the situation. The Chair will state further that the gentleman from Portland proposes to offer an amendment. The Chair recognizes the gentleman from Portland, Mr. Rounds.

Mr. ROUNDS: Mr. Speaker, this bill affects nobody but the city of Portland. We are in a peculiar position in the city of Portland. We have a population, you know, of some seventy thousand, and we have a city government consisting of a mayor, nine aldermen and 27 councilmen. They have to raise this money, but the school committee, consisting of nine members, elected three each year and two at large, are the people who spend the money in the school department, and this year they have put up the salary of the superintendent of schools so that he is get-

ting two thousand dollars more than the State superintendent of schools. Now the teachers who teach our young children are not getting what they ought to get; but on top of that the superintendent, we think, is getting either more than he ought to have, or we are not paying our State superintendent of schools enough. Therefore while the city government has tried to have this annulled and put back, it cannot succeed in doing it because the school committee is too free. Therefore, we are introducing this bill so that we can bring it down to four thousand dollars, the same as it was last year. Therefore, I move that the bill be substituted for the report.

The motion to substitute the bill for the report prevailed.

The SPEAKER: The gentleman from Portland (Mr. Rounds) now offers House amendment A to House Document No. 282, and before entertaining the amendment, the bill will be given its first reading.

On motion by Mr. Rounds of Portland, the rules were suspended, and the bill received its first two readings. Pending the third reading, Mr. Rounds of Portland offered House amendment A to House Document No. 282, as follows:

Amend by striking out all after the enacting clause, and substituting in place thereof, the following, namely:

Section 1. No city, town, plantation, village corporation, school board, or other subordinate public body charged with the expenditure of public moneys, shall pay to any officer, agent, or employee as salary or fees, a sum of money which including any sum paid to such officer, agent, or employee by the State or any department thereof, shall be in excess of four thousand dollars per annum. Nothing herein shall be construed as limiting the compensation which has been paid for personal services at entertainments if the money shall be derived from admission fees.

Mr. ROUNDS: Mr. Speaker, I would like to state that we have an organ concert man who gets six

thousand dollars a year, but his fees are paid from entertainments, and that is why this other part was put on.

The SPEAKER: All those who are in favor of the adoption of House amendment A will say aye, contrary minded, no.

A viva voce vote was doubted by Mr. Hinckley of So. Portland.

The SPEAKER: The attention of the House is called to the fact that you are about to vote upon the adoption of House amendment A to House Document No. 282. All those in favor of its adoption will rise and stand until counted, and the monitors will return the count.

So many arose that the Chair announced that the amendment was adopted.

Mr. ROUNDS of Portland: I move that the rules be suspended and the bill be given its third reading at this time.

Mr. WING of Auburn: For the purpose of amendment, Mr. Speaker, I move that the matter lie on the table, pending its third reading.

The motion prevailed.

The Chair presents House Document No. 362, Bill, An Act providing for an increase in the amount of tuition to be paid by towns for secondary school pupils.

On motion by Mr. Barwise of Bangor, the bill was given its third reading and passed to be engrossed.

The Chair presents House Document No. 243, report of the committee on judiciary on bill, An Act to protect children from fire, tabled on the 30th of March by the gentleman from Lewiston, Mr. McIlheron, pending acceptance of the report.

Mr. McILHERON of Lewiston: Mr. Speaker, I move you that we substitute the bill for the report.

The SPEAKER: The attention of the House is called to House Document No. 343, printed bill. The parliamentary situation is that the committee on judiciary unanimously reports, ought not to pass. The gentleman from Lewiston, Mr. McIl-

heron moves to substitute the bill for the report, and the Chair recognizes that gentleman.

Mr. McILHERON: Mr. Speaker and gentlemen of the House: I hate at this time to be paying my last respects to the judgment of the judiciary committee in regard to matters and things. I do not claim to be the author of this bill, but it has been suggested to me by a man who has run in the fire department of the city of Lewiston for upwards of thirty years, and he is a practical man in his line, although not a member of the judiciary committee. I would say that there have been meritorious bills passed through this House, and meritorious bills have been denied that privilege, and it has been emphasized by our Speaker that it was the unanimous report of the judiciary committee. Now, gentlemen, I hope that you will consider well the merits of the bill, notwithstanding the unanimous report of the judiciary committee, and I leave the bill to your kind consideration.

The SPEAKER: All those who are in favor of substituting the bill for the report, will say aye, contrary minded, no.

A viva voce vote being doubted by the gentleman from Lewiston, Mr. McIlheron,

A division was had, and only nine voting in favor of the motion, the motion was declared lost.

On motion by Mr. Bussell of Belfast, the House then voted to adopt the committee report, ought not to pass.

Mr. WING of Auburn: Mr. Speaker, I move that we take from the table House Document No. 450, Bill An Act relating to the retiring of State employees, and I move the indefinite postponement of the bill. I wish to say this in support of my motion: There was introduced into this Legislature on the 27th day of January an act to provide for retiring and pensioning employees of the State of Maine. This measure was referred to the committee on Judiciary. It was introduced by

the gentleman from Augusta, Mr. Maher, and on the third of March this House accepted the report, ought not to pass. The same gentleman on the eleventh of March introduced House bill No. 450, which is an act amending Chapter 38 of the Public Laws of 1919, relating to the retiring and pensioning of employees of the State of Maine, and that was referred to the committee on pensions—the same subject matter, and referred to the committee on pensions. The committee on pensions returned this bill in a new draft into the House, with a report that it ought to pass. I call the attention of the House to Rule 14. "When any measure shall be finally rejected it shall not be revived except by reconsideration, and no measure containing the same subject matter shall be introduced during the session unless three days' notice is given to the House of which the mover is a member." Now I have no particular interest in this matter except that the House should be informed as to the particular situation of this particular pending bill. The matter which has been heard by one committee, and reported, ought not to pass, appears before another committee, with a report, ought to pass, in the face of this rule. Now it may be said to you that this is not the same subject matter, but I have read to you the titles of these bills. There is a statute on the books now which permits the pensioning of employees of the State of Maine, but it is not mandatory, and this Statute makes it mandatory. Now, gentlemen, with these remarks I am interested to see how this House will treat this particular form of legislation, and I again move that the matter be indefinitely postponed.

The SPEAKER: The motion of the gentleman from Auburn, Mr. Wing, is that the measure now be indefinitely postponed. Is this the pleasure of the House?

The motion to indefinitely postpone prevailed.

Mr. MAHER: Mr. Speaker, may

I have the gentleman from Auburn read the first measure?

The SPEAKER: Does the gentleman from Augusta (Mr. Maher) move a reconsideration of the vote whereby it was indefinitely postponed?

Mr. MAHER: I do not.

The SPEAKER: Then there is nothing before the House on this measure.

(At this point a recess was taken for fifteen minutes.)

#### AFTER RECESS

The SPEAKER: On the disagreeing action of the two branches of the legislature, on Bill, An Act to provide for the jurisdiction of the Public Utilities Commission over certain motor vehicles, the Chair will appoint as conferees on the part of the House, Messrs. Cole of Eliot, Hinckley of South Portland and Crabtree of Island Falls.

Mr. MAHER of Augusta: Mr. speaker, I move that the House reconsider its vote whereby it indefinitely postponed Bill, An Act relative to pensioning of employees of the State of Maine, and I make the motion for the purpose of being able to make very brief remarks. May I speak to the motion now?

The SPEAKER: The Chair will inquire if the gentleman from Augusta, Mr. Maher, has the papers relative to this measure?

Mr. MAHER: I will state that I have the papers here, Mr. Speaker.

The SPEAKER: The Chair will state that at this morning's session the House voted to indefinitely postpone, Bill, An Act to provide for retiring and pensioning employees of the State of Maine. The gentleman from Augusta, Mr. Maher, now moves a reconsideration of the vote to indefinitely postpone.

Mr. MURCHIE: Mr. Speaker, I notice that the gentleman from Auburn, Mr. Wing, is not in his seat, and I suggest that the motion to reconsider be tabled temporarily until he returns.

The SPEAKER: The Chair will

state that the gentleman from Auburn, Mr. Wing, has just arrived in the House. The question is on the motion to reconsider the vote of the House whereby it voted to indefinitely postpone this measure.

Mr. MAHER: Mr. Speaker, the House has recently heard the remarks of my colleague and associate from Auburn, Mr. Wing, relative to rule number 14 anent an act to provide for retiring and pensioning employees of the State of Maine, and I desire at this time to make the following remarks in order to show that the remarks of the gentleman from Auburn, Mr. Wing, are aside from the conclusion which he draws. I may state that I am uninterested in the fate of the measure, and I care nothing whatever about it. The gentleman calls attention of the House to rule number fourteen which says that any measure which has been finally rejected shall not be revived except by reconsideration, and no measure pertaining to the same subject matter shall be introduced during the session unless three days' notice is given to the House of which the mover is a member. That rule, as he stated, is correct. He states that upon a certain day in January, I believe it was January 27, there was introduced by me a bill for retiring and pensioning employees of the State of Maine which was referred to the committee on judiciary, and upon March 11 there was introduced a measure in regard to which reference was recommended to the committee on pensions, relating to the same subject matter. The gentleman is in error. The same subject matter, gentlemen, is not from the title; the same subject matter is the gist and the heart of what the act is. We will all agree with that, I think. It is not in the name of a thing, it is in what the thing really is.

Now, let us see. Chapter 38 of the Laws of 1919 provides as follows, and I will try and make this clear so that any layman can understand, and he need not be a lawyer—Chapter 38 of the Laws of 1919 says that the superintendent and board of trustees of any State institution and the head of any State department "may recommend." Note the words, it says "may recom-

mend" the retirement from active service and placing upon the pension roll of any employee, "any employee," who has been employed in any State institution or department in this State with a good record for the term of 25 consecutive years. The rest of the provision is immaterial; the important part being the words "may recommend" and the words "any employee."

Now, this subject arises out of the condition at the insane hospital in the city of Augusta. There are over there two groups of employees who are affected by this pension act, and whether it is due to their particular location or to the particular make-up of the individual or to the general variance in human nature, I do not know. But those two groups differ among themselves except in the fact that they both want pensions, and they differ in this, that they have different attorneys. One of the attorneys for one group presented one bill, and he appeared before the judiciary committee and frankly stated that he represented one client, and his bill was as follows: "The superintendent and board of trustees of any State institution and the head of any State department shall recommend the retirement from active service and placing upon the pension roll any employee." Note the words "any employee," and "shall recommend."

The trouble originated over there from the words "may recommend," the superintendent under the discretion permitted in the words "may recommend" refusing in several instances to recommend, and some of these men wanted the word "shall" inserted so that when they had attained the qualifications of the act, 25 years of consecutive service, and they applied for a pension, that he should be compelled to recommend a pension, and that is what is covered in this bill, "shall recommend."

The committee on judiciary turned down that proposition, I think perhaps wisely. I state here that my position upon the matter of pensions of State employees is that the pensioning of civil employees is all wrong, and absolutely at variance with sound business principles. I do not think there

should be any civil employees of the State of Maine pensioned, whether it be a justice of the supreme judicial court or an employee of any of the departments, unless he has contributed to a pension fund a certain percentage of his salary. Now, that is the position I took there and it is the position I take here, and I was perfectly willing that the matter should be adversely reported. I do not like, though, to have the House think that I am in any way taking advantage of it, because I am not.

The next group, not satisfied because of the ruling of the judiciary committee, a group that is warring and has been warring until this morning here in the corridor, comes in with a further bill which provides as follows: "The superintendent and board of trustees of any State institution and the head of any department shall recommend the retirement from active service and the placing upon the pension roll any employee who shall have attained the age of seventy years." It says "shall recommend", and "that shall have attained the age of seventy years," and that clause being entirely foreign to that act, entirely foreign to the provisions of the act, favorably reported by the committee on pensions, and the other group of men who are opposed to it this morning in the corridor sending for me and asking that this bill be killed.

Now, Mr. Speaker, distinguished attorneys from this county, former county attorney Thomas Leigh, represented the first group that appeared before the judiciary committee; the present county attorney Mr. Sanborn, represents the second group who are willing to have the seventy-year clause put in, and want the "shall", they both want the "shall", but only one group is willing to have the seventy-year clause. If they have served for twenty-five years, and if they happen to be then only fifty years of age or sixty years of age, or fifty-five years of age, if they have been there twenty-five years drawing a salary from the State, they want the superintendent to be compelled to say that the

State of Maine shall give them a pension. We said that we did not think that was fair, and we turned it down, and I think it was right. The other group says, "of course that should be turned down; what we want is this—we want it compulsory; we want the word 'shall' in there, but we want to be fair to the State of Maine, and we want it provided that any employee who shall have served twenty-five consecutive years and has attained the age of seventy years, upon application being made, the superintendent 'shall' recommend."

Now, Mr. Speaker and gentlemen of the House, I simply advert to this in order to clear away any idea that there may be in the minds of members of this House that there was any attempt to obtain from a different committee a different result on the same bill. They are not the same bills, either in essence, in substance or in semblance; they are totally different, and the only language wherein they bear a similitude is in the title. And with this explanation, Mr. Speaker, in consonance with my own position that there should not be any pension granted to any civil employee or to any civil officer of this government, whether he be a justice of the court or an employee of the highway department, or an employee of the insane department, until we have a law intelligently framed like that in Massachusetts which will provide for a contribution of a certain percentage each year from their salaries to that fund. And I now move again for the indefinite postponement of the pending measure. (Applause).

Mr. WING of Auburn: Mr. Speaker—

The SPEAKER: The Chair understands that there is no motion before the House.

Mr. MAHER: Mr. Speaker, I have moved for the indefinite postponement of this bill.

The SPEAKER: As the Chair understands it, the measure was indefinitely postponed before the House took a recess.

Mr. MAHER: And I understood, Mr. Speaker, that the House reconsidered that vote.

The SPEAKER: Does the gentleman from Augusta, Mr. Maher, move to reconsider?

Mr. MAHER: No, Mr. Speaker, I will withdraw my motion.

On motion by Mr. Hinckley of South Portland, the House voted to receive out of order the report of the joint committee on judiciary and ways and bridges on Bill, An Act relative to motor vehicles and the laws of the road, and to revise and amend Chapter 26 of the Revised Statutes and acts amendatory thereof and additional thereto, reporting same in new draft under same title and that it "ought to pass", the report being signed by the following: Messrs Hinckley of South Portland, Wing of Auburn, Gardiner of Gardiner, Cole of Eliot; Senator Stevens of York, Messrs. Witham of Clinton, Gerrish of Lisbon, Story of Washburn, Brewster of Orland, Senator Gillin of Penobscot, Senator Farrington of Kennebec, Mr. Murchie of Calais, Senator Parent of Androscoggin, Messrs. Smith of Skowhegan, Granville of Parsonsfield, Senators Adams of Kennebec and Baxter of Sagadahoc. The report was accepted.

On motion by Mr. Hinckley of South Portland, the rules were suspended and the bill received its two several readings.

On motion by Mr. Murchie of Calais, the bill was tabled pending its third reading and 500 copies ordered printed.

On motion by Mr. Hinckley of South Portland, the House voted to receive out of order the reports of the joint committee on judiciary and ways and bridges on Bill, An Act to provide for a full time State highway commission, amending Section 3 and Section 4 of Chapter 25 of the Revised Statutes, relative to State highways, and also amending Section 34 of Chapter 117 of the Revised Statutes relating to salaries of the State highway commission, the ma-

jority report being in a new draft and "ought to pass" and being signed by Messrs. Hinckley of South Portland, Gardiner of Gardiner, Granville of Parsonsfield, Witham of Clinton, Gerrish of Lisbon, Story of Washburn, Wing of Auburn, Brewster of Orland, Cole of Eliot; and Senators Gillin of Penobscot, Parent of Androscoggin, Adams of Kennebec, Farrington of Kennebec, Stevens of York and Baxter of Sagadahoc, and Messrs. Case of Lubec and Smith of Skowhegan; the minority report, reporting that the same "ought not to pass" signed by Mr. Buzzell of Belfast.

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

On motion by Mr. Murchie of Calais, the rules were suspended and the bill received its two several readings.

On further motion by the same gentleman, the bill was tabled pending its third reading and 500 copies ordered printed.

On motion by Mr. Morneau of Lewiston, Senate Document No. 116, Bill, An Act to promote the efficiency of the Lewiston fire department, was taken from the table.

The SPEAKER: In the House, this bill was passed to be engrossed as amended by House Amendment "A." In the Senate, that chamber disagreed with the action of the House in non-concurrence.

Subsequently the House voted to adhere; in the Senate, that body voted to insist on its former action and asked for a committee of conference, with the following conferees named on the part of the Senate: Senators Parent of Androscoggin, Clark of Lincoln and Eaton of Oxford.

On motion by Mr. Morneau, the House voted to concur with the Senate and join a committee of conference.

The Speaker thereupon appointed as such committee of conference on the part of the House, Messrs. Larrabee of Lewiston, Barwise of Bangor and Wilson of Presque Isle.

Mr. GRANVILLE of Parsonsfield: Mr. Speaker, I have here a statement of facts from the committee on ways and bridges which I would like at this time to read to the House.

(Mr. Granville then started to read the statement of facts.)

Mr. BUZZELL of Belfast: Mr. Speaker, it seems to me that the gentleman from Parsonsfield, Mr. Granville, has some very valuable information to impart to the House, and I move that the further reading of the communication be dispensed with and that 500 copies of the entire communication be printed as a legislative document.

The motion was agreed to.

On motion by Mr. Poore of Casco, Bill, An Act to amend Paragraph 7 of Section 98 of Chapter 4 of the Revised Statutes, as amended by Section 2 of Chapter 58 of the Public Laws of 1917, relating to gasoline tanks and pumps placed within the limits of the highway, was taken from the table.

The pending question being the third reading of the bill,

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

The SPEAKER: The Chair takes from the table, Bill, An Act to amend Section 12 of Chapter 117 of the Revised Statutes, relating to the mileage of the members of the Legislature, tabled by the Chair March 31, pending its third reading.

The pending question being the third reading of the bill,

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

Mr. WADSWORTH of Winthrop: Mr. Speaker, I move that the vote be reconsidered whereby the House yesterday passed to be engrossed Senate Document No. 170, resolve appropriating money to pay for screening certain lakes and ponds. I will state that I do this for the purpose of later placing it upon the table for the reason that the money that is to

be raised for this purpose is to come from non-resident fishing licenses, and I understand there is a bill to be introduced to repeal that law, and if that is a fact there will be no money left for that purpose.

The SPEAKER: The Chair will inquire if the gentleman from Winthrop, Mr. Wadsworth, has the papers relative to this measure in his possession?

Mr. WADSWORTH: I understand the papers are in the possession of the engrossing department.

The SPEAKER: The Chair will suggest that the gentleman from Winthrop, Mr. Wadsworth, prepare an order requesting the engrossing department to return the papers to the House.

Mr. Wadsworth then presented the following order:

ORDERED, that the committee on engrossed bills return to the House, Senate Document No. 170, Resolve appropriating money to aid in screening certain lakes and ponds.

The order received a passage.

The SPEAKER: The Chair presents the resolve referred to for the consideration of the House.

On motion by Mr. Wadsworth, the resolve was then laid upon the table.

On motion by Mr. Forbes of Paris, the vote was reconsidered whereby the House passed to be engrossed, Bill, An Act to amend Section 12, of Chapter 117 of the Revised Statutes, relating to mileage of members of the legislature.

Mr. FORBES: Mr. Speaker, this bill has not been printed, and in some way I happened to be absent from the House when it received its two readings yesterday, and did not notice until it came up this morning on the calendar. I have just had occasion to look at the bill and while I am in favor of the main proposition of the bill, I have discovered one very interesting feature in it, namely, that for a special session of the legislature the members shall receive a per diem and mileage at a very liberal rate. It was my pleasure, as a member of the Seventy-ninth legis-

lature, to attend two special sessions, one lasting for four days and one lasting one day, and with the mileage at the present rate, I received a very fair compensation, being far enough distant from Augusta to make a fair-sized check. Those special sessions were very pleasant social reunions, and incidentally we increased the bonded indebtedness of the State by several millions by holding those special sessions. That, however, is merely by the way. If this bill had been in effect, I should have received for the first session of four days, under the very profitable computation of mileage, the sum of \$91, and for the second session, a somewhat larger sum. Of course those members who are farther distant would receive correspondingly larger mileage. It seems to me that there is something in this bill which is not just exactly as it should be. Special sessions of the legislature of course are to be discouraged and are to be held only in cases of emergency, and in view of the provisions of this bill, I now move that it be tabled for the purpose of amendment.

The motion was agreed to and the bill was tabled.

Mr. HOLLEY of North Anson: Mr. Speaker, to avoid any confusion at a later date in the House, and realizing that there are very many members here of various delegations who are vitally interested in the appropriations which may be granted to various charitable institutions in the state, and meaning more particularly the smaller hospitals, I want to call the attention of members of the House to Senate Document No. 182, which is a blanket resolve covering all the various smaller charitable institutions in the state; and when your original resolves come back into the House they will be reported "ought not to pass," and fearing that you might misunderstand this, I call your attention to the fact that the resolves which will be reported "ought not to pass" are all taken care of in the blanket resolve which will be reported "ought to pass."

On motion by Mr. Brewster, the

House voted to receive out of order the report of the committee on legal affairs on bill, An Act to amend Section 65 of Chapter 126 of the Revised Statutes, as amended by Chapter 221 of the Public Laws of 1917, relating to designation of persons appointed to enforce the law relative to the prevention of cruelty to animals reporting the same in a new draft and that the same ought to pass.

The report was accepted.

The SPEAKER: The Chair will state that the amendment provides for the designation and denomination of State humane agents.

On motion by Mr. Hussey of Blaine, the rules were suspended and the bill received its two several readings.

Mr. Gerrish of Lisbon moved that the rules be suspended and that the bill be given its third reading.

Mr. MAHER of Augusta: Mr. Speaker, I rise for a point of information. Who is the introducer of the bill?

The SPEAKER: The Chair is unable to give that information. The endorsement on the bill is that it is presented by the gentleman from Calais, Mr. Murchie.

Mr. MAHER: I yield to the gentleman from Auburn, Mr. Wing.

Mr. WING: Mr. Speaker, I am somewhat at a loss to understand the purpose of the gentleman from Augusta, Mr. Maher, and I yield to the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker, I will say for the information of the gentleman from Augusta, Mr. Maher, that this is a bill which was introduced by me at the request of the State Department, so that they would not have to write on the commissions of men now designated as "State Humane Agents" the very extensive language that has formerly been necessary to be employed on those commissions. The act previously has given no name to these officers, and the commissions have necessarily contained language covering about half of the section that creates the office, and this simply gives them a title and al-



lows the commission to be made out in a brief form.

Mr. WING: May I inquire if this amendment gives the agents of the society for the prevention of cruelty to animals the same powers as deputy sheriffs?

The SPEAKER: The amendment to the present statute states that these persons shall be designated as State Humane Agents; that's the only change in the statute, instead of being called officers of the society for the prevention of cruelty to animals they are called State Humane Agents.

Mr. WING: Does it give them the authority of deputy sheriffs?

The SPEAKER: The statute is in no other way amended, according to the bill.

Mr. MAHER: Mr. Speaker, I may be in error, and perhaps did not hear the Chair correctly, but will the Chair now read the clause about serving processes and arrests?

The SPEAKER: The Chair understands that is a copy of the present statute. The Chair is unable to state whether it is correctly copied or not.

On motion by Mr. Hinckley of South Portland, the bill was tabled.

Mr. TILDEN of Hallowell: Mr. Speaker, I move that a message be sent to the Senate recalling resolve for maintenance of the reformatory for women, which was passed to be engrossed at the session of the House which was held last evening.

The SPEAKER: The Chair feels obliged to state that gentlemen must prepare their orders in writing for such purpose. This is in accordance with the rule. If the gentleman from Hallowell, Mr. Tilden, will send to the Chair the title of the bill, the Chair will endeavor to expedite the business.

Mr. Tilden then presented the following order:

ORDERED, that the Senate be requested to return to the House Resolve in favor of the State reformatory for women, for maintenance.

The order received a passage.

On motion by Mr. Maher of Augusta, House Doc. No. 203, Majority and minority reports of the committee on judiciary, on Bill, An Act to secure the purity of ice cream, was taken from the table.

The pending question being the acceptance of either report.

Mr. Maher then moved that the minority report, reporting "ought to pass", be accepted.

Mr. MAHER: Mr. Speaker and gentlemen, I will briefly state my reasons for making this motion. This is a bill which has been generally known as the "homogenized" ice cream bill. I am not responsible for the name and I do not like the name, and I do not like the thing the name designates, but homogenous ice cream is the correct name, and comes from the name of the implement which produces the thing, which is known as a "homogenizer". This is the name selected by the maker, and the only purpose of my bill is to provide means so that the users may know what they are using.

Now, Mr. Speaker and gentlemen, homogenized ice cream, for the benefit of those who are not familiar with it, as I understand the term, is a frozen milk product, which is the result of the blending of things, or the vital part of which is not milk fat in its natural state. To get exactly the situation of what it is, homogenized ice cream may be and usually is the result of breaking up and distributing the fat globules from butter, together with skim milk, and it gets to a homogenized or equalized mass, and then it is frozen and we eat it as ice cream; and the ordinary test for determining whether it is regular ice cream or homogenized ice cream would be to hold a little in a spoon and put it in your mouth, and attach it to the roof of your mouth, and if it comes down it is ice cream, and if it sticks, it is homogenized. I don't say that it is bad, and I have eaten a lot of it myself. I don't know whether it is deleterious or injurious or not. It is

rather unkind to believe that usually it is not. I think generally it is a delectable article and takes the place of the regular thing, but upon the ground of fair play, from the standpoint of competition, and from the ground of economic argument of fair play, and upon the ground of fair play to the public, I think my bill is a very excellent and commendable bill.

Now, in regard to this product, there was testimony before our committee to the effect that it was kept 60 to 90 days and even longer in cold storage, and then when the season was ripe or at a time when skim milk was available, we had homogenous ice cream. You cannot expect the Maine farmers, selling cream down here to the makers of the real ice cream, you cannot expect the farmers to bring down the price of their cream so that they are going to compete with the homogenous article; and you cannot expect the dealer in genuine ice cream to be able to compete for a moment with the homogenous product. And so I say on the proposition of competition, it is only a fair thing that this article should take its proper place in commerce and be branded as exactly what it is. This surely cannot do any harm.

In the second place, from an economic standpoint, as it affects the farmers of the State of Maine, the passage of this act, or in other words the adoption of the minority report, would increase at once the price of milk to the farmers of Maine who are selling milk to the creameries and homogenizers. From the standpoint of the public, it might be facetiously said that no young man would want to take his young lady by the arm into an ice cream parlor and ask her if she would have a plate of "homo," probably not, if he is going in and investing his fifteen cents for a plate or what would be a fair price for a plate of ice cream in these establishments; whereas next door there may be a little more ornate front or something a little more attractive and he pays his fifteen cents for something that sticks

to the roof of her mouth. In such a case, I think he ought to know it, and I feel sure that she ought to know it. In this case, she might not like the young man because she did not like his taste.

There is another reason. Somebody may say they do not like the trade name. They print now on all their cartons the name in order to comply with the law which they have to observe, and they chose the name of "homo," and that is on their cartons, and it is known as "homo." I have wondered why it was known as "homo," and I happened to find the explanation in a decision of the Food Inspection Department, under the Federal law, given March 28th, 1911, and this Food inspection decision reads as follows:

"Investigations have shown that there has lately come into use in the trade an apparatus known as an 'homogenizer,' which has the faculty of so disrupting the globules of fat that a whole milk homogenized does not permit the separation of the cream through the ordinary gravity methods. In like manner butter or other fat and skimmed milk passed through the homogenizer form a product from which the butter does not separate on standing and which resembles in its other physical characteristics whole milk.

Investigations have further shown that butter and skimmed milk are passed through the homogenizer to form a so-called 'cream,' which is used in place of real cream in the manufacture of ice cream.

The board is of the opinion that skimmed milk and butter fat in appropriate proportions passed through the homogenizer are not entitled to the name of 'milk' or the name of 'cream,' as the case may be, according to the quantity of fat which is present. The board is further of the opinion that the product made from an homogenized butter or skimmed milk cannot be properly called 'ice cream.'"

And that being so, when this product gets into State commerce, it is labeled "homo," and I simply ask that for the trade in Maine, we

have the same privilege of having it labeled "homo."

One of the witnesses at the hearing testified that this product, "homogenous ice cream," was very frequently made from milk powder, water and skim milk, no cream at all. I think it is almost universally made from butter and skim milk with the necessary flavor. I haven't any objection to anyone who wants to eat it; I think it is very good, and perhaps I eat it myself, but I do think it is right along in line with the protection of the big farming interests of Maine that this product should be labeled and I think it is absolutely due to the public that it should be labeled for this reason. It is very manifest that ice cream, as the doctors will tell you, is better when it is freshest, and any ice cream that is made out of material that is kept for 90 days cannot be quite so good for a sick child or for a convalescent patient who has been down into the shadows from typhoid or from pneumonia or any one of the ravaging diseases; and I say that it is no more than fair play to the great consuming public, as well as competing business, that this should be labeled "homo," just the same as we label the nutritious substitute for butter, "oleo." Personally I hold no brief upon this measure. I have endeavored now and at all times to be perfectly frank to this House, and I wish to say to you in frankness that this homogenous ice cream bill, dealing with a by-product of skim milk and butter, is in itself a by-product of the so-called standardized milk bill. That bill has gone across, and at the proper time the House will use its good judgment as to whether or not it desires to standardize this product.

I therefore move the adoption of the minority report.

Mr. GERRISH of Lisbon: Mr. Speaker and gentlemen, fat is fat, and it has a high food value. Fat may be dirty or clean. Dirty fat has the same food value as clean fat. That is a question for the food inspectors to decide. The Eskimos live entirely on fat; they have no sugar or beef steak, but the fat is not labeled.

Mr. MAHER: Mr. Speaker, indulging in the privilege which is left me of speaking the second time upon this matter, and answering the forceful and trenchant argument of the gentlemen from Lisbon, Mr. Gerrish, I will say that I am not informed as to the pure food regulations of the Eskimos.

The SPEAKER: It is to be presumed that they are acting under the Divine dictate, "He that is filthy, let him be filthy still."

Mr. WILSON of Presque Isle: Mr. Speaker and gentlemen, I wish to say that for many years I have dealt in milk and cream in all its forms, salted butter and fresh butter, commercial cream and ice cream. It was a business with me for 11 long years. I thoroughly agree with the position taken by the gentleman from Augusta, Mr. Maher, in regard to this matter. I have no doubt but all of you, gentlemen, have been in restaurants and so-called ice cream parlors where you have had a dish temptingly set before you, and when you have carried that to your house, you have found some distinct flavor there which you have wondered what it might be. Now, it is well known that milk and butter will take from the air the odor quicker than any other substance produced in the line of a food article, and when these products have been placed in containers made of wood, whether it is spruce or oak, there is a distinct flavor noticed in the product, you taste it sometimes and it tastes a little rancid. Instantly when you have tasted it, you have carried it back to where the butter was packed. And for the same reason you can detect the flavor of ice cream when it is in wood, whether oak or spruce, or whatever kind of wood it was, and it is a fact known by all men who handle dairy goods that even fresh butter, after it has been for five minutes in a container of spruce or oak, will take a taste from the wood; also it is a fact known by all experts in butter that fresh butter drawn from cold storage will, within 24 hours, begin to deteriorate and turn rancid.

Mr. WING of Auburn: Will the Chair please state the situation in re-

gard to the reports which are before us?

The SPEAKER: The Chair has upon its desk two reports from the committee on judiciary, the minority report being "ought to pass," and the majority report being "ought not to pass." The nine members of the committee having divided, and four signing the minority report "ought to pass," and five signing the majority report "ought not to pass."

Mr. WING of Auburn: Mr. Speaker and gentlemen of the House: I am not so accustomed to using large words as is the gentleman from Augusta (Mr. Maher). They stick in my mouth like homogenous ice cream. There is in my community an organization representative of 4000 farmers, formerly the Turner Center Dairying Association, now the Turner Center System, and that great business enterprise opposed the passage of this bill. I was so much interested in it that I went to their place of business because I wanted to see this strange thing called an homogenizer. I looked at it, and as near as I could find out, it was nothing more or less than a confound squirt-gun. The real truth about this matter is that this great distributing concern is much concerned with the conservation of milk and milk products. You gentlemen have no idea of the amount of preparation it takes to provide ice cream enough for the small boys and the young women, and the old—everyone in the State of Maine—for an occasion like the Fourth of July or Labor day. You have no idea of the demand that it put upon the distributing agency like the Turner Center Dairying Association to get ready for those particular occasions. Now this homogenizing makes that distribution possible. It makes it possible for the farmer, as I understand it, to conserve his milk product over a period of time. So much for that feature of it. I do not want to have every small boy and little girl in this State who takes a sum of money in one hand and a war tax in the other to go and buy a cone of ice cream and to have that child or elderly person have that cone labeled "Homo-

genized Frozen Milk Product." It seems to me that is putting too much on the ice cream cone. Now that is what the law provides. It says, "In the shipment or sale thereof, all containers used for conveying and distributing such product shall be branded and labeled Homogenized Frozen Milk Product."

The SPEAKER: I know the gentleman does not wish to deceive and he will pardon the Chair for suggesting, if it has it right, that instead of the words which he has repeated, it is "homogenized ice cream," or "homo."

Mr. WING: The Chair will permit me to say that I asked for the variant reports, and as I understood it, the report was on this bill, ought to pass, and nothing was said as to the new draft.

The SPEAKER: The gentleman from Auburn (Mr. Wing) does not wish to deceive the House, and the Chair will inform him once again that the report of the committee on Judiciary, to which was referred the bill entitled an act to secure the purity of ice cream was that they had had the same under consideration and asked leave to report the same in new draft under same title, and that it ought to pass.

Mr. WING: I have no disposition to deceive the House at all, and inasmuch as I understood that the gentleman from Augusta (Mr. Maher) was speaking to House Bill 203, I made the remarks as I did; but I will go further. This House does not want to go on record as compelling a business institution of this State to use a trade name to which they have no title. You cannot compel a great business establishment to use a trade name which will at once involve it in a law suit. I am informed by this same Turner Center System that they did mark certain packages "Homo," but they were threatened by law suits, and they are not now so marking; so I say to this House whether in this draft or in the other, you do not want to compel a great business establishment of this State, representing as I have said, 4000 farmers—you

do not wish to drive them into law suits, and I sincerely hope that the motion of the gentleman from Augusta (Mr. Maher) will not prevail.

Mr. HINCKLEY of So. Portland: Mr. Speaker, I think I am stating a fact when I tell you that the only farmer who appeared in opposition to this bill in the House was the representative from Presque Isle, and I know that the farmers over this State are not opposed to this bill. The farmers know that it is impossible in the summer time to secure sufficient cream to make the ice cream that is demanded by the citizens of this State. I think that must be taken as an established fact. I believe the farmers are back of it and evidence came to us that the 4000 farmers who own and control the great Turner Center System that puts out a large part of the product of the ice cream in this State, are interested in this bill. This great corporation is owned by the farmers and by nobody else.

Now this word "Homo" and that is what I am objecting to especially—this word Homo has a sound which I do not like. It makes me think of my younger days when I read the word Homo in my Latin grammar and it meant "man" at that time. It is well known that during the great war there was a scarcity of fat in Germany, and it is related that in order to correct this situation, great wine presses were constructed by the German people and the bodies of the dead men were thrown in and the fat abstracted from them, and butter and ice cream—or "Homo"—was made from it. I do not like it. Are you going to label this Homo, and have every ice cream parlor and every soda fountain in the State hang up the word Homo, meaning "man"—the oil of man. Why it is most ridiculous! I tell you, gentlemen, that you will ruin industries that have invested millions of dollars in this State, and I say this to you, regardless of the fact that the National Department has ruled that "Homo" should be stamped on this product when it goes out of the State. We have too much regulation, and it is

about time that we recognized it, and it is about time that we recognized that business interests have some rights, and it is about time that we state that you are not going to ruin the great business enterprises of our State. Every person who appeared before the committee and every person with whom I discussed this bill admits that this product is just as pure, just as clean, just as wholesome as if it were made from the original cream; and why shouldn't it be, taking the pure, wholesome, sweet butter and mixing it with milk and putting it back to its original state as nearly as possible, and making the ice cream. I say it is unfair to ruin these great business enterprises in this State when there is no call for it and no need of it, and I hope that the minority report will not be accepted, but that the majority report—my name does not appear on the majority report; I voted against the bill and did not happen to be present when it was signed, but I say to you that I want to join in that majority report, ought not to pass.

Mr. WILSON of Presque Isle: Mr. Speaker, I am proud to say that I am a farmer, and I want to say to the gentleman from So. Portland, (Mr. Hinckley) that the reason the farmers do not produce more milk and cream now is because they cannot make any money doing it. What cream there is produced for sale in the State of Maine, goes to Massachusetts to make ice cream. It is not because cream is not produced to satisfy all of the tests for ice cream in the State of Maine, it is because the man who sells it can get more money by shipping it to Massachusetts to be made into ice cream when he has to compete with the frozen or homogenous ice cream. They can make homogenous ice cream in the city of Auburn and ship it to Fort Kent and sell it for less money than cream can be bought there to make ice cream; and it is so all over the State. These conditions are recognized by farmers and the reason they are not keeping more cattle is because they can derive no profit therefrom. No man can be expected to conduct a business and present it to

the public year after year without any return from it.

Mr. PEABODY of Richmond: Mr. Speaker and gentlemen of the House: I am a supplier of milk and cream to the Turner Center System, and I have given this matter somewhat careful study. The Turner Center System cannot procure enough cream from the farmers of Maine today to anywhere near supply their trade, and in order to make homogenous ice cream they have to buy frozen milk product and store it in cold storage from sixty to ninety days; and if this bill passes the Turner Center System admit that they cannot compete with the ordinary ice cream dealers who make ice cream from pure, sweet cream. If this bill does not pass and they are not obliged to label their product Homo, they can compete. I believe that every food product should be labeled exactly what it is. It makes no difference whether it hits me or somebody else, but I do believe that they ought to give the farmers of Maine a chance to make some money on their cattle and on their farm product.

Mr. RICKER of Poland: Mr. Speaker and gentlemen of the House: I believe that the time to pass a bill is when the public or the people of the State of Maine are asking for it. I do not see today where there is any demand or where the people are asking for a bill like this. This ice cream is not injurious to the people who are consuming it. One reason why we have to have it is because at certain times of the year there is not a sufficient supply of cream to take care of the demand for ice cream, and that is why this machine was first made.

Now the gentleman from Augusta (Mr. Maher) said that by the passage of this bill, the farmers would receive more money for their cream and milk; but I am unable to see where the farmer is going to benefit any because for years the State of Maine farmers have not been able to keep up with the demand for milk and cream. Why I know of this we used to have ourselves a small butter factory where he made our own butter

in the summer. We were unable in this State to get the cream and had to go to Canada and buy it. We bought this cream at St. Hyacinth, Quebec, because the farmers of this State were unable to supply us. It has been that way for years, and the demand for ice cream has increased far in advance of the product of milk in this State. That is why the ice cream manufacturers have had to resort to this method, and it is not injurious to the people to use this homogenized ice cream. I hope the gentleman's motion from Augusta will not prevail.

Mr. McILHERON of Lewiston: Mr. Speaker, this is the first I have known about this new process of making ice cream. I remember the Turner Center Creamery when it first started in Lewiston, and I think that the place that they occupied then on Main Street was probably 50 by 75; that was their floor space; and that is the enormous, wonderfully rich corporation that they are talking about here this morning. I claim that a corporation is similar to a man. If he is honest, he will not get to be a very wealthy man in a hurry. A corporation likewise. My friend, Mr. Ricker, says that the people do not demand a bill like this. I claim that the people demand what is right and just.

If they are going to buy ice cream, they want to buy it, and if they are going to buy Homo—the boys used to call a thing like that “phony.” That would be a good term for it, I think, and you would all understand it. If they are going to buy Homo at the same price they pay for ice cream, they want to know about it, and I think they are intelligent enough to judge. I think that the product should be labeled just what it is and I believe that the people demand that we, as their representatives, should have things put before them so they will understand them. I think it is a benefit for the people and also the farmers and the great wonderful corporation that has grown to such proportions. I remember of being in Providence one day going past their place, and it struck me how they had grown from how they were in the beginning on Main Street in Lewiston.

I felt as though I was almost in Auburn when I looked in the window and saw the display there. If they label the product what it is and charge a fair price for it, perhaps they won't increase so rapidly in wealth and influence.

Mr. WARREN of Portland: Mr. Speaker, I do not propose to pose as an expert on ice cream. I was born on a farm, the same as a good many of us were. I have not lived on a farm for a good many years, but I want to say this: When I was at home a week ago, I think it was, a man who manufactures ice cream came into my place and spoke of this matter. That was the first knowledge I had of the bill being presented. He objected to its passage and he asked me to step over to his place of manufacture and see the process. Now I got an altogether different idea from what the gentleman from Augusta (Mr. Maher) has of this homogenous ice cream. The process as carried on at his place of business is this: He receives the perfectly fresh milk every morning by train, and he puts into it not fourteen per cent, but eighteen per cent, of butter—perfectly fresh unsalted butter. In this process of homogenizing it is put through a pump with a very fine needle valve, and the particles of butter as I understand are completely broken up and you get a very rich, smooth cream. I tasted it. I tasted some of the ice cream, and some of the cream before it was made into ice cream. I did not put it up to the roof of my mouth to see whether it would stick there or not, but I swallowed it, and I assure you that it was very agreeable to take. I said to this man, it seems to me that this homogenized ice cream is smoother, better and richer than the ice cream made from common cream, and I said it seems to me that it would be an advantage to you if you could advertise homogenized ice cream and also explain the process and that I thought he would sell more cream when the people came to know the product and compared it with un-homogenized ice cream.

Now I am not in favor of the bill,

and I know there is considerable opposition to it, but that to my mind is the idea of the homogenized ice cream as manufactured and it seems to me that any ice cream ought to be taken care of under the pure food law without any such measure as this.

Mr. WEATHERBEE of Carroll: Mr. Speaker and gentlemen of the House: In spite of the serious opposition to this word Homo, the fact remains that the people of this State are accustomed to calling a spade a spade, and I trust this House will uphold that custom by supporting the motion of the gentleman from Augusta (Mr. Maher).

Mr. CHANDLER of Dover: Mr. Speaker, the Turner Center System is controlled by the farmer and their men come down here speaking for the farmer—four thousand, as you have heard. In the summer time you all know that the weather is not always ice cream weather. Now we send our cream there. There will be three or four days of cold, damp weather and the cream won't keep sweet for any great length of time. It sours and they churn it into this fresh butter. It comes off warm weather and they take that butter and make it into ice cream and they could not get half enough if they did not have it and they make it into this so-called homogenous ice cream and sell it. The Turner Center men are speaking for the farmers of the State. That is why we allowed Mr. Maher to kill the milk bill because it was going to be labeled and we knew it would be a detriment to the farmers. Now if you want to do anything to injure the farmers, go ahead and label this cream.

Mr. PHILLIPS of Orrington: Mr. Speaker and gentlemen of the House: I want to say just a few words in reply to the gentleman from Poland, Mr. Ricker, regarding the scarcity of cream and the hard proposition that the manufacturers of this homogenous product have of getting their cream. Now I am a farmer. Thank the Lord that I don't have to depend upon that for a living, or I would not be here; but for a number of years, I have been on the board of

assessors in our town and I have watched the progress of farms and farm life, the dairy interests in particular. Perhaps a matter of 10 or 15 years ago in the town of Orrington, which I represent, there was somewhere in the neighborhood of some 1600 milch cows. There was a large dairying interest. Today there is practically around 500. Now why is it? Down there in my section there is no demand for the product at a profitable price. Can you expect the farms to supply this milk if there is not a living wage to it? I hardly think that is a fair proposition, and as for my section they have no reason to object particularly to this bill; but I think you will find that farmers as well as the consumers like to know what they are buying. As for myself, I am a great lover of ice cream; but you cannot buy ice cream in the city of Bangor; you have got to buy this homogenized product. Now why not make it possible to be able to buy it? When I want ice cream I have to get the good wife to make it. It does not seem any hardship to label this product what it is.

Mr. MURCHIE of Calais: Mr. Speaker, I move the previous question.

Mr. CHASE of Unity: Mr. Speaker, I am a farmer, also a milk producer, and I feel that I know the situation in my section of the county. Now the farmers in Maine for the last few years have been trying to regulate the supply of milk and spread it over the different months of the year so there will not be a surplus in any one portion of the year. There used to be a surplus in the summer months

The SPEAKER: The Chair regrets to state that the rules prohibit a debate on the previous question.

Mr. MURCHIE: I gladly withdraw my motion.

Mr. CHASE resuming: It seems to me that when you are asking the farmers to produce in the summer months more than at any other time in the year for the purpose of making ice cream that you are going to work a harm. This change cannot be made

without considerable trouble and expense, and to make this change is going to work a material injury. The farmers will be unable to sell their milk except right through the very warmest weather when a great amount of ice cream is required. I sincerely hope that the motion of the gentleman from Augusta (Mr. Maher) will not prevail.

The SPEAKER: Is the House ready for the question?

Mr. COLE of Eliot: Mr. Speaker, I want to state my position as a member of the committee signing the majority report. The pure food inspector of the State of Maine came before our committee and testified that this was perfectly pure and not deleterious to health—just as good as the ordinary ice cream. The evidence showed that the capital of Maine people invested in these manufacturing concerns making this so-called homogeneous product was a very large sum of money. One company recently invested \$145,000 in such a plant. Now that plant is under the careful supervision of the pure food department of this State. Everything is sterilized and kept up to date, as modern as anything can be. One of the men from one of these great ice cream plants testified that they manufactured a million gallons a year. Now this seems a lot of cream and milk to be taken out of the mouths of the babies, if it must all be used in ice cream and there can be no other substitution.

Another point, the most of the people who are making this are good American citizens. Go down through your streets and watch the ice cream saloons and the fruit stands and see whether you will legislate against American citizens by branding ice cream as a substitute, or whether you are going to let ice cream be made in the basement slums and dumps. I believe that the so-called homogeneous ice cream, if it is just as good, just as pure, can be taken care of by the supervision of our pure food department a good deal more safely, and that it is not fair to those people to brand it as a substitute when it is a real article.



The SPEAKER: The question is on the motion of the gentleman from Augusta, Mr. Maher, that the minority report of the committee on judiciary, reporting the bill in a new draft and that it ought to pass, be adopted. All those in favor will say aye, contrary minded, no.

A viva voce vote on the question was doubted.

The SPEAKER: The question is doubted. All those in favor of the adoption —

Mr. MAHER: Mr. Speaker, it is a simple matter, and I dislike to take the time, but I will ask for the yeas and nays.

The SPEAKER: The gentleman from Augusta, Mr. Maher, calls for the yeas and nays. All those in favor of the yea and nay vote at this time will rise and stand until counted.

A sufficient number having arisen, the yeas and nays were ordered.

The SPEAKER: The question is on the minority report of the judiciary committee that the bill ought to pass. A yea vote favors the passage of the bill, a nay vote is against it. The Clerk will call the roll.

YEA—Audibert, Austin, Barney, Bartlett, Barwise, Bean, Belmore, Beliveau, Boothby, Bragdon of Perham, Bragdon of Franklin, Brown, Chamberlain, Cherry, Daigle, Dunning, Eastman, Farnsworth, Gardiner, Heal, Houghton, Hunton, Hussey, Kerswell, Landers, Maher, Mason, Masse, McGlauffin, McIlhonen, Murchie, O'Connell, Peabody, Peaslee, Phillips of Orrington, Reed, Rogers of Rockland, Sawyer, Smith of Skowhegan, Smith of Ludlow, Spear of Rockport, Teague, Tilden, Trefethen, Twombly, Varney of Jonesboro, Viles, Wadsworth, Weatherbee, Weeks of Fairfield, Wilson, Wood, Woodruff—53.

NAY—Bennett, Blanchard, Bragdon of Westbrook, Brewster of Orland, Buzzell, Carroll, Carney, Case, Chalmers, Chandler, Chase, Clarke, Cole, Crabtree, Crafts, Cram, Downing, Elmore, Emery, Finnell, Forbes, Gagne, Gerrish, Gipson, Hammond, Hayes, Hinkley, Holley, Jordan, Leighton, Lowe, Luques, Main, Maxwell, Moody, Myrick, Nadeau, Newcomb of Scarborough, Newcomb of Newburg, Nickerson, Owen, Patterson, Pennell, Plummer, Poore, Ricker, Roberts of Vinalhaven, Rounds, Savage, Small, Spear of Limestone, Thomas of Chesterville, Thomas of South Portland, Varney of Windham, Warren, Wentworth, Wil-

liams, Wing, Winter, Wiseman, Witham—61.

ABSENT—Adams, Atherton, Baker, Brewster of Portland, Burns, Chadbourne, Cordwell, Conant, Croxford, Dain, Davis, Dodge, Downs, Doyle, Fagan, Granville, Harriman, Hodgkins, Kimball, Larrabee, Morneau, Murray, Oram, Pennell, Phillips of Bar Harbor, Porter, Roberts of Lyman, Rogers of Jonesport, Smith of Waterboro, Snipe, Story, Towne, Washburn, Weeks of Dresden, Wight, Willard—36.

One hundred and fourteen having voted, 53 in the affirmative and 61 in the negative, the minority report was rejected.

On motion by Mr. Chandler of Dover, the majority report, ought not to pass, was adopted.

Mr. Murchie of Calais presented the following order out of order:

Ordered that the Governor be requested to return to the House, Senate Document No. 128.

The order received passage.

Mr. MURCHIE: Mr. Speaker: This order having been complied with, I now offer House Amendment "A," to Senate Document No. 128.

The SPEAKER: The Chair presents an act increasing the salary of the commissioner of agriculture.

On motion by Mr. Murchie of Calais the action of the House was reconsidered whereby this bill was passed to be enacted; and on further motion by the same gentleman the action of the House was reconsidered whereby this bill was passed to be engrossed.

The same gentleman offered House Amendment "A" as follows:

"Amend Senate Document 128 by striking out in the latter part thereof of the words "the live stock sanitary commissioner shall receive an annual salary of \$1500; he shall also receive actual traveling expenses; he shall be allowed \$500 a year for clerk hire."

Mr. MURCHIE: Mr. Speaker, the only purpose of this is that when the bill was before the committee on salaries and fees there was a live-stock sanitary commissioner. That office has been abolished by this Legislature, and we are simply taking

out that part of it because it has no effect.

The amendment was adopted, and the bill was passed to be engrossed as amended by House Amendment "A."

Mr. FORBES of Paris: Mr. Speaker, I move to take from the table Bill An Act relating to mileage of members of the Legislature, and present House Amendment "A" and move its adoption:

House Amendment "A" to An Act relating to mileage of members of the Legislature.

The fourth paragraph thereof shall read as follows:

"When an extra session is called by the Governor, the members of the Senate and House of Representatives shall be each paid five dollars for every day's attendance, and mileage at the rate of two dollars for every ten miles traveled from their respective places of abode once in each session."

The amendment was adopted, and the bill having its three several readings, was passed to be engrossed as amended by House Amendment "A."

Mr. GRANVILLE of Parsonsfield: Mr. Speaker, I move to take from the table House Document No. 410, An Act relating to the use of motor driven vehicles on highways.

The SPEAKER: This was passed in the Senate, Senate Amendment "A" read and adopted; read a second time and passed to be engrossed as amended by Senate Amendment "A."

Mr. GRANVILLE: Mr. Speaker, I move the rejection of Senate Amendment "A," and will state that I have taken the matter up with the senator making the amendment and that the amendment I am about to offer is perfectly satisfactory to him.

On motion by Mr. Granville of Parsonsfield, the House voted to non-concur with the Senate in the adoption of Senate Amendment "A."

That gentleman then offered House Amendment "A" and moved its adoption as follows:

Amend Section 1 by striking out all of said Section and substituting in place thereof the following:

"Section 1. The State Highway Commission on State highways and the municipal officers of the several towns, cities and plantations on all other highways within their respective municipalities are hereby authorized to promulgate such reasonable rules and regulations as in their judgment may be necessary to insure the proper use and prevent abuse of all highways by motor driven and animal drawn vehicles during such season of the year as said highways require such special protection. All rules and regulations so promulgated shall be kept on file by said municipal officers and they shall cause attested copies of the same to be posted in two or more public places in their respective municipalities. Such rules and regulations shall also be published one or more times in such newspaper or newspapers as they may determine."

Further amend said Act by striking out Section 2 and inserting in place thereof the following:

"Section 2. Any person violating any rule or regulation laid down by said commission or municipal officers under the provisions of the foregoing sections shall be fined not exceeding one hundred dollars for each offence and in addition thereto shall be liable for all damages to the highway occasioned thereby, to be recovered by an action on the case prosecuted in the cases of State highways, by the State Highway Commission in the name of the State, and in case of any other highways by the municipal officers of the town, city or plantation in which said highway is located. All such sums so recovered as damages to said State highways shall be credited to the fund for maintenance of State highways, and sums recovered as damages for injuries for any other highways, shall be transmitted by the municipal officers to the treasurer of the

town, city or plantation and credited to the fund for the maintenance to highways."

House Amendment "A" was adopted, and the bill having had its three several readings, on motion by Mr. Gran-

ville was passed to be engrossed as amended by House Amendment "A."

On motion by Mr. Williams of Webster,

Adjourned until 8.30 tomorrow morning.