

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

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## HOUSE

**Tuesday, April 5, 1921.**

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

Prayer by the Rev. Mary L. Hadley of Hallowell.

The SPEAKER: The Speaker is very glad to see that the "General" has returned to the House. (Referring to the messenger, Patrick Hayes). (Applause, the members rising.)

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Final report of the joint standing committee on Education, Labor, Salaries and Fees and Temperance.

Comes from the Senate reports read and accepted.

In the House, reports read and accepted in concurrence.

### Senate Bills in First Reading

Senate 165: An Act to amend Section 10 of Chapter 137 of the Revised Statutes, as amended by Chapter 203 of the Public Laws of 1917, and by Chapter 76 of the Public Laws of 1919, relating to the appointment of probation officers.

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

Senate 34. An Act to amend Section 29 of Chapter 68 of the Revised Statutes, relating to the appointment of Public Administrators.

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

From the Senate: Report of the committee of conference on the disagreeing action of the two branches of the Legislature on bill, an act to amend the charter of the city of

Lewiston to provide for a city auditor, reporting that the House recede and concur with the Senate in the passage of the bill to be engrossed without amendments.

Comes from the Senate report read and accepted.

Mr. MORNEAU of Lewiston: Mr. Speaker, I would make a motion against the acceptance of the report and ask that I be allowed to speak on the matter.

The SPEAKER: As the Chair understands the parliamentary situation in a proposition of this sort, the report of the conference committee, so far as the committee is concerned, is final, and the committee is discharged from further service, having reported.

Mr. McILHERON of Lewiston: Mr. Speaker—

The SPEAKER: The gentleman from Lewiston, Mr. Morneau, has the floor. A motion to adhere after acceptance of this report, a motion to insist, or a motion to recede is in order. Pending the acceptance of the committee's report, the gentleman from Lewiston, Mr. Morneau, has the floor.

On motion by Mr. Morneau of Lewiston, it was voted to accept the report of the committee of conference.

Mr. MORNEAU: Mr. Speaker, I now move that we adhere to our former action, if that is proper.

The SPEAKER: The ruling of the Chair is that the acceptance of the report is for the purpose of discharging the committee. The gentleman from Lewiston, Mr. Morneau, moves that the House adhere to its former action.

Mr. MORNEAU: Mr. Speaker and gentlemen of the House. These bills have been back and forth between the Senate and the House for some time, and I wish to call your attention to certain things that have taken place since the hearing of these several bills,—I say bills because they are all in the same category,—we are speaking especially at this time on the matter of city auditor. I now want to call your attention to the edition

of the Lewiston Journal of Friday, March 25, 1921, the day after the action of the House, giving the people of Lewiston a Referendum, and here is the title:

**"Glad to have a referendum. News that Legislature will refer Parent bills to people is received with satisfaction here.**

News that referenda had been attached to Senator Parent's bills to amend the charter of Lewiston, as conveyed in yesterday's Journal, was received joyfully. While there is a decided trend that the bills ought not to pass, those opposed feel that they are glad to accept the referenda and take the judgment of a vote on it.

Senator Parent who objects strongly to any referenda on his bills, has asked for a committee of conference in the Senate in hopes that he can have the action of the House reconsidered.

In case the bills are reconsidered and passed without referenda, steps will be taken immediately by the Board of Mayor and Aldermen to secure petitions signed by 10,000 voters of the State asking that they be referred to the people. So, from all indications there will be a referendum anyway."

"I think it would be well to see if we can do the 'Moses' act and lead ourselves out of the wilderness," said Mayor Newell, referring to the bills.

A letter from Mayor Newell to Dr. Wiseman reads as follows:

"Inasmuch as you are a representative from Lewiston, and there are now four bills pending before the Legislature for amendment to the City Charter, relative to the City Auditor, City Clerk, Board of Public Works, and Fire Commission, it seems to me that you should use your influence so that these should not be passed without a referendum and the matter thus placed squarely before the citizens of Lewiston.

I think this is the consensus of opinion, regardless of party; and in this way there would be an expression from all as to the advisability of such amendments. The people of Lewiston, regardless of party, are making an earnest en-

deavor to place the affairs of the city on a business basis, and I feel that they should be given an opportunity to express their preference.

I trust you and your associates will use every reasonable effort to further this view, because I believe this to be for the best interests of the entire community.

Thanking you in advance, I remain,  
Very truly yours,

(Signed) Wm. H. NEWELL."

You are aware, gentlemen, that all of these measures, with of course the exception of two, carry an additional expense to the city of Lewiston; and to show you the present conditions I will read you from the Saturday edition of the Lewiston Journal of a week ago: "The first cut in city wages. Mayor Newell notifies assessors that assistants should get but three dollars a day." I will further state that beginning yesterday the Public Works Department received a cut of one dollar per day. Understand, gentlemen, that from 100 to 150 men are employed in the street department from the first of April to December. The water department, so-called, employs twenty-five or thirty, making approximately 160 men who will have to stand a cut of one dollar per day. Now is it fair, gentlemen, that we should come here today with these acts creating a Board of Public Works with three thousand dollars salary per year when we have to cut down the man behind the pick and shovel in order to meet our obligations?

I wish to say at this time with all due respect to the committee on Judiciary that had I been on that committee myself, I would have rendered the same report as they did, ought to pass, for the reason that at the time of the hearing so little opposition was presented. They had no other alternative, but for reasons that were stated here recently, I believe by Dr. Wiseman, there was a current in the air and the politicians, so-called, did not know what to do. I wish to impress on your minds, gentlemen, that it is not a political motive on my part, absolutely no; but I am actuated entirely

and at all times by the city's interests and with me they are above petty politics and above any cheap politics. This is a non-partisan government we have today and my only purpose gentlemen, as I say, is to place the interests of my city above petty politics and that will be my motto in the future, as it has been in the past. To go on further, the Republican City Committee called on the honorable senator from Androscoggin county at his office in Lewiston. Mind you it is a Republican City Committee that called on him early that there should be a referendum, but he refused. Perhaps the gentleman from Androscoggin had visions of being a ruler, which is only a fairy dream, as you all know by this time, and that may have been the reason why he wanted those bills to go through.

Another thing gentlemen: Do you want, a House overwhelmingly Republican, to go on record as saying to the people of Lewiston "We deny you the right to govern yourselves?" Do you think that would be good politics on your part? I know very well that you will agree with me that it is not. We are asking you to give us at Lewiston the right to say whether we must accept those things. Is it right, gentlemen, to impose on Lewiston, or any other community, expenses against their wishes? We are paying the taxes down home, and why should not we say whether we want a street commission with three members receiving a compensation of one thousand dollars a year. Why now there is a commission of seven men. It has worked very well and they are serving without compensation, and good men are serving on it. The same thing applies to every other department, and things are going on finely. Now I ask you gentlemen to use your good judgment and say to the people of Lewiston whether they may have the opportunity to govern themselves or not. It is up to you. Will you do it? This is the highest court and highest jury, and I submit the case to you. I hope that you will sustain the action of the House.

Mr. HINCKLEY of South Port-

land: Mr. Speaker, four years ago the most prominent, the best people of the city of Lewiston, came to this Legislature and stated to the members thereof that they were unable to govern themselves; that the conditions in Lewiston under their then existing administration, which had been placed in office by the citizens of Lewiston, were so corrupt and so bad that robberies and assaults were common things, and that the police department of the city of Lewiston was in fact a part of it, and they asked the great State of Maine, through its Legislature, to come to their assistance and to help them. The Legislature did come to their assistance for the sole reason that they admitted that they were unable to protect and care for themselves; and I say to you, Mr. Speaker and gentlemen, when the best citizens of one of our cities come to us and call to us for help and admit that they are unable to properly care for and govern their people, then it is time for the Legislature to act, and the Legislature did four years ago act, and upon the appeal of these people this Legislature passed a law creating a police commission to govern and protect the citizens of that city and those who were called within the limits and boundaries of it. They took away from the city of Lewiston this much boasted self-government. That has been a law for four years, and I have since that time been unable to find any citizen of the city of Lewiston who has not been pleased and is not pleased that the Legislature acted as it did, because conditions in the city of Lewiston during the past four years so far as the protection of life and property of its citizens are concerned is much different from what it was previous to that time; and I think it is safe to say that the distinguished gentlemen representing the minority party in this Legislature, who come from the city of Lewiston, would not think of having this Legislature repeal the bill that was passed at that time creating this police commission. They are all satisfied with it, and think, I believe, that the Legislature acted wisely and well. At that time a certain class of people from the city of

Lewiston asked and begged for a referendum on the same ground of local self-government, but the Legislature refused that to them. Everybody is happy, everybody is contented and everybody is satisfied; and I say to you, Mr. Speaker and gentlemen, that if the citizens of the city of Lewiston admit today that they are unable under their city government to handle their police department, they by that admit that they are not in a position on a referendum to make the best laws for that city; and so long as that is a law then this Legislature has a right to act upon other matters which in its wisdom believes is for their best interests. This matter was threshed out before the Judiciary committee and that committee believed it was in the interests of all of the people in Lewiston, of the citizens of the State of Maine, and of those who come from without her borders, that these bills be passed as presented without the referendum. That report was unanimous. The House when it came in I believe did not fully appreciate and understand the situation. It went to the Senate and the Senate agreed with the committee on Judiciary. It came back to the House and the committee of conference was appointed, three from the Senate and three from the House; and five of them, all with the exception of the gentleman who represents the city of Lewiston in the House, all agreed that those bills should be passed without this referendum. Now it seems to me that it is only fair to assume that the Judiciary committee, the honorable members of the Senate, and the committee of conference appointed by us, went into that matter sufficiently to know what was best; and I feel, Mr. Speaker and gentlemen, that we will be safe in accepting the judgment of these people.

Mr. GAGNE of Lewiston: Mr. Speaker and gentlemen of the House: In answering the gentleman from South Portland (Mr. Hinkley), who says that the people of Lewiston were satisfied with the condition if given the Lewiston police commission, I think the gentleman from South Portland (Mr. Hinkley) misunderstood. The

people of Lewiston never wanted that police commission and they fought all they could against it; but the overwhelming Republican majority in the House at the time defeated them. I am proud, gentlemen, to be one of Lewiston's citizens. Lewiston is one of our best cities and I am prouder still that Lewiston is one of the cities of the State of Maine. I am proud of Maine, and I am proud of my city; no man is more proud of his city than I am of mine, and I tell you, gentlemen that the people of Lewiston are well qualified to conduct their own business in a fair minded way. The gentleman from South Portland (Mr. Hinkley) has said that the police commission gives us satisfaction. Before we had it it cost us \$28,000 per year to conduct our police department in Lewiston, while this year it has cost us \$65,000. Do you call that satisfaction, when everybody is overwhelmed with taxes? No, gentlemen, I do not believe that any one of you would like to have that condition in your own city. The city auditor was heretofore appointed by the mayor and aldermen, but under the new bill he will be appointed by the mayor alone. He can appoint as many clerks as he wants and the people have got to pay the bills. If we always had a mayor like Judge Newell we would be pleased to have that bill go through; but we know and every one of you know that it is not every year that we have the same mayor. We have to change almost every year, and God knows what kind of a mayor we will have another year.

The Public Works Commission is composed of seven House members, 11 serving without pay. Under the new bill there are to be three members receiving \$1,000 a year each—\$3,000 more for the citizens of Lewiston to pay every year, and they can appoint all the clerks that they want, and the people of Lewiston have nothing to say about it. It is left in the Mayor's hands.

Under the next bill, the fire commission composed of five members, two on the Republican side and two on the Democratic with the

Mayor ex-officio. Under the new bill there will be only one member at a salary of \$1,200,—so much more for the city of Lewiston to pay. Gentlemen, I tell you it is not fair. Now do you know who they appointed chief of the fire department last fall? They appointed a good man and he is a Republican.

Now all that Lewiston wants is justice. We do not ask any favors, but merely ask for justice from each and every one of you.

Mr. WISEMAN of Lewiston: Mr. Speaker, just a few words about this matter. I want to convey the impression to the members of this House that this is not a political move; far from it. As you all know this year the government of the city of Lewiston is non-partisan. The mayor is a democrat with seven aldermen, two of whom are known to be Republicans and five Democrats, and everything that has taken place there has been approved by the seven of us every time.

Now, it has been said that there is no political move in this matter. Let me state that if you choke the citizens of Lewiston and pass over their heads this referendum without giving them a chance to vote and express their opinion on this matter, then it will be Mayor Newell who will fill these offices. I am one of the aldermen and have the honor of being the president of the board of aldermen of the city of Lewiston, and I think I would be consulted in filling these positions. So you see if there was any political move, it would not be to our advantage to ask you to pass this referendum and give them a chance to express their opinion and we would fill those different places. That would give us a power in politics. But gentlemen, this is not the case. Mayor Newell, the modest man that he is, asked of you men of this House to take in consideration this matter and asks you to give the citizens of Lewiston a chance to express their opinion at the polls and if they vote to give the Mayor the power to appoint these positions, and the money, I assure you that he will ap-

point men who will be far above politics.

Now, gentlemen, about Mr. Hinckley, the gentleman from So. Portland! I do not see why he has changed front. He was the first man that I met in this House when I came here January 5th. He told me that he saw where Lewiston was asking, or Mr. Parent was putting in bills here for different commissions. He said it is too bad that the citizens of Lewiston should come before this Legislature, and ask us to meddle with their affairs. Today he is directly opposed to this, and I do not see why.

In reference to this police commission, gentlemen, the idea of coming before you in the manner that they did and asking you to appoint a police commission for the city of Lewiston and put on an emergency clause for the reason that the citizens of Lewiston were being killed or being assaulted and robbed and there were riots going on. It is no such a thing, gentlemen. Lewiston is a model city. It is composed of representatives of all nations of the world. Lewiston is forging ahead by leaps and bounds; and, as I told you before, you never have heard of any riots in Lewiston or strikes or anything of the sort. This police commission was a political move on the part of the politicians of Lewiston, gentlemen; but our own ex-Governor Milliken put the lid on this so far as politics were concerned. As soon as this passed the House an emergency measure, the politicians flocked to ex-Governor Milliken with the various names to put at the head of this commission so that they would have the commission in their hands to be used as a whip in politics on election day. But our ex-Governor Milliken said, gentlemen, "Now look here! If the people are being killed, are being assaulted, are being robbed, and all this is going on in the city of Lewiston, I guess I will put on men that you politicians cannot handle." He did, and we thank him for it; but in this matter, gentlemen, all that Lewiston asks of you in the name of fairness is to give her citizens a right to express their opinion at the polls; and

I hope that the motion to adhere to our former action will prevail.

Mr. HINCKLEY of So. Portland: Mr. Speaker, just one word in correction of a statement made by the gentleman. I do not wish to be put in a false light, and I feel certain that it must have been a misunderstanding on his part. What I did say to him was this, that I was sorry that we had in the State of Maine a city whose best men and women admitted that they were incapable of governing themselves and that it became necessary for them to come here year after year during the sessions of this Legislature and ask the Legislature to legislate for them. It is a most unfortunate, it is a most deplorable condition; but that is the condition that exists. I said to him further that if we of the Legislature were not bothered by laws to be enacted to govern the city of Lewiston, we could adjourn in 10 weeks instead of 13 weeks most any session. That is the situation that exists, but it is the situation, and under those circumstances this Legislature has a duty to perform. It is not politics, it is protection to the people of Lewiston themselves; and, as the distinguished gentleman from Lewiston (Mr. Wiseman), has reminded you, the present mayor of the city is of the Democratic party and is a high-minded, clean, able man, and I as a Republican am perfectly willing and ready and these laws provide, that the appointment of these various officers shall be in the hands of the mayor, Judge Newell, and not in the hands of these five representatives of the minority party.

Mr. McILHERON of Lewiston: Mr. Speaker, I do not want this matter to pass without saying a word on it, whether that word will have any influence or not. I want to express my opinion as a citizen of Lewiston and I want to rely on the good judgment and sincere intention of doing right that I believe exists in this House of Representatives when they have the truth put before them as it should be.

Gentlemen, I stand here before you to tell you that Lewiston has been misrepresented and has been maligned

in this House and in the press purely and simply for political purposes. Lewiston has had commission after commission appointed here and laws made governing those commissions by a Republican House and they were satisfied. The only dissatisfaction with the laws and the commissions that this Republican House made for a Democratic city at that time was because they could not manipulate them in a personal way at random to suit their own personal end. Now I believe, gentlemen, that you are true, honest, sincere American citizens. While I was not born on these shores, yet I came from a country where they had been deprived of the right of franchise and the right to determine their own affairs, and I thank God that I came here with the privilege of mingling and associating with men who have the right to determine their own affairs—self-determination—self-determination for the government, self-determination for a small community, self-determination for the big city.

To my amazement your majority leader in this House deprived the citizens of Lewiston of the right that men have died for in the country that I was born in. The soldiers that fought with Washington have consecrated this soil that men should have the right of determination. Shame on the American that will deprive the individual of that right. He is not a man fit to educate the people who are coming to these shores to enjoy the liberty that you have enjoyed here. Now I only ask that justice shall be done from the hands of American citizens in this House, that they believe the principles under which we live and under which our Constitution and government exists and is protected. God's justice will reign supreme. You may crush a principle to earth but it will rise again. I have no fear for the destiny of the city of Lewiston. No matter what action may be adopted here. They will rise up and triumph and in justice and in freedom. The idea of men coming from other towns—I won't say a city because South Portland hasn't even got a square. You can't find a square in the city of South Portland, and if it



did not have the "Portland" attached to it, you would think he came from down South somewhere. (Laughter) I thank you, gentlemen, and I hope that this motion will prevail.

Mr. BUZZELL of Belfast: Mr. Speaker and gentlemen of the House: I rise at this time simply to say to the members of this House that here is another report from a conference committee on an act not on a group of acts, but on an act to amend the charter of the city of Lewiston, which provides for the city auditor, this conference committee reporting that the House recede and concur with the Senate. This is the last word in this proposition. Here in the House we tacked on amendments. The Senate took off those amendments and sent the bill to us in its original condition. What shall we do after the Judiciary committee says that this bill ought to pass? I am not going into the politics of the city of Lewiston; I do not want to go into them. I do not want to dwell on the different phases of the politics of that city for the last few years. One of the representatives from that city says it is a model city. I am willing to let it go that way. Another one says it is the most beautiful city anywhere to be found, I am willing to let it go that way. But, gentlemen of this House, as long as this is Wednesday morning and all of us are willing to take part and share in a free-for-all —

Mr. McILHERON: Mr. Speaker, I want to rise for a point of information that this is Tuesday morning.

Mr. BUZZELL: It's morning anyway.

The SPEAKER: And a free-for-all.

Mr. BUZZELL: That committee was ready to listen to these arguments and many of these same gentlemen appeared, and when asked by members of the committee whether or not they opposed this bill, they said that they did not know as they did; and when a certain member of the city government over there made complaints along certain lines, those complaints and his accusations were not refuted. Now why take the proposition to the floor of the House,

and say that we want to vote on it? If these people at that time did not know, did not have a mind of their own, why should it be brought before you here now? You have heard the action of the Judiciary committee, the Senate, and finally the conference committee on this matter—three bodies. What is going to be our action here this morning?

Now here is something that impressed me before that committee. It was stated, and not denied, that men representing over \$400,000 of assessed taxation of the city of Lewiston came to the office of Senator Parent and said they were in favor of this bill. Have you heard that denied? Not for a second. This bill was advertised locally and advertised in the State papers. Men representing over one-half of the valuation of the city of Lewiston said they were in favor of the city auditor's bill, and that is what appealed to us, and we acted accordingly. Was Mayor Newell there? Not for a minute. Were his representatives there? Not for a minute, unless half-heartedly, because they were asked if they appeared against this bill, if they objected to this bill, and they said "No, we don't know as we do." Now at this time we hear what they are all saying over there. It does not seem to me as though they are using the Legislature right in this proposition. They threaten us that they will have a referendum and that they will go out and secure 10,000 names. It does seem to me, gentlemen of this House, if we have read this bill as we should have read it, if we proceeded with an open mind, that we had ought to pass on this bill and say whether or not it is a good bill and whether or not in our best judgment, regardless of what any political party may say, or how some politicians may act or want to act,—that we should stand up and say whether or not we shall now sustain the Senate and recede and concur or adhere to our former action.

Mr. McILHERON of Lewiston: Mr. Speaker, I want to say in answer to Mr. Buzzell that he has a wrong impression in regard to the bill I have reference to. It was a

matter I brought into this House, and it was defeated here.

The SPEAKER: The gentleman from Lewiston (Mr. McIlheron) will confine his remarks to Bill, An Act to amend the charter of the city of Lewiston to provide for a city auditor.

Mr. McILHERON: I am making comparisons between that bill and another.

The SPEAKER: The gentleman will proceed in order.

Mr. McILHERON: This bill was one I was not so much interested in as I was the other. It was a bill to give the people of Lewiston a right to determine their own affairs by the election of commissioners; and as a member of this Legislature from the city of Lewiston, and representing that city as best I can, conscientiously, I have no fault whatever to find with the commissions that have been appointed; but the people should have some right. They are paying the bills, and they should have the right to say how the government should be conducted. It should be left with the city of Lewiston to regulate its own affairs. They have got their commission and nobody is coming here and finding fault with it. They are working all right if you will leave them to do the regulating of their own affairs in regard to the commission. From my point of view I want to assure you that there is no politics in the matter whatever. I have got good and sincere friends in both parties and they are not friends in name only. There is sufficient sincerity about them, regardless of political matters, that they are still my friends. I want to see justice done to my constituents who are simply American citizens and citizens of Lewiston, no matter whether they are Republicans or Democrats, and it is my duty to protect them as much as I can.

Mr. GAGNE of Lewiston: Mr. Speaker and gentlemen, no matter which way it goes this morning, I know that the representatives from Lewiston would have no ill feeling against you gentlemen. We know that we are in the minority; we

know it very well; but in asking for justice, we are trying to do the best we can. We do not look at the political viewpoint at all, gentlemen; and I want to tell you one and all that for my part I will have no ill feeling against any member because I consider every member of this House from one corner to the other my friend. I can tell you gentlemen, that I am very willing to abide by your decision. (Applause.)

The SPEAKER: The question comes on the motion of the gentleman from Lewiston, Mr. Morneau, that on bill an act to amend the charter of the city of Lewiston to provide for a city auditor, the House adhere to its former action. All those in favor will say aye, contrary minded, no.

The Chair doubting a viva voce vote,

A division was had,

One hundred and nine having voted, 46 for adherence and 63 against the motion of the gentleman from Lewiston, Mr. Morneau, failed of passage.

On motion by Mr. Hinckley of So. Portland, a viva voce vote being taken, the House voted to recede and concur with the Senate in the passage of the bill to be engrossed without amendments.

From the Senate: Report of the committee of conference on bill an act to abolish the Board of Public Works of the city of Lewiston and to provide for a Highway Commission reporting that the House recede and concur with the Senate in the passage of the bill to be engrossed without amendments.

Comes from the Senate report read and accepted.

In the House, report read and accepted in concurrence.

Mr. BUZZELL of Belfast: Mr. Speaker, I move that we recede and concur with the Senate.

The declaration of the Chair that the motion prevailed was doubted by the gentleman from Lewiston, Mr. McIlheron.

A division of the House was had, and 71 voting in favor of the motion to recede and concur, the motion prevailed, and the bill was passed to be engrossed without amendments.

From the Senate: Report of the committee of conference on bill an act to promote the efficiency of the fire department of the city of Lewiston, reporting that the House recede and concur with the Senate in the passage of the bill to be engrossed without amendments.

Comes from the Senate report read and accepted.

In the House report read and accepted in concurrence.

On motion by Mr. Buzzell it was voted to recede and concur with the Senate in the passage of the bill to be engrossed without amendments.

From the Senate. The report of the committee of conference on Senate Document No. 55, Bill, An Act to amend the charter of the city of Lewiston, relative to the office of city clerk, reporting that the House recede and concur with the Senate in the passage of the bill to be engrossed.

On motion by Mr. Buzzell of Belfast, the House voted to recede and concur with the Senate.

The SPEAKER: Out of order the Chair will present at this time Resolve in favor of the Medical School of Maine, established by Chapter XVI of the Private and Special Laws of Maine for the year 1920, as amended, and therewith a veto message by the acting Governor. The Clerk will read the message.

#### EXECUTIVE DEPARTMENT

April 4, 1921.

To the Honorable House of Representatives:—

I return herewith without my approval "Resolve in Favor of the Medical School of Maine Established by Chapter XVI of the Private and Special Laws of Maine, 1820, as Amended." I do not favor the establishment of a State Medical School because it is my opinion:—

First: That the object for which the

school would be established, the education of physicians who would be willing to practice their profession in the rural communities of the State, will not be attained if this resolve becomes a law;

Second: That the State should not commit itself to the founding of this institution because our citizens do not thoroughly understand the questions at issue, and do not realize what financial and other problems, of the present and future, are involved by this proposed action;

Third: That the State should not embark upon an enterprise of this magnitude unless it is prepared to maintain a medical school of the highest grade, and this would call for an expense far in excess of any appropriation provided for by this resolve;

Fourth: That the present condition of the State's finances and the heavy tax burdens now borne by our people do not justify the expenditure of the money required to found a new State institution, especially in view of the fact that the requirements of a State Medical School would increase with each passing year;

Fifth: That a State should not establish a State medicine any more than a State religion, and notwithstanding the language of the bill that the school is for "all branches of medicine," it is understood that the course of study would be such as is usually provided for by one particular school of medicine. The individual should be free to select his own method of treatment and the taxpayers' money should not be used for the advancement of any one medical or religious faith.

The above reasons I consider fundamental. My secondary reasons are:

First: That the unanimously unfavorable report on this resolve made by the Joint Committee on Judiciary and Public Health, composed of 20 members of this Legislature, is at least strong prima facie evidence that the bill ought not to pass, especially in view of the fact that the Joint Committee referred to conducted exhaustive hearings on the subject.

Second: That certain gifts to the proposed school are contingent upon

its being maintained as a Class "A" school, which means a school of the highest grade, and this classification is determined by a Board over which the State of Maine has no control. If the school should fall below the required grade some question might be raised as to the State's being able to retain the gifts, regardless of the fact that the State might have done all in its power to maintain the highest standards.

Third: That, should this resolve become law, a judicial decision would be necessary in connection with certain endowment funds, and there is some doubt whether the State would receive the benefit of the funds referred to, which if not received would place upon the State an unexpected burden.

Fourth: That the opinion of the medical profession of Maine is divided as to the desirability or necessity of a State medical school.

For the reasons above stated I cannot approve the Medical School Resolve.

Respectfully,

PERCIVAL P. BAXTER,  
Governor of Maine.

Mr. GERRISH of Lisbon: Mr. Speaker, I would like to have this communication placed upon the table until tomorrow morning, and make a motion accordingly.

A viva voce vote being taken,  
The motion was lost.

The SPEAKER: The Chair will present the question. Under the provisions of the constitution of the State the vote upon this matter is by a yea and nay vote, and the question is: "Shall this bill become a law, notwithstanding the objections of the Governor?" A yea vote is for the bill; a nay vote sustains the veto of the Governor. The Clerk will call the roll.

YEA—Austin, Baker, Barney, Bartlett, Barwise, Belliveau, Bennett, Blanchard, Buzzell, Carroll, Carney, Chase, Cherry, Conant, Croxford, Daigle, Downing, Eastman, Fagan, Finnell, Gagne, Gardiner, Gerrish, Granville, Hammond, Hayes, Hodgkins, Houghton, Hunton, Hussey, Kimball, Landers, Larrabee, Leighton, Luques, Maxwell, Moody, Morneau, Murray,

Myrick, Nadeau, Newcomb of Newburg, O'Connell, Patterson, Peabody, Peaslee, Pennell, Perkins, Plummer, Poore, Reed, Roberts of Vinalhaven, Small, Spear of Limestone, Story, Tilden, Towne, Trefethen, Varney of Jonesboro, Varney of Windham, Viles, Washburn, Weeks of Dresden, Weeks of Fairfield, Williams, Wilson, Wing, Wiseman, Witham, Woodruff—70.

NAY—Adams, Atherton, Audibert, Bean, Boothby, Bragdon of Perham, Bragdon of Westbrook, Bragdon of Franklin, Brewster of Portland, Brewster of Orland, Brown, Case, Chadbourne, Chalmers, Chamberlain, Chandler, Clarke, Cordwell, Cole, Crabtree, Crafts, Cram, Dain, Davis, Dodge, Downes, Doyle, Dunning, Elmore, Emery, Farnsworth, Forbes, Gipson, Harriman, Heal, Hinkley, Holley, Jordan, Lowe, Maher, Main, Mason, McGlauffin, McIlheron, Murchie, Newcomb of Scarborough, Nickerson, Oram, Owen, Roberts of Lyman, Rogers of Rockland, Rounds, Savage, Sawyer, Smith of Waterboro, Smith of Skowhegan, Smith of Ludlow, Snipe, Teague, Thomas of South Portland, Twombly, Wadsworth, Warren, Wight, Willard, Winter, Wood—68.

ABSENT—Belmore, Burns, Kerswell, Phillips of Orrington, Phillips of Bar Harbor, Porter, Ricker, Rogers of Jonesport, Spear of Rockport, Thomas of Chesterville, Weatherbee, Wentworth—12.

The SPEAKER: One hundred and thirty-eight having voted, seventy that the bill shall become a law and sixty-eight opposed, the constitution requiring a two-thirds vote to pass over the veto of the Governor, the bill fails of a passage, and the veto of the Governor is sustained.

The SPEAKER: Returning again to the regular order, the House has for consideration, Bill, An Act to provide for the return and cleansing of ice cream and sherbet containers. In the House this bill was passed to be engrossed, as amended by Senate Amendment "A" in concurrence on March 21st. It now comes from the Senate indefinitely postponed in that branch in non-concurrence.

On motion by Mr. Poore of Casco, the House voted to recede and concur with the Senate in the indefinite postponement of the bill.

From the Senate: An Act to incorporate the Howland Sewerage and Water District.

This bill was passed to be engrossed in concurrence in the House April 2, and now comes from the Senate, passed to be engrossed in that branch, as amended by Senate Amendment "A," in non-concurrence.

On motion by Mr. Twombly of Howland, the vote was reconsidered whereby this bill was passed to be engrossed.

Senate Amendment "A" was then adopted in concurrence.

On further motion by Mr. Twombly, the bill was then passed to be engrossed as amended by Senate Amendment "A."

From the Senate: House Document No. 377, 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, relating to trial terms.

This bill was passed to be engrossed in the House as amended by House Amendment "A" on March 30th; it now comes from the Senate passed to be engrossed in that branch as amended by Senate Amendment "A" to House Amendment "A" and House Amendment "A" in non-concurrence.

On motion by Mr. Forbes of South Paris, the vote was reconsidered whereby this bill was passed to be engrossed, and on further motion by the same gentleman, the bill was tabled temporarily.

From the Senate: Senate Doc. No. 182, Resolve providing for the care, support and medical or surgical treatment of dependent persons in or by certain charitable or benevolent institutions and organizations not owned or controlled by the State and for other purposes.

This resolve was passed to be engrossed in the House April 2nd; it now comes from the Senate passed to be engrossed in that branch as amended by Senate Amendment "A" in non-concurrence.

On motion by Mr. Holley of North Anson, the vote was reconsidered whereby this resolve was passed to be engrossed.

Senate Amendment "A" was adopt-

ed, and on further motion by Mr. Holley the resolve was passed to be engrossed as amended by Senate Amendment "A."

From the Senate: Senate Document No. 167, Bill, An Act to amend Revised Statutes, Chapter 33, Section 57, relating to the protection of wild birds.

In the House, this resolve was indefinitely postponed on April 4th.

It now comes from the Senate, that body insisting on its former action whereby the bill was passed to be engrossed, and asking that a committee of conference be joined, with the following conferees appointed on the part of the Senate: Messrs. Thompson of Knox, Sprague of Piscataquis and Morison of Penobscot.

Mr. Buzzell of Belfast moved that the House recede from its former action and join a committee of conference.

The motion was agreed to.

The Speaker thereupon appointed as such committee of conference on the part of the House: Messrs. Crafts of Greenville, Leighton of Dennysville and Luques of Kennebunkport.

Mr. BREWSTER of Portland: Mr. Speaker, would it be in order to recall from the Governor at this time the act in relation to the establishment of the Maine Medical School? There was an accompanying act to the resolve, and it seemed to me that it might be a proper course and in compliance with our action this morning, and if it is in order, I now move that this measure be recalled.

The SPEAKER: The Chair would suggest that that matter be taken up under "orders of the day."

#### Reports of Committees

Mr. Fagan from the committee on Legal Affairs reported "ought to pass" on Bill, An Act relating to temporary loans by Cumberland and Kennebec counties.

The report was accepted.

On motion by Mr. Fagan of Portland, the rules were suspended and the bill received its two several read-

ings, and on further motion by the same gentleman the bill received its third reading and was passed to be engrossed, under a suspension of the rules.

Mr. Plummer from the Committee on Banks and Banking, on Bill, An Act to amend Chapter 198 of the Private and Special Laws of 1915 entitled "An Act to incorporate the Mutual Loan Society of Lewiston," reported the same in new draft under same title and that it "ought to pass."

The report was accepted and the bill was tabled for printing under the joint rules.

Majority and minority reports of the committee on redistricting the State, majority reporting a bill herewith presented and that the same "ought to pass," the report being signed by the following members: Senators Garcelon of Androscoggin; Cobb of Kennebec; Sprague of Piscataquis; Spencer of York; Eaton of Oxford; Morison of Penobscot and Holt of Hancock; and Messrs. Maxwell of East Livermore, Wilson of Presque Isle, Case of Lubec, Buzzell of Belfast, Viles of Augusta, Elmore of Camden, Austin of South Berwick, Eastman of Fryeburg, Mason of Ellsworth, Phillips of Orrington, Brown of Abbot, Trefethen of Wilton, Snipe of Bath and Smith of Skowhegan; minority report of same committee reporting a bill herewith presented, and that the same "ought to pass," and the report being signed by Messrs. Bragdon of Westbrook and Weeks of Dresden.

Mr. BRAGDON of Westbrook: Mr. Speaker, I move that the minority report be accepted, and I wish to make a few statements before the House. I notice by the Journal this morning that the question is already decided. No doubt there is some error in this due to the fact that information that the majority report was made up first, and therefore it would be quite impossible to know just what that report may be, and therefore those on the minority report desired, as was understood, that we should see the

majority report before our report was placed before them, and no doubt due to that fact was the reason that this publication is before us. Both the majority and minority reports are before us officially at this time. I regret very much that it seems to be necessary for me to take this matter before this Legislature, but in justice to myself, to my city, and to our constitution, I must place myself upon the floor and give to you the reasons for entering into the minority report which is shown before us this morning. It is not unusual for a minority report to be entered here with a majority report before this House, and therefore I think it is only in the interest of justice on the part of every member here to understand exactly as this committee is made up and as to the position that we reached in the matter of this proposition which is now before us.

The constitution, if I may be allowed the privilege of reading as it appears, states that, "within every subsequent period of at most ten years, and at least five, cause the number of the inhabitants of the State to be ascertained, exclusive of foreigners not naturalized and Indians not taxed. The number of representatives shall, at the several periods of making such enumeration, be fixed and apportioned among the several counties as near as may be, according to the number of inhabitants, having regard to the relative increase of population."

I wish to say, gentlemen of the House, that in our first meeting we unanimously adopted this plan of redistricting and apportioning. As we passed along and had the list made up it was found that Cumberland county justly received two additional representatives. I have placed myself before the committee for these many weeks on this proposition and have stood firmly by the principle that if we lived by the constitution we should abide by it as to the figures; but as we passed along and seemed to come to no different understanding as to whether they would take away from Cumberland county

one representative and place it in another section of the State, this vote was taken and the result was that there were fifteen in favor and five against.

It seems to me, gentlemen, that if we abide by the constitution that we must bear in mind that figures will not lie, and that two and two make four. It seems to me it is necessary for me to give you in a few figures the result of the work of this committee. The population of the State of Maine, according to the present census is 768,014. We have taken this population and divided it by 151, being the number of members in this House, which gives to us a constant for use in our formula of 5086, which I will say that every member of the committee agrees to be correct, and we have divided that from start to finish among the several counties of the State. And if you will permit me for a moment, I wish to give you the facts obtained at our first meeting, and no change made except in two counties to which I will refer. Androscoggin has a population of 65,796, and an even figure for the quotient would be 12 with a remainder over of 4,764; Aroostook with a population of 81,728, gives an even 16 with a balance over of 352; Cumberland with a population of 124,376, gives 24 even and with a balance over of 2,312; Franklin, with a population of 19,825, gives 3 with a balance over of 4,567; Hancock, with a population of 30,361, gives 5 with a balance over of 4,931; Kennebec, with a population of 63,844, gives 12 with a balance over of 2,812; Knox, with a population of 26,245, gives 5 with a balance over of 815; Lincoln, with a population of 15,976, gives 3 with a balance over of 718; Oxford, with a population of 37,700, gives 7 with a balance over of 2,098; Penobscot, with a population of 87,684, gives 17 with a balance over of 1,222; Piscataquis, with a population of 20,554, gives 4 with a balance over of 210; Sagadahoc, with a population of 23,021, gives 4 with a balance over of 2,627; Somerset, with a population of 37,171, gives 7 with a balance over of 1,569; Waldo, with a population of 21,328 gives 4 with a balance over of 884; Washington, with a popu-

lation of 41,709, gives 8 with a balance over 1,021; York, with a population of 70,696, gives 13 with a balance over of 4,578. This gives a total number of members to be 144, and it was therefore the duty of this committee to make up the difference between 144 and 151. I leave it to you, gentlemen, if it is not fair to take the largest remainder and give to that county her just due.

As this was made up, and we commenced with Androscoggin in the committee and passed down through the list of counties in order to get the largest remainder, and to give to that county what the county was entitled to have, and the result is as follows—and this was considered, and when it was found that Cumberland county had two representatives coming to her it was stated in our committee meeting that it was unjust that the western part of the State should predominate over the State of Maine, and they would not stand for it. Therefore, a vote was taken to this effect: "Voted, to give Oxford one by taking it away from Cumberland county." In support of that 15 voted in favor and 5 against. I will leave that part of it to you, gentlemen. I have endeavored to present before you here the facts which have governed us in making up this minority report. I appeal to you and to your honest consciences, and I believe that you will decide this question in a way that you believe to be right, just and honest. We have a law which has been laid down for us to follow, and it was considered, and in this minority report we have followed it carefully. Mr. Speaker, I will leave the matter with this legislature of one hundred and fifty men for whom I have the greatest respect and this committee who have so faithfully stood by in this matter of representation for these many, many weeks.

Mr. MAXWELL of East Livermore: Mr. Speaker, according to the constitution of Maine we are obliged to legislate once in ten years, and we are obliged to legislate according to population. That is mandatory. The law does not say "may"; it says "shall." And so, when your committee met at the first of the session

there were 23 of us, each of us representing a certain county and a certain district, naturally each one wanted to get as good a trade as possible, that is to say each one was looking out for his own county to get as many as possible.

As has been stated to you, the population of the State of Maine is 768,014. The constitution says that the membership of this honorable body shall be 151, and upon that basis as a unit, every man who is elected to the legislature for the next ten years will be elected on the basis of 5,086 as a unit. Now upon that basis your committee got together, and I want to say that all through the sessions we have been very friendly; each one has expressed his own personal opinion, and each one has stood up for the rights of his own county, but on the whole we have been very friendly, and as we got together and made up what we supposed was the last report last Friday, we took a basis of 5,086, and working on that basis and going down over the list for each county, we have the following results: Androscoggin, 13; Aroostook, 16; Cumberland, 24—although I might pass that over at this time; Franklin, 4; Hancock, 6; Kennebec, 13; Knox, 5; Lincoln, 3; Oxford, 7; Penobscot, 17; Piscataquis, 4; Sagadahoc, 5; Somerset, 7; Waldo, 4; Washington, 8, and York 14. In other words, if we take the basic unit of 5,086 for what we must take to elect representatives for the next ten years, and the majority fraction would be 2,543, and we would get 150 by that computation, and then when the election came around where should we get the other extra in order to make up 151?

You will notice by dividing that the majority fraction in Cumberland county was 24 with a majority fraction of 2,312 which was not quite one-half. In Oxford county it was 7 with a majority fraction of 2,098, the only difference between Cumberland and Oxford in that majority fraction was less than one-half, only 214. Now we all know that in accordance with the provisions of the constitution, no town shall have more than seven. I don't know what our forefathers

thought when they made the constitution, but I will say one thing, it was a very wise provision because under that provision no town or city can have an undue amount of power.

Now the county of Cumberland with a population of 124,000, on the basis of 24, gives as a representation outside of the city of Portland 17 representatives. Now upon that basis, for the next ten years, if the House sees fit to adopt the majority report, the 17 representatives outside the city of Portland will be elected on the basis of 3,257 as a unit. If you decide to give them an extra one, which we claim they are not entitled to, an extra representative for the next ten years, then their representatives will be elected outside of Portland on the basis of 3,076. In Oxford county the basis was given as 5,086, and they will have seven with a majority over of 2,098. If you decide to give Oxford eight, she will still have to elect each man on the basis of 4,713, nearly 50 percent more than Cumberland county, if you only give them the 24. And if you decide to give Cumberland county the extra one, then Cumberland county will elect her representatives on the basis of 3,076, while Oxford county will have to elect her seven representatives on the basis of 5,386.

This committee, with all due respect to the county of Cumberland, did not have any feeling of hostility toward Cumberland county. The committee wanted to be fair and square with every section of the State, and so we asked the attorney general if it would be constitutional if we felt that Oxford county was more entitled to the eighth one than Cumberland, and if it would be constitutional if we should give it to Oxford county, and the attorney general came before our committee and said that we were entirely within our constitutional rights to give it to Oxford county if we desired, and that we had the right to give it wherever we thought it was fair and square, and so we come here today with a majority report signed by 21 out of a total of 23, giving to Oxford county eight representatives and Cumber-



land county 24. We say that the county of Cumberland is not penalized; we say that she is receiving all that she ought to receive, and so we say, that in justice to all that section of the State, in justice to Cumberland county, and in justice to Oxford county, we believed and we voted unanimously to give it to Oxford county.

Since that time the gentleman from Westbrook, Mr. Bragdon, has told me that his delegation would not stand for what he voted for in the session of the committee, and therefore he submits his minority report; but I submit, gentlemen, that when everything is taken into consideration and when the facts are all brought out and the difference in population, from a basis of 3,257 to 4,713, I submit to you, that Oxford county is only receiving her just dues, and I hope the motion of the gentleman from Westbrook will not prevail.

Mr. BREWSTER of Portland: Mr. Speaker, the gentleman who has just preceded me said that Cumberland county would have as a unit, I think, 2700 or 3000 for representative, but there are seven representatives here from Cumberland county who represent 10,000 people each, and he did not state that, and I believe justice requires that it should be stated and that it should be considered. The constitution of 1820, when it was drafted, after very careful consideration, and after very interesting debates, placed the limitation of seven people on any given city or town, and that has stood ever since, and Portland as a result of that can never have more than seven representatives. But the same people who drew that constitution also made a provision to the effect that the number of representatives shall be fixed and apportioned among the several counties as near as may be according to the number of inhabitants.

The same people who placed the limitation of seven representatives, to which my brother subscribes, also placed a limitation in defining the rights of the various counties, and they went on and added some further words which also are disregarded by

the proponents of the majority report, and those words are these: "Having regard to the relative increase in population." The right of Cumberland county to receive this additional representative is even more evident, and we still think that we are within our constitutional rights, when we come to consider the rights of Cumberland county. They say we will limit the city to seven representatives and so we will disregard the other side of the proposition which is the share of the county, which, according to the number of inhabitants, having regard to the relative increase in population, and this I understand the gentleman from Livermore, Mr. Maxwell, does not dispute, that if those figures were fairly applied, Cumberland county has a larger fraction than Oxford county and is therefore entitled to an additional representative, and the county must rest its case here relying upon the sense of justice of all the members of this House.

Mr. BUZZELL of Belfast: Mr. Speaker and gentlemen of the House, there is a little more that goes with this story that has not been told. I do not mean to say that it has been omitted purposely or neglected for any particular purpose. But, gentlemen of the House, your re-apportionment committee have been meeting each week ever since we have been here; we have been wrestling with this proposition from the start. Now we are considering the report of the committee relative to the re-apportionment of representatives. The first proposition that we commenced to consider, and which we considered from the very first in connection with this matter was our State census, and in accordance with the re-apportionment two reports have gone into the Senate. All these things were taken into consideration, and you have all heard about that before in this House, and this committee of twenty-odd members have presented their reports, and two or three now say that in their best judgment this re-apportionment should be made as they suggest in this report.

Now, let us see for instance, why Cumberland county should complain.

It has been said that the constitution provides that the city of Portland never should have more than seven representatives. She has got them. That was a wise provision, and our old forefathers knew what they were up to; they knew enough to safeguard their children, the members of this legislature, and I think we need it. But they said that they shall be so reapportioned, according to population, that you shall be entitled to no more than seven, so that the county of Cumberland gets seventeen more, but she only has to have 3200 population to get a representative, while down in my little county we have to have 5280 people in order to get a representative, and we lose one down there, and they are complaining because they don't gain one in their county. I will say to you, gentlemen, that fractions have always bothered me, but I do believe that this committee, in fairness to all, have given you what they thought was right, and we believe that with this apportionment. Cumberland county will be taken care of to the last limit. They always have sent here a fine representation; they will fight for twenty-four hours every day, and in the morning they will walk in one solid unit. I hope the majority report will prevail.

Mr. BREWSTER: The matter of representation in the Senate has been mentioned but the gentleman from East Livermore, Mr. Maxwell, did not refer to that, and accordingly it did not seem necessary for me to mention it. The facts of the matter are, as I understand them, that Oxford county and Cumberland county were each entitled to one additional Senator. The majority and minority reports neither provided for giving them that additional Senator, and so far as our opinion was concerned, we could well understand how the State might hesitate to place five senators out of 31 in one county, and so far as Cumberland county was concerned we waived any such claim to that additional senator in Cumberland county, and we made no fight whatever upon that proposition, but when the matter was carried a step further, to disregard the constitution in the apportionment of this

House, it did seem to us that it was not fair or just. The gentleman from Belfast, Mr. Buzzell, says that he feels it was wise never to give Portland more than seven. That may be considered in two ways, first as a compliment to our ability, if not to our morals or our regard for the State, but I have heard the gentleman use a phrase here a great many times on the floor of this House, one which he is very fond of using, and that is that he does not believe in making fish or one and flesh of the other, and so if he is going to have the constitution apply to the seven, let us have the constitution apply to the county as well, and I will leave that proposition with you.

Mr. EASTMAN of Fryeburg: Mr. Speaker, I attended a meeting of this committee last week, and at that time the committee was divided in regard to the senatorial question, and as I understood it there were four against signing this report, and then after considerable discussion was had, the minority gave way and as I understood it they agreed to present a majority report. Since that time, the gentleman from Westbrook, Mr. Bragdon, has met the Portland delegation, the Portland delegation which we have heard from all winter long and a minority report has come in. Now, gentlemen, the question is, are we going to give the balance of power in this State to Cumberland county. If she has 24 representatives coming here now, in ten years she will have 28 or 30, and it will be the same way with the senators. The county of Cumberland already asks for more than she is entitled to, and that is the question that is before us, are we going to put the balance of power in Cumberland county.

Mr. BRAGDON: Mr. Speaker, the gentleman from Belfast, Mr. Buzzell, has mentioned some points here, and in answer to that I simply wish to say that the only reason why I stand firm in my position is that I believe it is in the constitution, and that regardless of this matter, whether it went to Cumberland county, to Androscoggin county, or to any other county in the

State of Maine, I should hold to that one decision.

Mr. CASE of Lubec: Mr. Speaker, it was the understanding, I think, with all the committee when we adjourned the other night that there was to be but one report. There is a minority report today, signed by two members of the committee. I, for one, as a member of the committee know nothing of that report, and I move that both reports be referred back to the committee.

Mr. BRAGDON: Mr. Speaker, in answer to the gentleman who has just preceded me, I wish to say that after coming out of this committee meeting I saw our chairman before I met our Cumberland county delegation and told him positively that I should have to stand by my original opinion. I asked that we have a meeting of our committee called immediately and it was stated that it would not be possible to get them together. I therefore have seen every individual member of this committee and have stated to him the position before the report in either part was taken up.

The SPEAKER: The motion has been made that the two reports, the majority report and the minority report on re-districting the State into state legislative districts be recommitted. The Chair has not heard it seconded. The question then comes on the motion of the gentleman from Westbrook, Mr. Bragdon, that the minority report, signed by the gentleman from Westbrook, Mr. Bragdon, and the gentleman from Dresden, Mr. Weeks, be accepted. Those in favor will say aye, contrary minded, no.

On the declaration by the Chair that the motion was lost, that ruling was doubted by Mr. Cordwell of Westbrook.

A viva voce vote again being taken, a division of the House was asked for by Mr. Brewster of Portland.

The SPEAKER: The question is on the acceptance of the minority report. Those who are in favor of accepting the minority report will rise and stand until they are counted, and the monitors will return the count.

A division being had, 32 in the affirmative and 104 in the negative, the ruling of the Chair was sustained.

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

The SPEAKER: Under the joint rules, this majority report will be printed.

The Chair presents report of the joint committee on Judiciary and Military Affairs on Bill, An Act to create the National Guard pay fund. The said committee have had the same under consideration and beg leave to report as follows:

That whereas a grave question in the minds of said committees exists as to the legal status of Chapter 101 of the Resolves of 1917, Chapters 276 and 277 of the Public Laws of 1917, that the unanimous opinion of these committees is that the following questions should be submitted to the Supreme Judicial Court requesting their answer thereto:

First: Is Chapter 101 of the Resolves of 1917, taken in connection with the intention of the Legislature in passing said resolve as expressed by the motion and speeches regarding it in the official stenographic records, repealed by Chapters 276 and 277 of the Public Laws of 1917?

Second. If said resolve is not so repealed, did compliance by the State with said Chapters 276 and 277 constitute compliance with said Chapter 101?

And that pending answers thereto, the subject matter be referred to the next Legislature.

Report read and accepted.

#### Reports of Committees

Mr. Gardiner from the Committee on Military Affairs on Bill "An Act to amend Section 33 of Chapter 40 of the Revised Statutes, making November 11th, a Bank holiday" reported that legislation is inexpedient at the present time.

Same gentleman from same Committee on War Memorial Commission

reported that same be referred to the next Legislature.

Same gentleman from same Committee on Resolve to authorize and instruct the Governor and Council to erect a statue in memory of the sons of Maine who served in the World War, reported that same be referred to next Legislature.

Same gentleman from same Committee reported "Ought not to pass" on Resolve to provide for a service button for certain members of the National Guard.

Same gentleman from same Committee reported same on Bill "An Act to repeal the act authorizing a draft for the National Guard in Maine in times of Peace."

Reports were read and accepted and sent up for concurrence.

Mr. Gardiner from the committee on Military Affairs on Bill "An Act to amend Chapter 259, Public Laws of 1917, relating to the Military Law" reported same in a new draft under title of "An Act to amend Sections 8, 22, 37, 53, 54, 55, 57, 63, 64 and 88 of Chapter 259 of the Public Laws of 1917 known as the Military Law," and that it "Ought to pass."

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

Mr. Gardiner from the committee on Military Affairs on Resolve providing for the payment to Mrs. Fannie Bradley of Searsport the unpaid portion of a soldier's bonus due her, reported same in a new draft under title of "Resolve providing for the payment to Mrs. Fannie Bradley of aid as a Soldier's Dependent," and that it "Ought to pass."

(On motion by Mr. Nickerson of Swanville, the rules were suspended, the resolve given its two several readings and passed to be engrossed.)

Majority Report of the Committee on Legal Affairs reporting "Ought to pass" on Bill "An Act to amend Chapter 147, Section 2 of the Revised Statutes as amended by Chapter 80 of the Public Laws of 1917 relating to the State Board of Charities and Corrections."

Report was signed by the following members:

Messrs.

THOMBS of Penobscot,  
THOMPSON of Knox,  
GARCELON of Androscoggin,  
—of the Senate.

MASON of Ellsworth,  
HUSSEY of Blaine,  
WILLARD of Sanford,  
—of the House.

Minority Report of the same Committee reporting "Ought not to pass" on the same Bill.

Report was signed by the following members:

Messrs.

FAGAN of Portland,  
WEEKS of Fairfield,  
MURRAY of Portland,  
BREWSTER of Portland,  
—of the House.

(Tabled by Mr. Buzzell of Belfast, pending acceptance of either report.)

#### Passed to Be Enacted

An Act amending Chapter 424 of the Private and Special Laws of 1897, relating to the retirement of Police Officers of the city of Portland.

An Act to amend Chapter 103 of the Private and Special Laws of 1919, amending Chapter 444 of the Private and Special Laws of 1907, relating to the salary of the Clerk of the Lewiston Municipal Court.

An Act to require a fee for registration of milk dealers.

An Act relating to the wrapping of bread.

An Act to permit the reissue of bonds of the Maine Military Service Loan retired under the provisions of Section 6 of Chapter 264 of the Public Laws of 1919.

An Act to amend Section 1 of Chapter 109 of the Private and Special Laws of 1919, relating to the salary of Judge of the Bath Municipal Court.

An Act to amend the charter of the Northern Cumberland Municipal Court.

An Act authorizing Elliottsville Plantation to build and maintain its roads and bridges, and to raise money for the same.

An Act additional to Chapter 219 of Public Laws of 1917, as amended by Chapter 196 of Public Laws of 1919, relating to night fishing in certain waters of Kennebec County.

An Act to amend Section 27 of Chapter 117 of the Revised Statutes, relating to the salary of the Superintendent of Public Buildings.

An Act to authorize the State Highway Commission to take over for construction and maintenance all roads in Indian Township.

An Act to increase the Mill Tax Highway Fund and to provide for the method of its application.

An Act to amend Section 1 of Chapter 76 and Paragraph IV of said Section of the Revised Statutes, as amended by Chapter 193 of the Public Laws of 1917, relating to the sales of real estate by license of Court.

An Act to provide for an issue of State Highway and Bridge Bonds.

An Act to amend Section 13 of Chapter 75 of the Private and Special Laws of 1919, relating to the salary of the Recorder of the Augusta Municipal Court.

An Act to increase the Military Fund, amending Section 91 of Chapter 259 of the Public Laws of 1917.

#### Finally Passed

Resolve for maintenance and improvement of the State Park in Augusta.

Resolve in favor of the Public Utilities Commission to take care of expenses provided for under Chapter 117, Section 31, Chapter 55, Section 1 and Chapter 24, Sections 34 and 38 of the Revised Statutes.

Resolve appropriating money for the purpose of obtaining information in regard to wild lands for the purpose of taxation.

Resolve for extra pay to the Maine Volunteers, War with Spain.

#### (Emergency Measures)

An Act authorizing appointment of assistant assessors when public exigency requires.

The SPEAKER: This being an emergency measure, under the Constitution of the State requires the

affirmative vote of two-thirds the entire membership of this House. All those in favor of the passage of the bill to be enacted will rise and stand until counted, and the monitors will return the count.

A division being had, 113 having voted in the affirmative and one in the negative, the bill was passed to be enacted.

An Act to amend Section 14 of Chapter 34 of the Revised Statutes increasing the annual appropriation for scientific investigations in animal husbandry.

The SPEAKER: This being an emergency measure, under the Constitution of the State requires the affirmative vote of two-thirds of the entire membership of this House. All those in favor of the passage of the bill to be enacted will rise and stand until counted, and the monitors will return the count.

A division being had, 106 having voted and all in the affirmative, the bill was passed to be enacted.

Resolve appropriating money for the purchase, maintenance and repair of bridges.

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

A division being had, 117 having voted and all in the affirmative, the resolve was finally passed.

Resolve in favor of the Western Maine Sanatorium.

(Tabled by Mr. Dodge of Portland until the afternoon session.)

Resolve appropriating money for the care, maintenance and repairs of Fort William Henry in the town of Bristol.

The SPEAKER: This being an emergency measure, under the Constitution of the State requires the affirmative vote of two-thirds the

entire membership of this House. All those in favor of the final passage of this resolve will rise and stand until counted, and the monitors will return the count.

A division being had, 111 having voted and 110 in the affirmative, the resolve was finally passed.

Resolve in favor of the Maine School for Feeble Minded.

(Tabled by Mr. Dodge of Portland until the afternoon session.)

Resolve in favor of the Bath Military and Naval Orphan Asylum.

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

A division being had, 110 having voted and all in the affirmative, the resolve was finally passed.

Resolve in favor of the Maine School for the Feeble-Minded for additions and improvements.

The SPEAKER: This being an emergency measure, under the Constitution of the State 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 and stand until counted, and the monitors will return the count.

A division being had, 116 having voted and all in the affirmative, the resolve was finally passed.

Resolve in favor of the University of Maine.

(Under suspension of the rules, on motion by Mr. Houghton of Fort Fairfield, the action of the House was reconsidered whereby this resolve was passed to be engrossed.)

Mr. HOUGHTON of Fort Fairfield: I offer House Amendment "B," which is simply a correction.

The SPEAKER: The Chair will inquire whether it is the purpose of

the gentleman from Fort Fairfield to further move that the resolve as amended be printed?

Mr. HOUGHTON: No. Mr. Speaker, I do not think it is necessary. The amendment simply proposes to make the gross total of appropriations for the first period the same as recommended, deducting the \$30,000 or thereabouts which was heretofore appropriated by the House under emergency Legislation.

Thereupon the House adopted House Amendment "B," and on further motion by Mr. Houghton of Fort Fairfield, the resolve as amended by House Amendment "B" was passed to be engrossed.

Resolve proposing an amendment to Section 5, Article 4, Part first of the Constitution, as amended by the Twenty-third Amendment, relating to absent voting.

The SPEAKER: This being an amendment to the Constitution 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 and stand until counted, and the monitors will return the count.

A division being had, 109 having voted and all in the affirmative, the resolve was finally passed.

Recess.

#### AFTER RECESS

The SPEAKER: The Chair presents at this time out of order first reading of bills printed under the rules.

House 460: An Act relating to the taxation of shares of stock of trust companies organized under the laws of this State and banking institutions formed under the laws of the United States.

(Tabled by Mr. Wing of Auburn, pending assignment for third reading, and Wednesday afternoon assigned for its consideration.)

House 461: An Act amending Sections 76, 78 and 80 of Chapter 11 of the Revised Statutes, relating to sale of land of non-resident owners.

(Tabled by Mr. Forbes of Paris, pending assignment for third reading.)

The SPEAKER: Under orders of the day the Chair presents out of order two resolves, which if enacted, would take the place of the resolves in aid of navigation at the head of today's calendar, and presented by the gentleman from Brewer, Mr. Small.

Thereupon the House voted to receive these two resolves as follows:

Resolve in favor of aid in navigation on lakes and certain waters for the fiscal period ending June 30, 1921.

(On motion by Mr. Crafts of Greenville, resolve received its two several readings, under suspension of the rules, and was passed to be engrossed.)

Resolve in favor of aid in navigation on lakes and certain waters for the period beginning July 1, 1921 and ending June 30, 1922.

(On motion by Mr. Hinckley of So. Portland, the rules were suspended, the resolve given its two several readings and passed to be engrossed.)

The SPEAKER: The Chair presents, on motion of the gentleman from Portland, Mr. Brewster, the following order out of order:

Ordered, that the Governor is hereby requested to return an Act entitled An Act amendatory of and additional to Chapter 16 of the Private and Special Laws of 1820, and for the incorporation of the trustees of the Medical School of Maine.

The order received passage.

The SPEAKER: The Chair presents the Act referred to in the foregoing order.

Mr. BREWSTER: Mr. Speaker, I would move the indefinite postponement of this Act, inasmuch as the House has this morning refused the appropriation necessary for its maintenance.

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

Calais it was voted to take from the table An Act to establish the State School funds, tabled by that gentleman April 1st, pending passage to be engrossed, on further motion by the same gentleman it was passed to be engrossed.

On motion by Mr. Murchie of Calais it was voted to take from the table, An Act relative to motor vehicles and the law of the road, tabled by that gentleman on April 1st, pending assignment for third reading.

Mr. MURCHIE: Mr. Speaker, I move that it be given its third reading at this time.

Mr. BRAGDON of Perham: Mr. Speaker, I offer House Amendment "A." Would a word of explanation on the amendment be in order?

The SPEAKER: The gentleman from Perham, Mr. Bragdon, offers House Amendment "A" to House Document No. 455, being An Act relating to motor vehicles and the law of the road, and recognizes the gentleman from Perham, Mr. Bragdon.

Mr. BRAGDON: I will state, Mr. Speaker, that while the amendment is necessarily a very long one, it is only for one purpose. The bill in the new draft places the registration of motor vehicles in the department of State and the enforcing of the law in regard to registration in the highway department; and this amendment while a long one is to change the reference in regard to enforcement in every section where it occurs, so that the enforcement of the law will also remain in the hands of the secretary of State.

Mr. GRANVILLE of Parsonsfield: Mr. Speaker, I move that the bill be tabled.

The SPEAKER: Does the gentleman from Parsonsfield suggest the printing of the amendment? The gentleman from Parsonsfield, Mr. Granville, moves that pending the adoption of House Amendment "A," the bill lie on the table for the purpose of printing the suggested amendment.

On motion by Mr. Murchie of

The motion prevailed, and 300 cop-

ies of House Amendment "A" to House Document 455 were ordered printed.

On motion by Mr. Maher of Augusta, it was voted to take from the table House Document No. 123, Bill, An Act to provide for local inspection of slaughter houses, tabled by that gentleman March 24, pending second reading.

Mr. MAHER: Mr. Speaker, I now move the indefinite postponement of this bill. This was an Act to provide for local inspection of slaughter houses, and was unanimously reported by the committee, ought not to pass. On March 24, in order to allow the gentleman from South Portland (Mr. Hinckley) to offer a certain amendment we reconsidered the vote whereby we accepted the report of the committee, ought not to pass, and substituted the bill for the report. The amendment was then offered, and pending second reading, I have had it on the table. I move its indefinite postponement now for the reason that it nullifies and destroys the present effective act regulating slaughter houses. It removes from cities like Portland, and towns like Houlton, the very wholesome and very effective regulatory system which they now have, and it leaves the matter to the discretion of municipal officers to make application for the appointment of a State inspector. It has other objectionable features, such as the regulations of a local board of health. I think without any further remarks at this time that I will move its indefinite postponement.

Thereupon, a viva voce vote being taken, the motion to indefinitely postpone prevailed.

On motion by Mr. Hinckley of South Portland, it was voted to take from the table, Bill, An Act relative to designation of persons appointed to enforce cruelty to animal's law, tabled by that gentleman on April 1, pending passage to be engrossed. On further motion by the same gentleman, the bill was passed to be engrossed.

On motion by Mr. Maher of Au-

gusta, it was voted to take from the table House Document No. 400, Bill, An Act relative to Workmen's Compensation, tabled by that gentleman on April 2, pending concurrence.

The SPEAKER: This bill was amended by House Amendment "A," and in the Senate House Amendment "A" was adopted. Thereupon the Senate offered Senate Amendment "A."

On motion by Mr. Maher, the rules were suspended, and the action of the House whereby this bill as amended by House Amendment "A" was passed to be engrossed was reconsidered. On further motion by the same gentleman, Senate Amendment "A" was adopted in concurrence. On further motion by the same gentleman, the bill as amended by House Amendment "A" and Senate Amendment "A" was passed to be engrossed in concurrence.

On motion by Mr. Rounds of Portland, it was voted to take from the table Senate Document No. 184, Resolve to reimburse the town of Prentiss for sheep and poultry killed by dogs, tabled on April 2nd by that gentleman, pending its passage to be engrossed; on further motion by the same gentleman, the resolve was passed to be engrossed.

On motion by Mr. Hinckley of So. Portland, it was voted to take from the table, House Document No. 154, Bill, An Act to amend Section 7 of Chapter 117 of the Revised Statutes, relating to the compensation of retired justices of the supreme judicial court, tabled by Mr. Rounds of Portland on April 4, pending first reading. On motion by Mr. Rounds of Portland, the rules were suspended and the bill received its three several readings, and was passed to be engrossed.

On motion by Mr. Rounds of Portland, it was voted to take from the table Senate Document No. 201, Bill, An Act relative to clerk hire for reporter of decisions, tabled by that gentleman on April 4, pending passage to be engrossed; and on further motion by



the same gentleman, the bill was passed to be engrossed.

On motion by Mr. Cram of Portland, it was voted to take from the table House Document No. 274, Bill, An Act relative to age of commitment to State School for Boys, tabled by that gentleman April 4, pending passage to be enacted, and on further motion by the same gentleman it was passed to be enacted.

The SPEAKER: The Chair presents at this time, out of order, Bill, An Act to amend Sections 6 and 14 of Chapter 59, relative to the appointment of steamboat inspectors.

On motion by Mr. Cram of Portland, the action of the House whereby this bill was passed to be engrossed was reconsidered; and that gentleman offered House Amendment A, as follows:

"Said act is hereby amended by adding thereto the words 'Provided, however, that nothing in this act shall be considered to affect the terms of office of the present steamboat inspectors.'"

The SPEAKER: The situation is such that this bill places the steamboat inspectors under the control of the Public Utilities Commission, and the amendment is offered to make it perfectly clear that there is no change in the personnel of the inspectors. Is it the pleasure of the House to adopt amendment A?

Thereupon House Amendment A was adopted and the bill was passed to be engrossed as amended by House Amendment A.

On motion by Mr. Buzzell of Belfast, recessed until 3 P. M.

#### AFTER RECESS

From the Senate: Report of the Committee on Library on Bill "An Act to provide for the preservation of archaeological objects and sites and for the appointment of a commission of archaeology" reporting that the same be referred to the next Legislature.

From the Senate: Report of the

Committee on Military Affairs reporting "ought not to pass" on Memorial to Congress urging that November 11, be designated as Thanksgiving Day.

From the Senate: Report of the same Committee reporting the same on Bill "An Act to amend Section 8 of Chapter 259 of the Public Laws of 1917 relating to the appointment of aides de camp on the staff of the Commander-in-Chief."

Came from the Senate reports read and accepted.

Were read and accepted in concurrence.

From the Senate: Report of the Committee on Banks and Banking on Bill "An Act to amend Section 27, sub-Section 52 of the Revised Statutes, relating to investments by savings banks in railroad equipment obligations" reporting same in a new draft under same title and that it "ought to pass." (Senate Doc. 211.)

The report was accepted.

On motion by Mr. Viles of Augusta, the rules were suspended and the bill received its two several readings, and on motion by Mr. Snipe of Bath, under a suspension of the rules the bill received its third reading and was passed to be engrossed.

From the Senate: Report of the Committee on Indian Affairs on Bill "An Act to regulate certain internal affairs of the Passamaquoddy Tribe of Indians" reporting same in a new draft under same title and that it "ought to pass." (Senate Doc. 213.)

The report was accepted.

On motion by Mr. Leighton of Dennyville, the rules were suspended and the bill received its two several readings, and on further motion by the same gentleman, under a suspension of the rules, the bill received its third reading and was passed to be engrossed.

From the Senate: Report of the Committee on Insane Hospitals on Resolve in favor of the Augusta State Hospital for furnishing and equipping the new addition to the female pavilion now under construction, reporting same in a new draft under

title of "Resolve in favor of the Augusta State Hospital for furniture and other equipment and that it "ought to pass." (Senate Doc. 208.)

The report was accepted.

On motion by Mr. Maher of Augusta, the rules were suspended and the bill received its first reading, and on motion by the same gentleman, under a suspension of the rules the resolve received its second reading and was passed to be engrossed.

From the Senate: Report of the same Committee on Resolve in favor of the Augusta State Hospital for maintenance during the years 1921, 1922 and 1923, reporting same in a new draft under same title and that it "ought to pass." (Senate Doc. 209.)

The report was accepted.

On motion by Mr. Varney of Chelsea, the rules were suspended and the resolve received its first reading, and on further motion by the same gentleman, the resolve received its second reading and was passed to be engrossed.

From the Senate: Report of the Committee on Judiciary on Bill "An Act to provide for the removal of property from lands intended to be flowed and the assessment of damages caused thereby, reporting same in a new draft under title of "An Act to provide for the removal of property from lands intended to be flowed and the assessment of damages caused thereby when such property if flowed, will constitute a menace to persons or property," and that it "ought to pass." (Senate Doc. 176.)

The report was accepted.

On motion by Mr. Buzzell of Belfast, the rules were suspended and the bill received its two several readings, and on further motion by the same gentleman, under a suspension of the rules the bill received its third reading and was passed to be engrossed.

From the Senate: Report of the same Committee on Bill "An Act to amend Section 2 of Chapter 111, of the Revised Statutes, relating to se-

lection and services of jurors" reporting same in a new draft under title of "An Act to amend Sections 2 and 3 of Chapter 111 of the Revised Statutes, relating to the selection and service of jurors" and that it "ought to pass." (Senate Doc. 204.)

The report was accepted.

On motion by Mr. Murchie of Calais, the rules were suspended and the bill received its two several readings, and on further motion by the same gentleman, under a suspension of the rules the bill received its third reading and was passed to be engrossed.

On motion by Mr. Hinckley of South Portland, the vote was reconsidered whereby this bill was passed to be engrossed, and on further motion by Mr. Hinckley the bill was tabled, pending its passage to be engrossed.

From the Senate: Report of the same Committee on Bill "An Act to amend Sections 2 and 4 of Chapter 69 of the Revised Statutes relating to inheritance taxes, reporting same in a new draft under title of "An Act to amend Section 2 of Chapter 69 of the Revised Statutes relating to inheritance taxes" and that it "ought to pass." (Senate Doc. 203.)

The report was accepted.

On motion by Mr. Maher of Augusta, the rules were suspended and the bill received its two several readings, and on further motion by the same gentleman, under a suspension of the rules the bill received its third reading and was passed to be engrossed.

From the Senate: Report of the Committee on Legal Affairs reporting "ought to pass" on Bill "An Act to amend Section 19 of Chapter 5 of the Revised Statutes as amended by Chapter 69 of the Public Laws of 1917, relating to session of Boards of Registration." (Senate Doc. 164.)

The report was accepted.

On motion by Mr. Barwise of Bangor, the rules were suspended and the bill received its two several readings, and on further motion by the same gentleman, under a suspension of the rules, the bill was

given its third reading and was passed to be engrossed.

From the Senate: Report of the committee on Ways and Bridges, reporting the same on Bill, An Act to amend Chapter 319, Public Laws of 1915 and Acts amendatory thereof, providing for State and County Aid in the construction of highway bridges. (Senate Doc. 207.)

The report was accepted.

On motion by Mr. Forbes of South Paris, the rules were suspended and the bill received its two several readings, and on further motion by the same gentleman, under a suspension of the rules, the bill was given its third reading and was passed to be engrossed.

From the Senate: Report of the committees on Judiciary and Military Affairs on Bill, An Act prohibiting sports on Memorial Day, reporting same in a new draft under title of "An Act prohibiting public games and amusements on Memorial Day" and that it "ought to pass." (Senate Doc. 212.)

The report was accepted.

On motion by Mr. Maher of Augusta, the rules were suspended and the bill received its two several readings, and on further motion by the same gentleman, under a suspension of the rules, the bill received its third reading.

Mr. Maher then offered House Amendment "A," to amend by adding after the word "imprisonment" in the fourth line of said act, before the emergency clause, the following, to wit: "Judges of municipal and police courts and trial justices shall have jurisdiction in the prosecution for offenses under this act."

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

The SPEAKER: The Chair presents at this time, out of order, the majority and minority reports of the committee on Legal Affairs on Resolve proposing an amendment to the Constitution of Maine, so as to authorize the conservation, storage, control and use of waters and the development, improvement, trans-

mission, utilization, electrical interconnection, control and sale of water powers by the State, and the taxation of water powers, water power privileges and hydro-electric energy generated therefrom; the majority reporting "ought not to pass," and the report being signed by Senators Thombs of Penobscot and Thompson of Knox, and by Messrs. Weeks of Fairfield, Hussey of Blaine, Willard of Sanford and Mason of Ellsworth; the minority report on the same resolve, reporting same in new draft under similar title, and that it "ought to pass," the report being signed by Senator Garcelon of Androscoggin and Messrs. Brewster of Portland, Fagan of Portland and Murray of Portland.

Mr. BREWSTER of Portland: Mr. Speaker, I will move, in order to get the matter printed and place it in order for discussion, that the minority report be accepted and that 500 copies be ordered printed, and I would then further move that it be specially assigned for consideration on Thursday of this week.

Mr. MAHER of Augusta: Mr. Speaker, in order to accomplish the same end which the gentleman from Portland, Mr. Brewster, has suggested in his remarks, I would suggest that both reports be tabled for printing.

Mr. BREWSTER: I will say that that is entirely satisfactory to me, Mr. Speaker.

The SPEAKER: The gentleman from Portland, Mr. Brewster, now moves that pending the acceptance of either report the bill in new draft accompanying the minority report be printed. The Chair will inquire of the gentleman from Portland, Mr. Brewster, whether or not the resolve submitted with the majority report is as heretofore printed?

Mr. BREWSTER: The majority report was "ought not to pass," so the committee did not take the trouble to make the changes.

The motion was agreed to, and both reports were tabled for printing.

From the Senate: The following communication came from the Senate:

"To the Clerk of the House of Rep-

representatives of the 80th Legislature:  
Sir:

The Governor of the State having returned to the Senate, Resolve in favor of the President and Trustees of Bates College with his objections to the same, the Senate proceeded to vote upon the question, "Shall the resolve be passed notwithstanding the objections of the Governor?" A yea and nay vote was taken, three senators voting in the affirmative and 25 in the negative and accordingly the resolve failed of a passage.

Respectfully,

L. ERNEST THORNTON,  
Secretary of the Senate."

The communication was placed on file.

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From the Senate: An Act to increase the salary of the judge of the municipal court of Gardiner.

This bill was passed to be engrossed in the House April 4, and now comes from the Senate passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

On motion by Mr. Gardiner of Gardiner, the vote was reconsidered whereby this bill was passed to be engrossed.

Senate Amendment "A" was then adopted in concurrence, and on further motion by Mr. Gardiner, the bill was passed to be engrossed, as amended by Senate Amendment "A." in concurrence.

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From the Senate: An Act to make uniform the fees of deputy sheriffs in attendance upon supreme judicial and superior courts.

This bill was passed to be engrossed in the House, March 31st, as amended by House Amendment "A." in non-concurrence.

It now comes from the Senate, that body insisting upon its action and House Amendment "A" rejected.

Mr. Hinckley of South Portland moved that the House recede and concur with the Senate.

Mr. ROUNDS of Portland: Mr. Speaker, there was a committee of conference appointed yesterday upon

this same bill. The gentleman from South Portland, Mr. Hinckley, told me that I had taken an unfair advantage of him because I didn't put this amendment on when he was in his seat. I don't know what advantage I took of him at that time, because he had just as much opportunity to be here as I had.

He said that the unanimous report of the committee was "ought not to pass." Now I beg to differ with the gentleman, but I think there were five members voted when the delegation was there that this should be put in, and so I put it onto the bill. I don't know why we should turn turtle and take back water now any more than the other branch of this Legislature has. We insisted upon having a committee of conference and that committee was appointed, and I think we should now insist upon our action.

Mr. HINCKLEY: Mr. Speaker, there are some at least in Cumberland county who still believe in law and its enforcement. The purpose of this amendment is to do away with the present law and materially reduce the number of deputy sheriffs whose duty it is to enforce, especially the provisions of the prohibitory law. This matter was taken up by the gentleman from Portland in the Cumberland county delegation, and every member of the delegation except the gentleman from Portland, Mr. Rounds, voted against the matter and voted to leave the law as it is. That is the action that was taken by the Cumberland county delegation after it was thoroughly threshed out, and I say to you that it is not practical to limit the number of deputy sheriffs in Cumberland county as contended by the gentleman from Portland, Mr. Rounds. We know what is necessary, some of us who have been in touch with the situation, and we know today more than any other time in the history of the State it is necessary to be vigilant, it is necessary to have enough officers on the job to see that the law is properly enforced, in these days when automobiles are used as they are in the transporting of intoxicating liquors, in these days on the coast

when schooners and vessels are used in the illegal transportation of intoxicating liquors, and in these days when there is practically no help from the United States marshal's office in connection with the enforcement. The delegation from Cumberland county knows the situation and disagrees with the gentleman from Portland, Mr. Rounds, and I say, Mr. Speaker, that it was unfair, regardless of the fact that I happened to be out temporarily and perhaps should have been here, but it was unfair and was beneath the gentleman from Portland, Mr. Rounds, to take advantage of those circumstances and push this matter through, and I certainly believe that this House under those circumstances will not permit the gentleman from Portland, Mr. Rounds, to put this matter over against the unanimous voice of the Cumberland county delegation.

The SPEAKER: The Chair will state that the last endorsement on this measure escaped attention. Yesterday, the House voted to insist upon its former action and asked for a committee of conference, and the three members were appointed on the part of the House. It was then sent to the Senate for concurrence. In the Senate today that branch insisted upon its former action and joined a committee of conference, appointing the senators from Cumberland county, Oxford county and Sagadahoc county. Apparently the committee of conference has not considered the matter, so that a discussion of it at this time would be out of order.

From the Senate: An Act to require the filing with town and city clerks of clean bills of health by persons filing certificates of intentions of marriage.

This bill was passed to be engrossed in the House on March 30th; it now comes from the Senate with the minority report of the committee on public health on the same bill, reporting "ought not to pass" accepted, in non-concurrence.

On motion by Mr. Phillips of Bar Harbor, the House voted to insist upon its former action and asked for a committee of conference.

The SPEAKER: The Chair will appoint the committee of conference at a later date.

From the Senate: Report of the committee on claims, to which was referred list furnished by the State Auditor of certain deficiencies in certain departments of the State government, reporting a resolve authorizing the payment of certain deficiencies, and that the same "ought to pass."

This comes from the Senate with the report read and accepted and the resolve passed to be engrossed as amended by Senate Amendment "A."

The SPEAKER: This matter for the present will lie upon the table.

From the Senate: An Act to increase salaries of certain county officers and amount of money allowed for clerk hire in certain county offices.

Comes from the Senate, read twice and passed to be engrossed.

In the House, on motion by Mr. Rounds of Portland, the bill received its two several readings.

Mr. ROUNDS of Portland: Mr. Speaker, I yield to the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: I offer House amendment "A" and move its adoption; and to save the Speaker reading the amendment I will say that it strikes out certain unessential words in relation to the salaries in Washington county, and makes two changes in Cumberland county, increasing the clerk hire in the office of the Recorder of the Municipal Court from \$1,404 to \$1,612, and eliminating the \$18 per week limitation in Cumberland county.

The SPEAKER: The gentleman from Calais, Mr. Murchie, chairman on the part of the House of the committee on Salaries and Fees presents House amendment "A" to Senate Document 210, and has apprised the House of the changes which House amendment "A" suggests.

Thereupon House amendment "A" was adopted. On further motion by Mr. Murchie of Calais, the rules were suspended, and the bill as amended

by House amendment "A" was given its third reading and passed to be engrossed and sent up for concurrence.

From the Senate: Bill, An Act to amend Section 3 of Chapter 8 of the Revised Statutes, as amended by Chapter 111 of the Public Laws of 1919, requiring a permit for the burning of brush or slash near woodland. This was passed to be engrossed in the House on March 30 as amended by House amendment "A" in non-concurrence.

Comes from the Senate passed to be engrossed as amended by House amendment "A" and Senate amendment "A" in non-concurrence.

(Senate amendment "A" read by the Chair.)

On motion by Mr. Roberts of Lyman, the action of the House was reconsidered whereby this bill was passed to be engrossed. On further motion by the same gentleman, Senate amendment "A" was adopted in concurrence; and on further motion by the same gentleman the bill as amended by House amendment "A" and Senate amendment "A" was passed to be engrossed in concurrence.

From the Senate: Bill, An Act to amend Chapter 8 of the Revised Statutes, as amended by Chapters 111 and 168 of the Public Laws of 1919, requiring a permit for the burning of blueberry land adjacent to forest growth. This was passed to be engrossed in the House on March 31 in concurrence.

Comes from the Senate indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Viles of Augusta, the matter was tabled.

On motion by the same gentleman, it was voted to take from the table Bill, An Act to amend Chapter 8 of the Revised Statutes, as amended by Chapters 111 and 168 of the Public Laws of 1919, requiring a permit for the burning of blueberry land adjacent to forest growth; and on further motion by the same gentleman, the House voted to recede and concur with the Senate in the indefinite postponement of the bill.

From the Senate: Report of the Committee on Claims on Resolve in favor of the Emery-Waterhouse Company of Portland, Maine, for material furnished for the construction of the Central School Building for the State School for Girls, at Hallowell, reporting the same in a new draft under similar title, and that it "ought to pass."

Comes from the Senate, the report read and accepted, and the bill indefinitely postponed.

In the House, on motion by Mr. Buzzell of Belfast tabled, pending acceptance of report in concurrence.

The SPEAKER: The Clerk will read out of order House reports of committees.

Mr. Brewster from the Committee on Legal Affairs on Bill, An Act relating to the fees of city clerks, reporting the same in a new draft under similar title, and that it "ought to pass."

The report was accepted, and the bill ordered printed under the joint rules.

Mr. Holley from the Committee on Appropriations and Financial Affairs on Resolve making appropriation for the construction of a new building at the Northern Maine Sanatorium, Presque Isle, Aroostook county, and for the purpose of equipment therefor, and for maintenance, reports same in new draft, under similar title, and that "it ought to pass."

The report was accepted, and on motion by Mr. Wilson of Presque Isle, the rules were suspended, and the resolve was given its two several readings and passed to be engrossed.

From the Senate: To the President of the Senate and Speaker of the House of Representatives:

The Joint Recess Committee appointed by the President of the Senate and Speaker of the House of Representatives of the 79th Legislature to investigate and report upon the consolidation of the banking laws of the State, beg leave to report that on account of the chaotic condition of the securities market they have not

deemed a report at this session expedient, and respectfully recommend that a committee be appointed with authority to investigate the same subject matter and report to the 81st Legislature; and to that end recommend passage of the accompanying order.

The report was signed by the following members: The Senator from Sagadahoc, Senator Baxter, the Senator from Oxford, Senator Eaton, the gentleman from Portland, Mr. Fagan, and the gentleman from Calais, Mr. Murchie.

The accompanying order is as follows:

Ordered, that a joint special recess committee be appointed by this Legislature, to consist of five members, two of whom shall be appointed by the President of the Senate and three of whom shall be appointed by the Speaker of the House to investigate and report upon the consolidation of the banking laws of the State of Maine, said report to be made to the 81st Legislature.

Report comes from the Senate read and accepted, and the order comes from the Senate read and passed.

In the House, the report was received and accepted in concurrence, and on motion by Mr. Fagan of Portland, the order was given passage in concurrence.

The SPEAKER: The Chair appoints on the part of the House as the special recess committee of this Legislature in conformity with the order just given passage to investigate and report upon the consolidation of the banking laws of the State of Maine, Messrs. Fagan of Portland, Murchie of Calais, and Dodge of Portland.

From the Senate: Final reports of the Committee on Military Affairs and the Committee on Re-districting the State.

Comes from the Senate reports accepted.

In the House reports accepted in concurrence.

Mr. Wadsworth of Winthrop in-

troduced out of order the following order:

Ordered, that the Governor be requested to return to the House Resolve appointing a committee of investigation to procure plans and estimates for a State Library building.

The SPEAKER: The Chair informs the gentleman from Winthrop (Mr. Wadsworth) that the papers are now upon the Speaker's desk.

On motion by Mr. Wadsworth, the rules were suspended and the House voted to reconsider its action whereby the resolve appointing a committee of investigation to procure plans and estimates for a State Library building was finally passed and was passed to be engrossed.

Mr. Wadsworth then offered House Amendment "A" as follows:

The resolve is hereby amended by striking out Sections 1 and 2, and inserting in place thereof the following:

"Sec. 1. That a committee of four may be appointed by the Governor to investigate and report to the next Legislature in regard to plans, estimates and specifications for a State Library Building. The committee, subject to the approval of the Governor and Council, may appoint such assistance and incur such expenses as it deems necessary, not exceeding five thousand dollars. The committee shall serve without pay, but shall receive its actual expenses. The Governor shall be chairman and a member of the committee ex-officio."

The amendment was adopted; and on motion by Mr. Wadsworth the resolve received its two several readings as amended by House Amendment "A" and was passed to be engrossed.

The SPEAKER: The Chair presents at this time out of order bills and resolves on their passage to be enacted.

#### Passed to Be Enacted

An Act amending the charter of the Belfast Municipal Court.

An Act to discontinue the ferry between the towns of Hampden and Orrington across the Penobscot River.

An Act to amend Section 12 of Chapter 117 of the Revised Statutes, relating to mileage of members of the Legislature.

(Tabled by Mr. Maher of Augusta pending passage to be enacted.)

An Act to provide for State aid to towns in the maintenance and repair of bridges.

An Act to consolidate the Library Laws.

An Act to amend Section 121 of Chapter 4 of the Revised Statutes, relating to application for license to build or extend fish weirs.

An Act to amend Section 10 of Chapter 293 of the Public Laws of 1917, relating to the per diem of sea and shore fisheries wardens.

An Act to amend Chapter 132 of the Public Laws of 1919, entitled "An Act to create the Maine Water Power Commission."

#### Finally Passed

Resolve to reimburse the town of St. Albans for the overpaid tax to the State of Maine.

Resolve appropriating money for the retracing and defining of the lines of the Public Lots.

Resolve in favor of the Superintendent of Public Buildings for salary and wages and for maintenance and improvements.

Resolve authorizing Austin W. Jones Company to bring a suit at law against the State of Maine.

On motion by Mr. Viles of Augusta, the House voted to reconsider its action earlier in the day whereby the resolve relating to the appropriation of money for investigation of wild lands was finally passed, and the resolve was tabled by that gentleman for the purpose of amendment.

Recess.

#### AFTER RECESS

On motion by Mr. Viles of Augusta, the vote was reconsidered whereby resolve appropriating money for the purpose of obtaining information in regard to wild lands for the purposes of taxation, was finally passed.

On further motion by the same gentleman, the vote was reconsidered

whereby this resolve was passed to be engrossed. On further motion by the same gentleman, the resolve was then tabled.

On motion by Mr. Hinckley of South Portland, Bill, An Act to amend certain sections of the Revised Statutes, relative to selection and service of jurors, was taken from the table.

The pending question being the passage of the bill to be engrossed.

On further motion by Mr. Hinckley, the bill was passed to be engrossed.

The SPEAKER: The House will at this time take up matters on the calendar. House Document No. 55, Report of committee on Legal Affairs on Resolve proposing an amendment to the Constitution to allow towns and cities to adopt or amend charters, will remain upon the table.

Senate Document No. 170, Resolve appropriating money to aid in screening certain lakes, at the suggestion of the committee on Appropriations and Financial Affairs, will remain upon the table.

House Document No. 454, An Act to provide for full time State Highway Commission, on motion by Mr. Murchie of Calais, was tabled until tomorrow morning.

Senate Document No. 175, Report of committee on Inland Fisheries and Game on Act for better protection of ducks and geese in Merrymeeting Bay.

Mr. CRAM of Portland: Mr. Speaker, I move that this matter be taken from the table, and at the proper time I will offer an amendment upon which I desire to speak.

The SPEAKER: This is a report from the committee on Inland Fisheries and Game, reporting in new draft under title of "An Act for the better protection of ducks and geese in the waters of Merrymeeting Bay in the counties of Cumberland and Sagadahoc and tributaries thereof, except Kennebec river, within one mile of the waters of said Merrymeeting Bay," and that it "ought to pass."

The report was accepted.



On motion by Mr. Cram of Portland, under a suspension of the rules the bill received its two several readings.

Mr. Cram then offered House Amendment "A," to amend Section 1 by striking out the word "termed" in the first line thereof, and inserting in place thereof the word "a," and by striking out the words "between one-half hour after sunset and one-half hour before sunrise" in the sixth and seventh lines thereof, and inserting in place thereof the words "for more than three days continuously in any one place or within one hundred yards of said place."

Mr. CRAM of Portland: Mr. Speaker and gentlemen, I will endeavor to explain to you briefly the situation down here in Merrymeeting Bay as I understand it. I will say, in the first place, that I am not a gunner and do not shoot ducks from blinds or from floats. This is a controversy between those who shoot ducks from "blinds," so-called, and those who shoot from "floats." For the sake of economy of words, I am going to call those who shoot from blinds "blind men," and those who shoot from floats, "floaters."

Now I understand these floats are built of logs about six or eight feet long, connected together on one end and having brush some three or four or five feet high over three sides, and the boat goes in at the other end, and they put out decoy ducks and wait there for the wild ducks to come along. Those who hunt from floats, as I understand it, protect their floats and lie on their backs in the floats and scull their boats over the shoulder, and protect their boats with brush thrown over the boat. The complaint has been made that those who shoot from "blinds," that is, the "blind men," fasten their blinds there permanently, and those who choose the best places don't give any opportunity for those who shoot from floats to get there. Now that is merely a matter of opinion. The men who shoot from blinds are mostly men who own acreage somewhere along the shores of Merry-

meeting Bay. The shore there, as I understand it, is very flat, mostly mud flats, so that under the provisions of this bill as reported in new draft by the committee, which provides that no blind shall be left there between one-half hour after sunset and one-half hour before sunrise, practically prohibits their gunning from these blinds for the reason that the blinds necessarily have to be built quite substantial, and that the people who live on the shores know about the tides, the tide being an hour later each day, and it is necessary on account of the weight of the floats that they be taken in and out on high tide. Of course the men in the floats have no difficulty like that, because they can get their floats out at any time, and as I understand they generally come down the channel.

Under the provisions, as I have stated, of this new draft, the men who use the blinds on account of the tides would be able to use them only one day a week, very nearly putting them out business, if not entirely so, because on account of the rough water they may not be able to get out more than one day a week; and in the amendment which I have proposed, we may merely ask that they be all allowed to keep those blinds out there for at least three days in any place and then that they must move them and they must move them at least one hundred yards. Now I am told that in gunning for ducks, a man cannot bring down a duck at more than forty yards so that one hundred yards is certainly ample distance away for the best places to be exchanged.

The complaint has been made that these men who shoot from blinds commercialize the shooting and have men come to their premises and allow them to shoot. I submit to you, gentlemen, that this is no more than is done all over the State. We commercialize the taking of fish from the waters of the State and the shooting of deer and other game. In fact, one of our largest industries in this State is the sporting industry.

I merely am interested in this

matter from a sense of fair play, and I desire to see these people let the blind men have some chance to shoot as well as the floaters. I understand that the floaters, or the greater number of them, are men who belong to the gun club recently organized since this bill came into the House. That is entirely proper, but why should they want to monopolize the entire shooting of ducks and geese in Merrymeeting Bay. I submit to you, gentlemen, that this bill is not properly named. I hope I have made you understand from what I have said that this is not merely an act for the better protection of ducks and geese in the waters of Merrymeeting Bay, as the title would indicate, but it is really an act to prohibit the shooting of ducks and geese by the blind men, and to limit the shooting to those who shoot from floats.

I understand there is a great deal of shooting throughout the State from blinds and from floats, and in other parts of the State men get along very well and each has his fair show. I think we should remember that this may be merely an entering wedge, and that those of you who shoot from blinds should see to it that you are not limited but have the same rights as the others. I am sure my friend, the gentleman from Greenville, Mr. Crafts, would not want a certain class of men who desire to shoot a certain way to come up into his territory and be limited, or those who desire to fish, but that he would much prefer that all who come may fish and shoot, and I merely ask for fair play upon this matter, and I ask that you vote with me in the acceptance of this amendment.

Mr. CRAFTS of Greenville: Mr. Speaker and gentlemen of the House, this bill was considered in our committee hearing one entire afternoon and in executive session on three different afternoons, and our committee has made a unanimous report upon the bill. If this amendment is added onto it, it virtually kills the bill, as the way the amendment is worded, these blinds can be shifted. It says that the distance should be one hundred yards, and they can

take a row-boat or a motor-boat and go out there and shift them a hundred yards and bring the other one back, and no one is going to know whether they have been shifted or not. I hope the amendment will not be adopted.

Mr. SNIPE of Bath: Mr. Speaker: I am prepared to accept the very good picture of duck shooting given by the gentleman from Portland, Mr. Oram, but this specific bill was first brought before the committee by a most representative delegation of gentlemen from Bath and Brunswick. The bill was very carefully considered by the committee and was changed in many respects in order that it should be perfectly fair to three different classes of people. First, the local duck shooter; second, the duck snooter who comes from other states, and who would naturally use these permanent blinds; and third, and incidentally, to give the ducks a sportsman's chance. As the gentleman from Greenville, Mr. Crafts, has just said, the adoption of this amendment would very materially cripple the bill, and I therefore hope it will not prevail.

Mr. PEABODY of Richmond: Mr. Speaker and gentlemen of the House, I have no particular interest in this bill, although I live very near Merrymeeting Bay. It is a fact that if this law is passed, it will materially aid in the propagation of ducks, because as the present law provides, these people are allowed to have blinds to shoot from, and some of those blinds are located in places where the ducks alight, and the shooting is very good. I know of one instance last fall when the warden visited one of those places and the proprietor's wife told me that they had 250 ducks in the camp at that time, and had them concealed in different places so that they were not arrested. Now, if this amendment is passed, it is going to kill the bill in my opinion, and I therefore hope the amendment will not be adopted.

The pending question being on the adoption of House Amendment "A."

A viva voce vote being taken,

The amendment was not adopted.

On motion by Mr. Crafts of Green-

ville, under a suspension of the rules, the bill then received its third reading and was passed to be engrossed.

The SPEAKER: The next matter on the calendar is House Document No. 381, An Act to divide the town of Wells. The Chair will state the parliamentary situation. In the House, this bill was indefinitely postponed, and was sent to the Senate for concurrence. In the Senate, House Amendment "A" read and rejected in non-concurrence; read and assigned, and later read a second time and passed to be engrossed.

Mr. LUQUES of Kennebunkport: Mr. Speaker, I move that the House recede from its former position and concur with the Senate, and I would like to speak a moment upon that question. As a rule, gentlemen, I am in accord with the general proposition that it is unwise to divide towns, but there are exceptions to every proposition, and I think this case falls among the exceptions.

When this House a few days ago voted to adopt an amendment telling the disputants in this case to decide this matter by a vote among themselves, disputants who had been quarreling for the last 30 years, I confess that I was astonished. That decision was one worthy of Pilate. You said to the town of Wells, "We wash our hands in this matter entirely; take Ogunquit and do with her as you please," knowing that when you made that decision the town of Wells had two or three votes to Ogunquit's one, knowing that you were riveting the chains more securely on Ogunquit and condemning her to further bondage, knowing that you were stifling progress and enterprise and upholding inefficiency and backwardness.

Now I ask you, gentleman, was that a manly and courageous stand to take? It is obvious that the members of this House cannot know the facts of every bill that is presented to it, and we rely upon committees to sift those facts and look at the evidence and to report to us for our guidance. The hearing in this case took place in this House; it lasted something like four hours; it was conducted with

all the regularity and all the dignity of a court of justice. Each side was represented by one or more attorneys at that hearing; each side presented numerous witnesses, and those witnesses were subjected to cross examination, and after a full and complete hearing, that committee weighed the evidence and brought in a unanimous report in favor of division.

I ask you, gentlemen of this House, from other parts of the State, who know nothing about the facts in this case, whether a unanimous report of a committee is worth anything or not? Why shouldn't you be guided by such a report when you know nothing about the facts themselves, and when you know that that report has been made after careful weighing of those facts? These parties cannot agree. They never have, and they never will. Why, gentlemen, the people of that neighborhood go to a town meeting in Wells just the same as they would go to a circus. There was a letter passed to me the other morning, written by a farmer who lives in Wells to a resident of Ogunquit. This letter is not very long, and I would like to read it to you, as tending to show the character of a town meeting in Wells. This letter reads as follows: "I wish to thank you for the few words you said in the disgraceful time called a Town Meeting, Wednesday. I think you and the Reverend Gibson struck the right note. I believe the financial problems we have can be settled in fairness to all, but the evil results of such scenes as we have beheld lately will go on bounding and rebounding to all eternity and are therefore ten thousand times more harmful. I do not blame the citizens of Ogunquit for wanting a division of the town for they have stood not only abuse but insults without number and in almost all cases have acted like Christian gentlemen. I would have spoken yesterday and would have been glad to do so, but decided that it would be of no use at such a time. I hope this may be the death struggle of that old enemy that has kept our town in turmoil all these years and that the time may speedily come

when our town business may be done in brotherly love."

Now, gentlemen, I do not think it is necessary in addition to what I have said to make any further argument at this time, but I do hope that having thought these matters over you will recede from the position you took the other day and concur with the Senate.

Mr. SMITH of Waterboro: Mr. Speaker and gentlemen: I ask your pardon for again rising to oppose the division of the town of Wells. It would be easier for me to keep silent, and let this wicked division be made, but I know the facts in the case, and I feel it is my duty to protest against this scheme. I may be wrong, but I have to answer to my own conscience for that. In my opinion, this proposed division of Wells is one of the most selfish and one of the most unreasonable propositions ever presented before any Legislature. In some sections there are men who are continually stirring up trouble; men that are unhappy unless they are embroiled in a dispute, and if selfish interest is added to an inclination for trouble, trouble is sure to follow.

The residents of Ogunquit are here in force to push their plan through, and, not satisfied with fighting for their own schemes, some of them have been urging committeemen of this Legislature to interfere with matters in which they have no interest whatever. Not only residents of Ogunquit are making the fight, but they have hired several of the most powerful lobbyists of the State to use their influence, one of them a candidate for governor at the last June primaries, and another one of the most noted lawyers of our section of the State. What are they trying to do? Here is a town of 1900 people, and to further the selfish interests of 500, they propose and urge this legislature to starve 1400.

If this division should take place, what would be the result? Wells' tax rate would advance, farm property would depreciate, timber, one of the natural resources, would be sold, farms would be deserted—and at

present farming must be encouraged, for agriculture is the strength of this nation, and agriculture, now on the decline in Maine, must be favored, if Maine is to even hold her own.

One of the lobbyists for this division informed me,—“This is a political move, and Edgar, you keep your hands off.” But I didn't. Then they informed me my days were numbered politically, but if they think I am intimidated that way, they have another think coming, for as a member of the haysced brigade, speaking for myself, I was not brought up in the woods to be scared of owls.

They threaten my political life. If standing for justice for the greater part of the people of Wells will execute me politically, I am perfectly willing to be executed.

Now if the residents of Ogunquit would spend the time and money they have for this division in having some of their legal talent interpret their present charter, and have a peace treaty formed, it would be better for all concerned, if the residents of Ogunquit could comprehend it.

During the last 10 years I have been in this town a great many times. Ogunquit Village Corporation has grown rapidly, and at the present time there is nearly \$500,000 being expended for buildings this year, which is more building than is going on in any other section of similar size on the coast.

They say they are leaving Wells with good resorts, and I say there is a vast difference in the two sections, Wells being developed by working people from manufacturing towns not far away, while Ogunquit was developed by the wealthy class.

Now, gentlemen, all I ask is, give them the same warm reception South Thomaston got last Thursday morning and Jonesport a few weeks ago, for there was more justice in their division than this, from the fact their territory was nearer equal. One of the proponents has remarked, “When I can help a fellow, I am willing to do so,” but I am different. I want to help 1400 instead of 500. I'd like to be a good fellow, but I must be a square fellow first.

Gentlemen, do not divide the town of Wells. I hope the motion of the gentleman from Kennebunkport, Mr. Luques, will not prevail. (Applause.)

Mr. MOODY of York: Mr. Speaker and gentlemen of the House, I am not a public speaker, and for that reason I feel somewhat diffident to follow in any way my friend from Waterboro, Mr. Smith, but I do not want the impression to go out in this House that if this division is made, the town of Wells is going to lie mangled and helpless, because it is not so. Now, for a statement of fact: If the division takes place, and if you people who are for division by principle vote for it, which you have a right to do, don't do it on the ground that you are going to wreck the good old town of Wells, because you are not. Wells will still have that splendid beach which extends for five or six miles, covered from one end to the other with cottages and villas; it will still have the baronial estate of my friend George Lord, no better in the State except one down here to Gardiner. (Laughter.) Mr. Speaker, it will still have the splendid farms owned by the Wests and the Littlefields and the Bragdens, no better farms in York county than will be left in that same town of Wells; it will still have the town hall and it will have the high school; it will still have school houses abundant for their children. That is what old Wells will have, even if you have the town of Ogunquit. Mr. Speaker, I almost have a vision. I can see the town of Ogunquit and the town of Wells, the rolling clouds may spread about them, but eternal sunshine will settle on their heads. (Laughter and applause.) Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from York, Mr. Moody, moves the previous question. Shall the main question be now put?

All those in favor will rise and stand until counted.

A sufficient number having arisen, the main question was ordered.

The SPEAKER: The question now comes on the motion of the gentleman from Kennebunkport, Mr.

Luques, that the House recede and concur with the Senate. All those in favor will say yea; those opposed will say no.

A viva voce vote being doubted,

A division was had, 53 voted in the affirmative and 60 in the negative.

So the motion did not prevail.

Mr. Austin of South Berwick moved that the House adhere to its former action.

Mr. Cole of Eliot moved that the House insist upon its former action and ask for a committee of conference.

The SPEAKER: The gentleman from Eliot, Mr. Cole, moves that the House insist and call for a committee of conference. This motion has precedence over the motion to adhere and must be put first.

A viva voce vote being doubted,

A division was had, and 53 voting in the affirmative and 58 in the negative, the motion to insist and call for a committee of conference, was lost.

The pending question then being on the motion of Mr. Austin of South Berwick, that the House adhere,

The motion was agreed to.

Mr. Maher of Augusta then moved that the vote be reconsidered whereby the House voted to adhere.

A viva voce vote being taken,

The motion was lost.

The Chair presents majority and minority reports of committees on Legal Affairs and Labor on An Act relative to hours of employment of women and minors, tabled pending acceptance of either report.

Mr. SMITH of Waterboro: Mr. Speaker, I move you that the minority report be accepted.

When I look over the financial and industrial conditions of the world as a whole, and of these United States of America, which, as a result of the World war are billions of dollars in debt, and when I look still further to industrial conditions in New England, as illustrated by the conditions in which the railroads find themselves, the fear that every business man has for the future, and the condi-

tions in which business finds itself in the State of Maine today, I wonder whether this is the year, and this Legislature is the place, in which to try any doubtful experiments. Further, when I find that the neighboring State of New Hampshire has definitely refused to accept a 48 hour bill, and when I know that in competitive territory in the South labor is being employed for 55 and 60 hours a week, I cannot help wondering what would be the effect in Maine if we undertook to by law shorten the hours of labor.

We do not need to have figures presented to us, and it hardly seems necessary that we should be obliged to have anybody tell us, that knocking off six hours from the week's work takes just that much out of the wages of the employee, and necessarily takes something away from the amount which the manufacturer will receive. It seems to me, that instead of working less, everybody in the State of Maine, as well as elsewhere, for the next few years has got to work more, or else disaster will overtake us immediately. Those who are engaged in agricultural operations have no eight-hour day except that which might be forced upon them if a measure of this sort were passed, and even then the farmer himself would be obliged to work twice as long as those he employed. The farmer is having all he can do to get along now. The value of his product has been practically cut in two, and the purchasing power of the dollar which he receives is lessened to almost one half of what it was a few years ago. There is not any doubt that the hours of labor in industry will control the hours of labor of those who are employed upon the farm, because such was the experience of every farmer during the last two seasons.

I understand that some advocates of a 48 hour law put it upon the ground of a health measure. Those of us who sat upon the joint committee who heard this bill will remember that the group of women who came down and testified in favor of it were certainly a pretty healthy-looking bunch of women

folks. I have heard it stated also that the women who worked in the textile industry had to stand all of the time. There are some of us who know that that is not true, and that there are dozens of manufactories in this State where the weavers, in the performance of their duties, sit practically all of the time. Are there any women employed in the department stores or doing housework who are able to sit down a quarter part as much of the time as those people who work in the textile industries? Personally, I believe that all of this talk about a nine-hour day being too long is all bosh. It is not too long a time for a man or a woman to earn a living in, and I have yet to see or hear any evidence that satisfies my mind that a nine-hour day has in any way affected the health or ability of a single employee.

I cannot think of any reason why these manufacturers should have come to this Legislature and deliberately lied to us. They tell us that they cannot stand this 48 hour law. Now if that is so, and some or all of our manufacturers are either driven into financial embarrassment, or compelled to curtail their production, or shut down their plant, how much is labor going to be benefited by that performance? It seems to me that the result of trying this experiment is too serious to be lightly considered, and I urge upon each of you gentlemen thoughtful consideration and careful treatment of the State of Maine, because it seems to me that Maine and its industrial future are of more consequence than the party platform, framed more than a year ago under entirely different conditions and that we are charged not with the duty of carrying out political pledges, but with the duty of properly legislating for the State of Maine in the light of conditions as we find them to exist today, rather in the light of what seems to be the probabilities a year ago.

Mr. MAHER of Augusta: Mr. Speaker, I rise to make a motion. Owing to a misunderstanding, quite a considerable number were informed or believed that this matter would

not be reached until tomorrow morning, and I would now move that it be tabled until tomorrow morning.

A viva voce vote being taken, the matter was tabled until tomorrow morning.

The Chair presents House Document No. 282, House Amendment "B" to House Amendment "A" to An Act limiting salaries of certain city and town officers, tabled by Mr. Varney of Jonesboro, pending adoption of the amendment. The matter is again placed upon the table.

The Chair presents House Document No. 300, report of committee on taxation on act requiring excise tax on gasoline.

Mr. MAHER: Mr. Speaker, the record is in error. It was not tabled by my motion, and I yield to the gentleman from Augusta, Mr. Viles.

On motion by Mr. Viles, the matter was retabled.

The Chair presents House Document No. 451, An Act relating to damages done by wild animals, tabled by Mr. Hunton of Oakland, pending passage to be engrossed.

On motion by Mr. Hunton of Oakland, the matter was retabled and assigned for tomorrow morning.

On motion by Mr. Maher of Augusta, it was voted to take from the table the act relative to mileage for legislators tabled by that gentleman, pending passage to be enacted, and on further motion by the same gentleman it was passed to be enacted.

The Chair presents report of the committee on salaries and fees on Bill, An Act increasing the salary of treasurer of Androscoggin county, tabled April 4th, pending acceptance of the report, the report being "ought not to pass"; and the Chair recognizes Mr. Murchie of Calais.

Mr. MURCHIE: Mr. Speaker, I move that we accept the report of the committee, ought not to pass in non-concurrence with the Senate; and if it is in order to appoint a conference committee at this time, I move that

we ask for a committee of conference.

The SPEAKER: In the Senate this bill was taken from the table and the bill was substituted for the report, read twice under suspension of the rules and passed to be engrossed. It now comes to the House for its action, and the gentleman from Calais, Mr. Murchie, moves the acceptance of the report of the committee that the bill "ought not to pass," and moves its acceptance in non-concurrence.

The report was accepted and on motion by Mr. Murchie, it was voted to ask for a committee of conference on the non-concurring action of the two bodies.

The Chair presents Senate Document No. 137, An Act relating to pollution of waters of the State by sawdust. Passed in the House as amended by House Amendment "A".

In the Senate amendment read and rejected.

On motion by Mr. Hinckley of So. Portland, it was voted to recede and concur with the Senate.

The SPEAKER: On the conference committee on Bill, An Act to prevent the marriage of persons having syphilis, the Chair appoints as conferees on the part of the House, Messrs. Phillips of Bar Harbor, Hinckley of So. Portland and Woodruff of Brunswick.

On motion by Mr. Dodge of Portland, it was voted to take from the table resolve in favor of the Maine School for Feeble Minded for maintenance and personal services, tabled by that gentleman this morning. On further motion by the same gentleman, the House reconsidered its action whereby this resolve was passed to be engrossed.

The same gentleman then moved the adoption of House Amendment "A" as follows:

Resolve in favor of the Maine School for Feeble Minded for maintenance and personal services is hereby amended by striking out the next to the last paragraph beginning with the word "Provided" and ending with the word "others."

The SPEAKER: The Chair will state that the paragraph which the amendment seeks to strike out is a provision that any balance of sums appropriated for the several periods may be transferred by the Governor and Council upon recommendation of the trustees to other items than that for which they were appropriated. Is it the pleasure of the House to adopt the amendment?

The amendment was adopted; and on further motion by Mr. Dodge of Portland, the resolve as amended by House Amendment "A" was passed to be engrossed.

On motion by Mr. Forbes of Paris, it was voted to take from the table House Document No. 461, relating to the sale of land to non-resident owners, tabled by the gentleman this morning. On further motion by the

same gentleman, under suspension of the rules, the bill received its three several readings and was passed to be engrossed.

On motion by Mr. Forbes of Paris, it was voted to take from the table House Document No. 377 in relation to trial terms of the Supreme Judicial Court, tabled by that gentleman this morning. On further motion by the same gentleman, it was voted to adopt Senate Amendment "A" to House Amendment "A" in concurrence; and on further motion by the same gentleman, the bill as amended by Senate Amendment to House Amendment "A" was passed to be engrossed in concurrence.

On motion by Mr. Myrick,

Adjourned until 9 o'clock tomorrow morning.