

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

AUGUSTA
KENNEBEC JOURNAL PRINT
1921

ERRATA:

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

ERRATA

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

HOUSE

Wednesday, April 6, 1921.

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

Prayer by the Rev. Mr. Wilkins of Hallowell.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Final reports of the joint standing committees on Indian affairs, judiciary, legal affairs, and mercantile affairs, and insurance.

Comes from the Senate reports read and accepted.

In the House read and accepted in concurrence.

Senate Bills in First Reading

Senate 220: An Act to amend Sections 1 and 5 of Chapter 169 of the Public Laws of 1919, relating to the support of dependents of soldiers, sailors and marines.

(On motion by Mr. Eastman of Fryeburg, the rules were suspended, the bill received its third reading and was passed to be engrossed in concurrence.)

Senate 218: Resolve for a marker for Maine Soldiers at Valley Forge.

(On motion by Mr. Gardiner of Gardiner, the rules were suspended, the resolve given its second reading and passed to be engrossed in concurrence.)

Senate 216: An Act to amend Section 9, Chapter 117 of the Revised Statutes, relative to salary of reporter of decisions.

(On motion by Mr. Barwise of Bangor, the rules were suspended, the bill given its third reading and passed to be engrossed in concurrence.)

Senate 215: An Act to fix the salaries of the justices of the superior courts, amending Section 6 of Chapter 117 of the Revised Statutes, Section 9 of Chapter 260 of the Public

Laws of 1917 and Section 9 of Chapter 10 of the Public Laws of 1919.

(On motion by Mr. McIlheron of Lewiston, tabled pending third reading.)

From the Senate: Report of the committee on ways and bridges reporting "ought to pass" on bill, An Act to enable the town of South Bristol to construct a State aid road to Christmas Cove.

Comes from the Senate report read and accepted and bill passed to be engrossed.

In the House report read and accepted in concurrence, and the bill received its two several readings.

Thereupon Mr. Oram of Bristol offered House Amendment A as follows:

"Amend by adding the following words 'No action by the town of South Bristol hereunder shall be held to deprive the other towns above mentioned from receiving State aid to which they would be entitled under the provisions of Chapter 25 of the Revised Statutes, as amended.'"

The amendment was adopted and on further motion by Mr. Oram of Bristol, the rules were suspended, the bill received its third reading, and was passed to be engrossed as amended by House amendment A.

Senate 151. An Act to authorize the establishment of danger signals on public ways and to regulate the display of advertisements thereon.

(On motion by Mr. Chamberlain of Winslow, the rules were suspended and the bill was given its third reading.)

On motion by Mr. Hinckley of So. Portland, the bill was tabled pending passage to be engrossed.

From the Senate: Majority report of the committees on judiciary and appropriations and financial affairs reporting "ought not to pass" on bill, An Act creating a board of censors to pass upon moving picture films offered for public exhibition in Maine, and minority report of same

committees reporting "ought to pass" on same bill.

Comes from the Senate majority report read and accepted.

In the House, on motion by Mr. Woodruff of Brunswick, tabled pending acceptance of either report.

From the Senate: Report of the committee of conference on the disagreeing action of the two branches on bill, An Act to provide for the jurisdiction of the public utilities commission over certain motor vehicles, reporting that the bill be amended by adopting Senate Amendment A herewith submitted, and that the House recede from its former position whereby the bill was indefinitely postponed, and that the House concur with the Senate in the adoption of Senate amendment A.

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

The SPEAKER: In the House this measure went through its three readings, and pending its passage to be engrossed in the House, it was indefinitely postponed by that body. Whereupon a conference was had, the conferees report recommending that the House recede from its former position and concur with the Senate in adopting the bill after the adoption of Senate amendment A. Is it the pleasure of the House to accept the report of the conference committee?

The report was accepted, and Senate amendment A read by the Speaker.

On motion by Mr. Buzzell of Belfast, Senate amendment A was adopted in concurrence, and on further motion by the same gentleman, the bill as amended by Senate amendment A was passed to be engrossed in concurrence.

From the Senate: Report of the committee on Legal Affairs reporting "ought not to pass" on bill, an act to regulate the payments of appropriations for the care, treatment, support and education of persons in charitable or benevolent institutions not

wholly owned or controlled by the State. This was read and accepted in the House March 13.

Comes from the Senate, recalled from the files, bill substituted for the report, and passed to be engrossed.

The SPEAKER: The attention of the House is called to House Document No. 65. Four weeks ago in this House the committee report, ought not to pass, was accepted. The same action was taken in the Senate, and the bill went to the files. On the fourth day of April it was taken from the files, the Senate rules were suspended, the acceptance of the committee report, "ought not to pass" was reconsidered, and the bill was substituted for the report. The Chair awaits the pleasure of the House.

Mr. HINCKLEY of So. Portland: Mr. Speaker, I now move that this be indefinitely postponed.

Mr. WING of Auburn: Mr. Speaker, I sincerely hope that the motion of the gentleman from So. Portland (Mr. Hinckley) will not prevail. This measure as reconsidered by the Senate and the bill substituted for the report will make available moneys which the State grants them. At the present time the administration of their affairs is considerably hampered by the intricacies of that peculiar institution called the State Board of Charities and Corrections—

Mr. MAHER of Augusta. Mr. Speaker, I rise to a point of order. I would ask if discussion of this matter is in order until the bill or the measure is before us?

The SPEAKER: It is House Document No. 65, and the papers are upon the table, the action of the Senate having substituted the bill for the report. In the House the report of the committee, ought not to pass, was accepted. The Chair rules that the bill is before the House. Will the gentleman from Augusta (Mr. Maher) make his point more clear?

Mr. MAHER: Mr. Speaker, I do not see just how it can be before us without a motion to reconsider our action of four weeks ago, which would require a suspension of the rules. Stating my point more definitely, I do not see how the Senate by

suspending their rules can operate to suspend our rules at the same time.

The SPEAKER: Will the gentleman from Auburn, Mr. Wing, now make any motion in accordance with the suggestion of the gentleman from Augusta (Mr. Maher) in order to save time?

Mr. WING: I was speaking, Mr. Speaker, to the motion which I thought the House entertained from the gentleman from South Portland (Mr. Hinckley), but to facilitate matters, I will move that we reconsider.

The SPEAKER: The point raised by the gentleman from Augusta, Mr. Maher, is well taken.

Mr. WING: I move that our rules be suspended and that we reconsider.

The SPEAKER: The House will now vote upon the question whether or not it will reconsider its former action whereby the report of the committee, ought not to pass, was accepted.

Mr. HINCKLEY: Mr. Speaker—

The SPEAKER: The Chair is hardly through. It now recognizes the gentleman from Auburn, Mr. Wing.

Mr. WING: I have made a motion to reconsider if that is the proper parliamentary motion.

The SPEAKER: And of course that motion is debatable, if the gentleman wishes to discuss it.

Mr. WING: I will now yield to the gentleman from So. Portland (Mr. Hinckley) who seems to be anxious to address the House.

Mr. HINCKLEY: Mr. Speaker, I simply want to do this to save time, because if the House refuses to reconsider, that ends the matter and accomplishes the purpose of the original motion that I made. I want to call your attention to Section 2 of House Bill 65. Bear in mind that this Legislature, in its wisdom, decides that a certain charitable institution, a hospital perhaps, shall receive a certain amount of money. Now after deciding that it shall receive a certain amount of money, it is proposed to have this a law.

"No institution which accepts persons for medical or surgical treat-

ment, in any of its departments, for a stated consideration, and whose financial affairs are not wholly under the control of the State, shall receive from the State treasury any appropriation made by the Legislature, or any part thereof, until the State auditor shall be satisfied that the per capita, per diem charge of such institution for service in such departments is not less than the average cost of such service for the preceding year." Now I am not going to read any more of it. It is simply for you gentlemen to say that when you feel that some hospital in the State is entitled to receive a certain amount of money, whether it is your understanding or intention, or whether you wish to enact a law that provides that that money cannot be paid unless the State auditor says that the cost in that hospital this year is not exceeding the amount that it cost the year before. We do not know what the financial conditions may be from year to year, and I do not believe that this Legislature on that one point alone is going to let the State Auditor of this State, or any other official of this State, say after we make an appropriation that it shall not be paid and that our will shall be nullified. For that reason I hope it will not be reconsidered.

Mr. MAHER: Mr. Speaker—

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Wing.

Mr. WING: I yield to the gentleman from Augusta, (Mr. Maher.)

Mr. MAHER: Mr. Speaker, if I am correctly informed by the Chair that this is House Document No. 65, the only thing that confronts the House on its vote to reconsider is the substitution of House Document No. 65 for the unanimous report of the committee, ought not to pass. With the point as raised by the gentleman from So. Portland (Mr. Hinckley) I am not familiar, nor am I particularly interested in the subject matter as indicated by him; but I recall very distinctly of examining this bill when it first came, and I think I first moved its indefinite postponement, because if that is the object sought

to be accomplished by this bill, it has a very peculiar way of doing it. It has a way of doing it which I do not believe any member of this House will subscribe to for an instant; and if that is not the object that it has in mind, then it is a very slovenly drawn bill. If you will read section five that unequivocally says that "Chapter 114, Public Laws of 1919, and all acts inconsistent herewith are hereby repealed." Our attention is immediately attracted to what Chapter 114 of the Public Laws of 1919 happens to be. An examination of that shows that it is this: When any sailor or any soldier who has been honorably discharged from the service of the United States shall fall into distress, and while in that distress comes to his death and the community wherein he is living is called upon to discharge the expenses of his last sickness and death, that that honorably discharged shall be a certificate which shall bar him from being regarded as a pauper. Whoever drew that bill, and whoever now moves the substitution is asking this House to repeal Chapter 114 of the Public Laws of 1919, and we have such a meritorious condition so deplorably treated. Now if this is not the purpose of the authors, then why not present a bill in consonance with what they really mean. If you adopt House Document No. 65, you repeal Chapter 114, of the Laws of 1919; and if the Senate cares in this unusual and unique way to suspend its rules, after four weeks, I hope that the motion of the gentleman from Auburn (Mr. Wing) to reconsider will not prevail in this House.

Thereupon a viva voce vote being taken on the question of whether or not the House shall reconsider its former action whereby the report, ought not to pass, was accepted, the motion failed of passage.

From the Senate: Bill, An Act to regulate religious worship in the public schools. This was passed to be engrossed in the House, April 4.

Comes from the Senate indefinitely postponed.

In the House, on motion by Mr.

Maher of Augusta, it was voted to indefinitely postpone in concurrence.

From the Senate: Bill, An Act to divide the town of South Thomaston, the majority report on which was accepted in the House, March 31.

Comes from the Senate with the minority report, ought to pass, accepted.

In the House, on motion by Mr. Spear of Rockport, it was voted to recede and concur with the Senate in the adoption of the minority report, ought to pass.

Mr. BARWISE of Bangor: Mr. Speaker, I rise to ask the same question,—whether we are not in the same predicament on this bill as with the other one? Do we not have to have a two-third vote to reconsider and suspend the rules.

The SPEAKER: This precise point has not been raised before, but the Chair does not hesitate to rule on it at once. On non-concurring action between the two branches in the stage in which it is now, the Chair rules that a motion to recede and concur is in order and that it does not require a two-thirds vote.

Mr. BRAGDON of Perham: Mr. Speaker, it was my intention to doubt the vote, but the gentleman from Bangor (Mr. Barwise) got the floor. Is it too late to doubt it now?

The SPEAKER: The Chair will entertain it. The gentleman from Perham, Mr. Bragdon, calls for a division practically. The question is on receding from the position heretofore taken, ought not to pass, and concurring with the Senate, which body, on April 5th voted ought to pass on a bill to divide the town of So. Thomaston. The question, of course, in its original state was debatable. The Chair, in order to expedite matters, put the vote while the gentleman from Rockport (Mr. Spear) was addressing the Chair. At this point the Chair will recognize the gentleman from Rockport (Mr. Spear) is he wishes to be heard.

Mr. SPEAR: Mr. Speaker and gentlemen: I do not think it necessary to go into any details with reference

to this matter because I am well aware that the House realizes the justice of the case. I will simply refer you to the fact that here is an aggregation of poor people who have come up here endeavoring to get rights, their just dues, and they are opposed by what? By paid lobbyists. You have been approached in these corridors by many a paid lobbyist with tears in his eyes and distraction in his aspect, with broken voice, and whose whole system seems to function to this one matter of South Thomaston. Now tell me, gentlemen, what do you think South Thomaston is to him or he to South Thomaston, that he should weep for it. On the other hand people who are unable to secure six hundred dollars lobbyists have come up here and put their case squarely before you, and, as a matter of justice have asked you to consider them. Now it is up to you, gentlemen, to say whether you will consider these people who have come here honestly and put their case squarely before you, have divided this town in such a manner as to leave the division as nearly equal as it is possible to do with justice to all concerned; and they ask you that they may simply have a right to spend their own money,—the money that they have appropriated themselves, not money that has been turned over from any other section, but simply money that they appropriated themselves to run their own business in a business-like way. I am going to leave it to you gentlemen to decide.

Mr. BRAGDON of Perham: Mr. Speaker, we have heard several of these town division matters before the Legislature this winter and it is now getting towards the end of the session. I do not believe that any condition exists that will result in serious disadvantage to any of these towns if they wait two years longer and bring their matters before the next Legislature. If we reverse our action on this, we have two other town matters that are going to trouble us in the remaining days of the session. It seems to me that we are near enough to the end of our proceedings here so that we should

soon get to the point of doing something, and leaving it in that condition. We have been amusing the people of the State in these last few days by turning somersaults, and it seems to me that this matter can be left for the next two years as it is now.

The SPEAKER: The question is a division of the House on its vote to recede in the South Thomaston matter and concur with the Senate. Those who are in favor of receding and concurring with the Senate will rise and stand until they are counted, and the monitors will return the count.

A division being had, 30 voting in the negative and 76 in the affirmative, the House voted to recede and concur with the Senate in accepting the minority report.

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

Mr. McILHERON: Mr. Speaker, I move that the bill be tabled, pending its third reading.

A viva voce vote being taken, the motion to table failed of passage.

On motion by Mr. Spear of Rockport, the bill received its third reading under suspension of the rules, and was passed to be engrossed in concurrence.

From the Senate: Bill, An Act additional to Chapter 33 of the Revised Statutes, as amended, prohibiting fishing the tributaries to Lake Annabessacook, in the county of Kennebec. This was passed to be enacted in the House April 4, and passed to be engrossed March 28.

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

In the House, on motion of Mr. Hunton of Oakland, the rules were suspended and that body reconsidered its votes whereby this bill was passed to be enacted and passed to be engrossed. On motion by the same gentleman, Senate amendment "A" was adopted in concurrence; and on further motion by the same gentle-

man the rules were further suspended and the bill as amended by Senate amendment "A" was passed to be engrossed in concurrence.

Communication from the Department of State

To the clerk of the House of Representatives of the Eightieth Legislature of the State of Maine.

Pursuant to the joint order of the Senate and House of Representatives of the 80th Legislature, I have the honor to transmit herewith a list of the Legislative Counsel and Legislative Agents registered in the office of the Secretary of State, in accordance with Chapter 100 of the Public Laws of 1919. This list comprises all such counsel and agents who have registered from March 30, 1921, to April 5, 1921, both dates inclusive.

Respectfully submitted,
(Signed)

FRANK W. BALL,
Secretary of State.

The above communication was ordered placed on file, and it was voted that the subjoined list of Legislative counsel and agents be made a part of the Legislative Record for this day.

List of Legislative Agents

HERBERT E. FOSTER, of Winthrop, employed to act as Legislative Counsel by J. B. Nash of Somersworth, N. H. The purpose of employment is "To oppose the bill relating to the prohibition of the use of spraying machines." Employed March 28, 1921. Employment ceases at close of the present Legislature. Notification of employment filed March 30, 1921.

WALTER A. COWAN, of Hallowell, employed to act as Legislative Counsel by Louis Levasseur, Arsene Cailler and Charles Morneau, all of Lewiston. The purpose of employment is "To appear before a committee in behalf of An Act to Incorporate the United Mutual Exchange of Lewiston." Employed March 31, 1921. Employment ceases at time of final disposal of the matter. Notification of employment filed March 31, 1921.

EMERY G. WILSON, of Portland,

employed to act as Legislative Agent by Casco Bay Lines of Portland. The purpose of employment is "To oppose passage of bill to amend charter of the Peoples Ferry Company." Employed March 30, 1921. Employment ceases when bill is finally disposed of. Notification of employment filed March 31, 1921.

FREDERIC G. DUNHAM, of New York City, employed to act as Legislative Counsel and Legislative Agent by Association of Life Insurance Presidents of New York City. The purpose of employment is "Legislation relating to Life Insurance." Employed April 1, 1921. Notification of employment filed April 1, 1921.

COOK, HUTCHINSON & PIERCE, of Portland, employed to act as Legislative Agents by Fidelity Trust Company of Portland. The purpose of employment is "To protect the interests of the Fidelity Trust Company in all pending or proposed Legislation." Employed March 29, 1921. Employment ceases at close of Legislative session. Notification of employment filed April 4, 1921.

EDWARD W. WHEELER, of Brunswick, employed to act as Legislative Agent by Merrill Trust Company of Bangor. The purpose of employment is "To promote passage of Act relating to taxation of bank stock." Employed April 1, 1921. Employment ceases upon passage of Act or adjournment of Legislature. Notification of employment filed April 5, 1921.

The SPEAKER: The Chair presents at this time for reconsideration resolve in favor of Cary Hospital, Caribou, Aroostook county, House Document No. 382, with the accompanying veto message of the acting Governor:

STATE OF MAINE
OFFICE OF THE GOVERNOR

Augusta, April Fourth, 1921.

To the Honorable House of Representatives:—

I return herewith without my approval "Resolve in Favor of Cary Hospital, Caribou, Aroostook County, to

Aid in the Construction of a Hospital."

This Resolve appropriates the sum of \$10,000 for a hospital in the town of Caribou. The State at the present time is appropriating \$465,125 to "State aided institutions, hospitals and children's homes." This large sum of money is appropriated to assist worthy institutions but there is a limit upon the amount which the State should and can appropriate for private institutions. The demands upon the State from institutions of the above class are constantly increasing and many of the thinking people of the State believe that the time will come when the State's charities will be confined to State institutions. The time for such a proposed change is not ripe and should it come about it would be advisable to make the change gradually so that the institutions could accommodate themselves to the new conditions. For the reasons herein stated I cannot approve the additional appropriation especially in view of the fact that it was not recommended by the budget committee.

Respectfully,

PERCIVAL P. BAXTER,
Governor of Maine.

Mr. MAHER of Augusta: Mr. Speaker, I rise for a point of information. Would it be courtesy, and also parliamentary procedure to lay this matter upon the table?

The SPEAKER: The Constitution provides that when a veto message accompanies a bill, if tabled for consideration, as the Chair remembers it, a time should be set.

Mr. MAHER: I am not at all interested in the matter; I do not know anything about it except that the House voted upon it; but I am interested in some of the executive reasons as I heard them read. However, I will not ask to have it tabled.

The SPEAKER: The vote is by yeas and nays. The question is shall the resolve in favor of Cary Hospital have passage notwithstanding the veto of the Governor?

Mr. FARNSWORTH of Caribou: Mr. Speaker, if it is in order I would like to have this matter lie on the table

until this afternoon or tomorrow morning.

A viva voce vote being taken, it was voted to table the resolve and the veto message accompanying it until the afternoon session.

The SPEAKER: At this time the Chair presents Resolve authorizing Michael Burns to bring a suit at law against the State of Maine, with an accompanying veto message by the acting governor, which the Clerk will read:

STATE OF MAINE
OFFICE OF THE GOVERNOR

Augusta, April Fourth, 1921.

To the Honorable House of Representatives:

I am returning to you without my approval Resolve Authorizing Michael Burns to Bring Suit at Law Against the State of Maine.

In this resolve it provides that "if it appears that such prosecution was begun and carried on by the order of the Executive" that suit may be brought against the State for damages.

The Executive, under the terms of the Constitution, is charged with the duty of instigating prosecutions if in his opinion the laws of the State are being violated. I am of the opinion that the passage of this Resolve might create a dangerous precedent, and if the doctrine were extended the State might be compelled to respond in damages if a judge should issue a Bench Warrant under which a person is arrested and compelled to defend himself.

In 1919 a Resolve was passed by the Committee on Judiciary and later by the Legislature, of which I was a member, authorizing Michael Burns to bring suit at law against the State of Maine but that Resolve did not contain the provision that suit might be brought "if it appears that such prosecution was begun and carried on by the order of the Executive." Nothing should be done to hamper the Executive in the enforcement of law and for this reason I cannot approve the Resolve presented to me.

Respectfully,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine.

The SPEAKER: The question is on the reconsideration of the resolve authorizing Michael Burns to bring a suit at law against the State of Maine.

On motion by Mr. Maher of Augusta, the resolve and accompanying veto message were tabled, and specially assigned for consideration at the afternoon session today, following the resolve on the Cary Hospital.

The following resolve was received and upon recommendation of the Committee on Reference of Bills was referred to the following committee:

Appropriations and Financial Affairs

By Mr. Dain of Bath: Resolve in favor of Benjamin A. Swasey, clerk of the committee on School for Feeble Minded.

The SPEAKER: The Chair presents at this time for reconsideration Bill, An Act to regulate boxing exhibitions within the State of Maine, with the accompanying veto message of the acting Governor.

STATE OF MAINE OFFICE OF THE GOVERNOR

Augusta, April Fourth, 1921.

To the Honorable House of Representatives:

I am returning without my approval "An Act Regulating Boxing Exhibitions within the State of Maine."

This Act creates an indefinite number of commissions to supervise and control boxing or sparring matches. It selects one form of sport from all the others and gives it a dignity of special recognition by the State. It is difficult to understand why boxing should be licensed and controlled by the State in preference to baseball, football, horse racing, tennis, golf, and other indoor and outdoor sports. Some of these sports are conducted by professionals, some by amateurs and some by professionals and amateurs, and all have their devotees. If the sport of boxing should, however, fail to be conducted in a clean and wholesome manner those who patronize it have a remedy within their own power for they can refuse

to attend unless those who promote it have acquired an established reputation for fair play and honest sport. The authority of the State should not be called upon to regulate sport and athletics.

The provisions of the Bill in question legalizing boxing contests conducted for prizes and purses are questionable and a provision that where the contestants are not acting in good faith "the prize, purse, or any part thereof" shall be "confiscated and sold and the proceeds given to the local charities" appears to me to be an attempt to gain support for a measure that possesses little or no merit. In my opinion public sentiment in the State of Maine will not approve of the State's recognition of boxing matches as appears in the bill in question. It seems unnecessary to provide that boxing exhibitions shall not be conducted on Sunday and this provision together with that prohibiting children under 16 years of age to attend these contests is an attempt to gain support for this bill.

The existing law in my opinion is sufficiently liberal and boxing matches of 12 rounds conducted with all the paraphernalia that is used in such exhibitions with purses and prizes for the victors come so close to the line of what are generally understood to be "prize fights" that it is difficult to distinguish between them.

Respectfully,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

The SPEAKER: The question is shall this bill have passage notwithstanding the objections of the Governor? The vote is by the ye and nay upon a roll call. A ye vote enacts the statute into law; a nay vote sustains the veto. Two-thirds of the members present voting in the affirmative are necessary before the law can become enacted. The Clerk will call the roll.

YEA—Austin, Cram, Dodge, Doyle, Eastman, Elmore, Emery, Finnell, Gardiner, Hinckley, Holley, Houghton, Kimball, Landers, Larrabee, Leighton, Maher, Morneau, Murchie, Murray, Nadeau, Newcomb of Newburg, O'Connell, Savage, Small, Spear of Lime-

stone, Thomas of South Portland, Varney of Jonesboro, Viles, Washburn, Weeks of Dresden, Weeks of Fairfield, Wing, Woodruff—34.

NAY—Adams, Audibert, Baker, Barney, Barwise, Bean, Belliveau, Bennett, Blanchard, Boothby, Bragdon of Perham, Bragdon of Westbrook, Bragdon of Franklin, Brewster of Portland, Brown, Buzzell, Carroll, Carney, Case, Chadbourne, Chalmers, Chamberlain, Chandler, Chase, Cherry, Clarke, Cordwell, Cole, Conant, Crabtree, Crafts, Croxford, Daigle, Dain, Davis, Downing, Downs, Dunning, Fagan, Forbes, Gagne, Gerrish, Gipson, Granville, Hammond, Harriman, Hayes, Heal, Hodgkins, Hunton, Hussey, Jordan, Lowe, Luques, Main, Mason, Masse, Maxwell, McGlaulin, McIlheron, Moody, Myrick, Newcomb of Scarborough, Nickerson, Oram, Owen, Patterson, Peaslee, Pennell, Phillips of Orrington, Phillips of Bar Harbor, Plummer, Poore, Reed, Ricker, Roberts of Vinalhaven, Roberts of Lyman, Rogers of Rockland, Rounds, Smith of Waterboro, Smith of Skowhegan, Smith of Ludlow, Snipe, Spear of Rockport, Story, Teague, Tilden, Thomas of Chesterville, Trefethen, Twombly, Varney of Windham, Wadsworth, Warren, Wentworth, Wight, Williams, Wilson, Winter, Wiseman, Witham, Wood—101.

ABSENT—Atherton, Bartlett, Belmore, Brewster of Orland, Burns, Farnsworth, Kerswell, Peabody, Perkins, Porter, Rogers of Jonesport, Sawyer, Towne, Weatherbee, Willard—15.

One hundred and thirty-five having voted, 34 in the affirmative and 101 in the negative, the measure was not enacted over the veto.

Reports of Committees

Mr. Farnsworth from the committee on Banks and Banking, reported "ought not to pass" on Bill, An Act to incorporate the Maine Mutual Loan Society of Fort Kent.

The report was accepted and sent to the Senate for concurrence.

Mr. Dodge from the committee on Appropriations and Financial Affairs reported in a new draft and "ought to pass," Resolve in favor of the Portland delegation.

The report was accepted, and under a suspension of the rules the resolve received its first reading.

On motion by Mr. Dodge of Portland, the rules were suspended and the resolve received its second reading and was passed to be engrossed.

Passed to Be Enacted

An Act to incorporate the Howland Sewerage and Water District.

An Act to amend Section 21 of Chapter 117 of the Revised Statutes, increasing the salary of the Commissioner of Agriculture.

An Act to amend Section 5 of Chapter 111 of the Revised Statutes, relative to the number of names in the jury-box.

An Act to amend Section 7 of Chapter 303 of the Public Laws of 1917, as amended by Chapters 141 and 223 of the Public Laws of 1919, changing the conditions under which loans may be granted by farm loan commissioners.

An Act to amend Paragraph III of Section 1 of Chapter 127 of the Public Laws of 1919, relating to the amount of Secondary School Tuition to be paid in case of unorganized territory students.

An Act to authorize the County Commissioners of Cumberland County to issue bonds of said county for the purpose of refunding bonds issued for the creation of a County Building in Portland under the provisions of Chapter 213 of the Private and Special Laws of 1903 and Acts amendatory thereof.

An Act to authorize the Public Utilities Commission to regulate headlights on electric cars.

An Act to authorize the Auburn Water Commissioners to make a further issue of bonds to be used for the purpose of erecting a new pumping station at Lake Auburn, and the extending and improvement of the present system.

An Act to provide for the appointment of a Treasurer and Resident Auditor at the University of Maine, and define their duties.

An Act to amend Section 15, of Chapter 9, of the Revised Statutes, and Section 32, of Chapter 117, of the Revised Statutes, as amended, relating to the Board of State Assessors.

An Act to amend Chapter 2, Section 81 of the Revised Statutes, relating to the election of the State Auditor.

An Act to amend Section 9 of Chapter 126 of the Revised Statutes, relating to accessories.

An Act to amend Sections 85 and 86 of Chapter 16 of the Revised Statutes as amended by Chapter 229 of the Public Laws of 1917, Chapter 96 of the Public Laws of 1919 and Chapter 103 of the Public Laws of 1919, providing for an increase in the amount of tuition to be paid by towns for Secondary School Pupils and in the amount of State aid for the same.

An Act to amend Paragraph VII of Section 98 of Chapter 4 of the Revised Statutes, as amended by Section 2 of Chapter 58, of the Public Laws of 1917, relating to gasoline tanks and pumps placed within the limits of highways.

An Act to amend Section 16 of Chapter 117 of the Revised Statutes as amended by Chapter 196 of the Public Laws of 1917 to increase the salary of the State Treasurer.

An Act authorizing the city of Portland to transfer the Statuary and Fund received by it as a legacy under the last will and testament of Franklin Simmons to Portland Society of Art.

An Act to amend Chapter 424 of the Private and Special Laws of 1897, and Section 1 of Chapter 486 of the Private and Special Laws of 1885, relating to pensions for Police Officers for the city of Portland.

An Act authorizing married women and widows to use family name as part of name by which they shall be registered as voters.

An Act additional to Chapter 33 of the Revised Statutes, as amended, relating to the protection of white perch in East Pond and in North Pond of the Belgrade Chain of Lakes, so-called in Kennebec County and in Somerset County.

An Act to amend Section 5 of Chapter 128 of the Revised Statutes, relating to removal or concealment of mortgaged or attached personal property.

An Act to regulate the use of Aircraft.

An Act to amend Chapter 197 of the

Public Laws of 1917 as amended by Chapter 172 of the Public Laws of 1919 and to amend Chapter 19 of the Revised Statutes as amended, relating to the State Department of Health.

Finally Passed

Resolve in favor of Nash and Viles for services in connection with work on brick dormitory building at the Maine School for Feeble-minded.

Resolve making an appropriation for printing and binding Adjutant General's Report for 1917, 1918 and 1919. (War Period).

Resolve in favor of the Commissioners of Pharmacy.

Resolve in favor of the Central Maine Sanatorium, Fairfield, Somerset County.

Resolve, in favor of Horace Nelson, Representative of the Penobscot Tribe of Indians.

Resolve in favor of Wallace Lewey, Representative of the Passamaquoddy Tribe of Indians.

Resolve in favor of Law Libraries.

Emergency Measures

An Act to repeal Section 6 of the Emergency Act enacted at the present session of the Legislature under the title "An Act amendatory of and additional to Chapter 9 of the Revised Statutes, relating to the assessment and payment of excise taxes," which has become Chapter 71 of the Public Laws of 1921.

The SPEAKER: This being an emergency measure requires the vote of two-thirds of the entire membership of the House on its passage to be enacted. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted.

A division being had, one hundred and twenty-five voted and all in the affirmative,

So the bill was passed to be enacted.

An Act relating to Martin's Point Bridge, so-called in the county of Cumberland, and amending Section

2 of Chapter 89 of the Private and Special Laws of 1919.

The SPEAKER: This being an emergency measure requires the vote of two-thirds of the entire membership of the House on its passage to be enacted. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted.

A division being had, one hundred and twenty-six voted and all in the affirmative,

So the bill was passed to be enacted.

An Act to punish bomb outrages and blackhand activities.

The SPEAKER: This being an emergency measure requires the vote of two-thirds of the entire membership of the House on its passage to be enacted. All those in favor of the passage of this bill to be enacted will rise and stand in their places until counted.

A division being had, one hundred and twenty-six voted and all in the affirmative,

So the bill was passed to be enacted.

Resolve in favor of the State School for Boys for maintenance and other purposes.

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

A division being had, one hundred and twenty-six voted and all in the affirmative,

So the resolve was finally passed.

Resolve in favor of the State School for Girls, for maintenance and other purposes.

The SPEAKER: This being an emergency measure requires the vote of two-thirds of the entire membership of the House on its final passage. All those in favor of the final pass-

age of this resolve will rise and stand in their places until counted.

A division being had, one hundred and twenty-eight voted and all in the affirmative,

So the resolve was finally passed.

Resolve providing for the care, support and medical or surgical treatment of dependent persons in or by certain charitable and benevolent institutions and organizations not owned or controlled by the State and for other purposes.

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

A division being had, one hundred and thirty voted and all in the affirmative,

So the resolve was finally passed.

Orders of the Day

On motion by Mr. Williams of Webster, it was

ORDERED that the committee on engrossed bills return to the House, House Document No. 406.

The SPEAKER: The Chair at this time presents House Document No. 406, Bill, An Act to increase the amount paid by the State for cattle condemned under the provisions of Sections 3 and 9 of Chapter 35 of the Revised Statutes.

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

The same gentleman then moved, under a suspension of the rules, that the vote be reconsidered whereby the House adopted Senate Amendment "A."

The motion was agreed to.

On further motion by Mr. Williams, the bill as reported in its new draft was then passed to be engrossed, in non-concurrence with the Senate.

Mr. WOODRUFF of Brunswick: Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER: The gentleman from Brunswick, Mr. Woodruff, has the floor.

Mr. WOODRUFF: Mr. Speaker, Those of us who were here last Saturday found upon our desks an invitation from the gentleman from Gardiner, Mr. Gardiner, to the members of the Legislature and their families to spend Sunday at Oaklands farm, the Gardiner family home. Propitious weather, convenient arrangements for transportation, the friendliness and informality of our genial hosts, the gentleman from Gardiner, his charming wife and his honored father and mother, combined to make a delightful day. We were given the freedom of the premises, and we soon felt as if a bit of England had been transferred to American soil. We saw a house built of Hallowell granite, but in the style prevalent in England in the reign of Elizabeth, ornamented with buttresses, turrets and battlements, "one of the most perfect examples of English rural architecture to be found in America." We examined the old furniture, pictures, books and records and partook of an excellent lunch. We walked about the grounds, inspected the greenhouses and farm buildings, admired the fine herd of cattle, and fairly exulted in this visible and tangible evidence of a high order of leadership from Dr. Sylvester Gardiner, the founder of the Gardiner estate, who was active in the early industrial development of the Kennebec valley, down to our respected colleague of the 80th Legislature. We have provided in legislation for absentee voting. Here is a chance for a new application of the principle, for it is certainly not improper for the absentees of Sunday to vote with the rest of us today, and I invite all those unfortunates to join with us favored ones in expressing to Mr. Gardiner by a rising vote, our hearty appreciation of his delightful hospitality. (Applause.)

(The motion was agreed to by a unanimous rising vote.)

The SPEAKER: The House hears the remarks by the gentleman from Brunswick, Mr. Woodruff, and to a

man joins in the sentiments expressed.

Mr. MAHER of Augusta: Mr. Speaker, I move that we take from the table the 48-hour law, so-called, and I now yield to the gentleman from Skowhegan, Mr. Smith.

The SPEAKER: The matter before the House is the majority and minority reports of the committees on legal affairs and labor acting together on bill, An Act relative to the hours of employment of women and minors, the majority reporting "ought to pass," and the minority reporting "ought not to pass."

Mr. SMITH of Skowhegan: Mr. Speaker and fellow representatives, what little I may say upon this occasion will be spoken with a good deal of discomfiture, owing to a bad throat. For this reason I shall be obliged to confine myself to manuscript, hoping thereby not to do too much rambling which, of course, will be determined by you. In the twilight of this Legislature we find ourselves confronted with a vast amount of unfinished business, each member working under the stress and strain of these closing days. It has not been my intention to intrude upon the good nature of this House or to weary our patient, distinguished and forgiving Speaker by participating in the many discussions of this House, and could I retain my self-respect I would not now ask your indulgence even for a short time; but to allow a matter vital to the health, comfort and welfare of so many of the women and children of this State to pass for final action without at least paving the way for consideration, would not only challenge my right to again endorse their cause but would forever destroy that confidence which I have during these years tried to deserve.

At the outset, it is my purpose to make a frank and concise statement of the facts and application of the proposed measure should it become a part of our statutes, desiring to hew straight to the line unmindful of how it will affect the result, or where the chips may fall. This

measure does not directly apply to men, but it would in some instances concern those working in factories, where both sexes are employed for more than 48 hours in any one week. This, however, is not the primary desire of this measure, and certainly not the desire of the workman. Men have never asked for a 58 or a 54 hour week, and they would oppose legislation providing for an eight-hour day, preferring as they do to leave the way open for longer hours when acceptable and agreeable to all concerned. This measure does apply to women and minors working in factories more than 48 hours in a week. It does not include those working in mercantile or domestic pursuits, on the farms, or in any employment other than in factories, the proponents of the measure believing that the nature of the work should make a distinction in the hours of toil.

There are two outstanding features in this measure that outweigh all others. One pertains to justice and the well-being of the race; the other to the value and virtues of political promises and pledges, neither of which will admit of a compromising fulfillment of our plain duty. It is these principles and these alone that I prefer to discuss frankly, irrespective of party ties or political exigencies, preferring not to invite applause or play to friendship, wishing that the matter may be left upon its true merits for your decision. The time is sure to come and I hope at no far distant day, when there will be no more reason for our wives to work in a noisy, vibrating factory than there was for the Indian to smoke his pipe in the shade while his squaw hoed the corn; and there ought to be at the present time chivalry enough among us to at least limit the hours of those upon whom depend the hope of mankind. The future has a right to demand of us that the children of tomorrow be born of mothers of health and vigor, not of those physically unfit, broken by toil and work. All social and economic functions in every community are measured by the standard of its homes, founded

and builded on the hope and happiness of those who rock the cradle.

This act is not, as you have been given to understand, an innovation or in any sense a legislative experiment. More than eight years ago Congress by unanimous action extended to all Federal employees a 48-hour week. The Adamson bill, also a Congressional measure, extended the same working hours to railroad employees. If it is unbusiness like and unreasonable for us to legislate for a shorter day, then a grave crime has been committed at Washington. Ten states have already enacted a 48-hour week. If such legislation will destroy industries and smother development, some action should be taken to notify our sister commonwealths of their error. The indisputable facts are that records do not disclose a single attempt to recede from this humane legislation when once enacted. Education and inventions are safely and sanely shortening the day of toil, and even without restrictive statutes more than 25 per cent. of the women industrially engaged and over 50 per cent. or more than half of the men working at trades are already upon a 48-hour schedule, conclusively proving that it is a workable, feasible and practical plan.

It is generally claimed by our employers that on account of excessive freight rates they cannot compete with states more centrally located unless our women and children work more hours here than they do in other sections of our country. Think of it, fellow-members! The comfort, the happiness of our little ones, the souls and the lives of our women being compared with transportation costs. I cannot believe there is, and neither can I conceive of there ever being a member of the Maine Legislature who will tolerate a comparison so odious. What does the slight disadvantage in freight rates or a small added production cost of a 48-hour schedule amount to as compared with the intelligence and with the standard of our working people? And who understands this fact any better than do the manufacturers? The handwriting is on the wall

unmistakably warning us not to discriminate by adding burdens to our employees that other states do not. In the Waltham watch factory in Massachusetts there are more Maine-born men and women working there today than there are in the largest factory of the State of Maine. It is to be hoped that our manufacturers will come to realize before it is too late that labor and laboring people will go where conditions are most favorable, and not until we have created a condition of that kind, thus compelling our employees to seek other fields of employment will our industries suffer as a result of outside competition.

There is not a manufacturer within the confines of this State who does not concede the equity and the justice of an eight-hour day, provided it will be made a national proposition, and yet they proceed to throttle all attempts to liberalize the efforts of the masses that the few may enjoy the benefits of the many. Sometimes we are told that employees do not want a shorter day, but not until I have had the opportunity to meet this kind of an individual will I give consideration to this brand of propaganda, for I do not believe that there is a human being who prefers to work two hours for one for the same pay. And right here let me say that it is not claimed or believed that shorter hours will mean lower wages. The principles regulating the standard of wages are altogether too well known to admit of any contention of this kind. If a shorter day meant less pay the manufacturers would not be here contesting this issue, especially with warehouses overflowing with goods and millions unemployed.

If all employers of labor possessed the same milk of human kindness as does the distinguished member from Norway, Mr. Carroll, or did they exemplify the same degree of mercy to their employees as does honest John Maxwell of East Livermore, there would be no demand for labor legislation, but it is the same great interest, the same well-paid lobby, the same selfish manufacturers who appeared

against the 58 and the 54-hour bills, against the workmen's compensation since its inception that are now appearing against the 48-hour proposition, forever playing the same old tune in the same old way. Is this striking coincidence a matter of chance, or is it the working out of a long-established plan to defeat all efforts of labor for a fairer day? A few weeks ago there appeared on our desks a document bearing the earmarks of one of our well-trained lobbyists, but purporting not to represent organized capital but the associated industries of Maine. In glowing rhetoric it portrayed the beauties and the natural resources of the old Pine Tree State, and in dismal dismay it told again the story of that railroad dividend that has never been paid, and incidentally reminded us once more of the great burdens of that great war, but not one single intimation regarding the millions and millions of dollars that have been accumulated during the profiteering days of that great war, not one suggestion that those who enjoyed the profits should share the burdens of that great war; but indirectly, as did some of the manufacturers who appeared before the committee upon this measure, insinuated that if the hours of employees were made less that they would close their doors, and go to states beyond our borders. Ah, Mr. Speaker, let no man condemn I. W. W.'ism until the last echo of such an insinuation has rebounded in oblivion.

During this session I have observed many times with pride my fellow-members extending various courtesies to their lady friends, unlimited in their devotion and attention. Can it be possible that these same gentlemen would stand at a factory door and push back a woman for more work who had already toiled for eight hours? Why is it, my friends, that manufacturers do not demand that many hours of their office force as they do of the mill employees if there is no hardship in the longer day? What would be their attitude in this matter if their wives were obliged to stand at a loom for nine hours and no maids at home to mother the little ones?

In this age of progress and conservation, would it not be eminently fitting that we devote a little of our time to conserving womanhood, to the school days of children and the playtime of youth? Women may not care to indulge extensively in politics, but that day has come when in her own right and might she can demand recognition of her claims and the execution of party platforms by occupying these very seats. We are called upon this very day to exemplify the character and the integrity of political assurances, for every member of this House was elected under a 48-hour banner. We are now testing whether the resolutions of that last platform and the promises of that last campaign were as sacred as are the traditions of our grand old party, or whether they were conceived in fancied ideals and attractive phrases for the purpose of obtaining votes. God knows that I am proud of the fact that the unanimous delegation from Somerset county is determined to do in April what was promised in September, and while our county represents one of the largest farming districts in the State of Maine, and while manufacturing is an important factor, not a single member of our delegation will submit to lowering the party standard by inscribing upon its folds these words, "we will keep our promises unless we have occasion to change our policies." Wiser men than we have long since counselled that better government results when parties are about evenly divided. Did this condition exist in this House, who would question but that our party would be in frantic rivalry to see who would be the first to enact a 48-hour law?

Standing here in behalf of a measure that is being frowned upon by men of wealth and influence, is not altogether a pleasant task, but in my humble way I will cheerfully continue with the fight, and while your verdict may be against us, we will not be dismayed; and while the strength of labor may not be at this time so much in the ascendancy as in the near recent past, the pendulum will surely swing again, and upon its return I hope it will find no broken

promises of ours to be remembered. Let me read the words of him who was our gallant leader, his sentiment expressed at the opening of the campaign at Island Park, and his utterances in his inaugural address to us, after learning even more about the needs of his people, had the weight and solemnity of a party pledge. At the meeting during the campaign at Island Park, these words were spoken: "I believe we should amend our workmen's compensation act, increasing the weekly allowance and reducing the period of non-payment. I believe in a 48-hour law for women and minors under sixteen." In his inaugural address, it was stated: "I recommend consideration of the enactment of a 48-hour law for women and for minors under sixteen." He promised, believing that we would perform. Will ye break faith with those who die? If you do, how can you expect the people of Maine to again have confidence in promises made only to be broken? (Applause.)

Mr. DOYLE of Biddeford: Mr. Speaker and Gentlemen of the House: I rise this morning to second the motion of the gentleman from Skowhegan and also to go on record in behalf of this most worthy measure that the working women of this State may have some visible means of knowing that I have kept faith with them and I sincerely hope that this House will do the same. The majority party in this House holds a mandate from the whole people of this State to enact a 48-hour law. Our late lamented Governor on the stump in the industrial districts of this State encouraged them to believe that his party would shorten the hours of labor for women and children. Were he living today, he would be one of its strongest supporters. Our present Governor is on record by his vote of two years ago as its friend. This promise of our late Governor was heartily endorsed by Republican speakers both great and small whenever they spoke in the industrial centers of the State during the last campaign. It is said by some of the opposition that the workers do not want for themselves these hours of labor. I want to say that

that is not true and point to the strike for this principle two years ago in Biddeford, Saco and Brunswick when they sacrificed their small bank accounts and Liberty Bonds and endured great hardships for this same principle. I know that they do want and expect from this Legislature the passage of this bill, and I believe that if they are denied this it would leave a fertile field for the Bolsheviks and un-Americans to sow the seeds of discontent with and suspicion of their duly elected representatives. The women of this State at the public hearing in this chamber gave their evidence, mute and otherwise, which convinced a majority of the committee that theirs was a just cause. So strong was their case that they got a majority report from a committee composed of 20 men of whom only four worked with their hands. At the hearing the brilliant attorney for the associated industries made a special appeal to the farmers of this Legislature knowing that if they could combine the forces of the farmers and the textile interests that this bill would be killed. I fail to see how this bill in any way affects the farmer or the farm laborer. I know something about a farm as I spent nine of the best years of my life on a farm. Later in life I went to the industrial centers where I had an opportunity to observe the conditions under which the textile operatives work. As to and fro from my work I observed the haggard appearance of nearly all those who had worked for any length of time in the mills. I noted the new ones that fell in line, some from the High schools and some from the country with the bloom of youth and health on their cheeks, which every girl has a right to be proud of and which we love to see in our daughters and our sisters, and then observed the difference in a short period of time and I found that these girls work at piece work at high speeded machines stimulated by the fact that the more they accomplished the more they were to receive in their pay envelopes. We hear frequently the assertion that nature is one continual fight with the strong preying on the weak. No reasonable man denies this rule of nature. One

of the principal objects of legislation is to protect the weak from the oppression of the strong. This House should bear in mind that the women and children of this State are the weaker element, that they appeal to us, the law making body, for protection. Shall we allow them to appeal in vain or shall we give them the justice they so rightly deserve?

I am pleased to quote the views of President Harding as expressed in his inaugural address: "We want an America of homes illuminated with hope and happiness, where mothers, freed from the necessity for long hours of toil beyond their own doors, may preside as befits the hearthstone of American citizenship.

"We want the cradle of American childhood rocked under conditions so wholesome and so hopeful that no blight may touch it in its development and we want to provide that no selfish interest, no material necessity, no lack of opportunity, shall prevent the gaining of that education so essential to best citizenship." (Applause.)

(At this point, Mr. Holley of North Anson, assumed the Chair.)

Mr. GAGNE of Lewiston: Mr. Speaker, as you are all aware, I come from the city of Lewiston, located in the heart of Maine, a city composed of a cosmopolitan population, with representatives from a great many different nations of the earth. This is a textile city, as you all know, and it is one of the most splendid cities in Maine, and the people of Lewiston expect that you will pass this 48-hour law. Gentlemen, I know those who work in the textile industries; I was almost raised there myself, and today I have four of my children working in those establishments and I claim that eight hours is long enough for any person to work in any of these establishments. You take, for instance, the carpenters and masons, and all they work is eight hours a day. These women and children work in the dust and in the smell of the oil, and if any of you were to stay an hour in one of those mills you would have enough of it because you would not stand it. If any of you who have

never been in a textile mill were to pass an hour there, you would say "never for my life will I work in one of them." I am not against the labor element, we need the labor and we need capital, but capital is like a child who needs to be reprimanded occasionally by his father. We are only asking justice when we ask for a 48-hour law, and I know that capital will be glad after a while if we correct him, and I ask of you in the interest of our spindle city that you enact this 48-hour law.

Mr. CORDWELL of Westbrook: Mr. Speaker and gentlemen of the House I certainly want to congratulate the gentleman from Skowhegan, Mr. Smith on the most wonderful talk he has made to you this morning, and it is not in my power to attempt in any way to equal his effort but, on the other hand, I could not remain seated in the face of some statements of fact which have been made. If this bill passes it does mean a decrease in wages; it also in view of the present condition of the industries of the United States, it certainly seems to me a very poor time to adopt and pass any such law as is proposed here. One gentleman made the statement that none of the women who were working in factories desire to work more than eight hours a day. Now, I am here to represent a class of people, a class of women who are working now nine hours a day, and they prefer nine hours a day and receive pay for nine hours work, rather than to go on to eight hours a day and get paid for eight hours work.

You can hardly take up a newspaper but what you will see a heading of some industry that has gone onto short time, and others are shut down entirely, and what is going to be the benefit by still heaping these measures upon the manufacturers which only have a tendency to make it still harder from them by reason of competition. In this way we are forcing factories to close, and then the people will have no work at all, and it will certainly reflect upon the farm and upon all farm labor, especially the

farmers who are located near the manufacturing centers. That has been proven, and you can talk with most any farmer and he will agree that that is a fact. Now, gentlemen, another thing which has been referred to here was the delegation of women who came here from Lewiston to attend the hearing. As has already been said by the gentleman from Waterboro, Mr. Smith, I never saw a finer or more robust looking set of women than they were and the thing that impressed me in their testimony at that hearing was the fact that so many of those women upon cross-examination admitting that they were married and had families and their husbands were working in the factories and earning good money and they, after putting in nine hours a day in the factory, went home and did their day's work at home. Now, I will leave it to any of these ladies who are present, if one day's work in connection with their own household duties is not enough. And then they lay great stress upon the fact that it is the overtime which they are obliged to put in in the factories that is causing them all the worry.

It is a fact that our late Governor Parkhurst stood for a forty-eight hour law, but the Republican party, in its platform at Bangor, did not adopt any forty-eight hour law. And therefore, gentlemen, do not be misled by the statement which has been made, here to overcome your sentiments in this matter. (Applause.)

Mr. SMITH of Waterboro: Mr. Speaker, I feel that I have not done my full duty towards the people I represent if I should fail to again stand upon my feet and protest against this 48-hour law, because I have been approached by people who are employed in these industries to oppose the law on the ground that the wages will be decreased and that the hours of labor would be decreased, also their pay envelopes would be smaller. And the cost of production of articles would be increased. I have a little pamphlet here under a heading of "Women employees protest minimum hours and wage bills,"

and it says, "Within the past six weeks hearings have been held in many state legislatures on bills sponsored by the National Consumers' League to legally fix minimum wage scales for women employes and likewise reduce the prevailing legal maximum daily and weekly hours of labor for women workers.

"In at least two instances the sponsors of the minimum wage and maximum hour proposals have been publicly rebuked by delegations of working women and girls who appeared before the legislative committees in charge of the measures and protested against them, at the same time declaring that they (the women employes) had not been invited nor been consulted by the representatives of the league as to the need for the bills they had introduced.

"In New Jersey the delegations of working women protested against the bills on the ground that such laws would materially restrict rather than protect their wage earning abilities. In Iowa on March 14th, over two hundred women and girls appeared to protest against the bills and declared to the legislators that they 'preferred to be let alone instead of being regulated by maximum hours and minimum wages.' In Ohio, on March 10th, delegations of women workers appeared to protest, declaring that women willing to work were able to take care of themselves in industry if not handicapped by discriminatory legislation."

Mr. NADEAU of Biddeford: Mr. Speaker, I come from a textile city, and I feel that I would not be doing my duty towards my constituents if I did not speak in favor of this 48-hour bill, which is House Document No. 90 and which has been favorably reported by the Committees on Labor and Legal Affairs. I come from Biddeford, and I can tell you that the women do not want it back in Biddeford, because each week-end when I go home there have always been as many as fifty, I should say, calling into my place of business and asking "When are you going to act favorably upon the 48-hour bill?"

There has been a lot of talk about

increasing production, and if you have noticed throughout our State there have been many factories which have been running on two or three days a week for a part of last fall and this winter, and they are now running on five days a week, and why do they object to this 48-hour law if they don't wish to run their factories? Conditions in the textile mills are altogether different from the conditions in clerical work. I know about it, because I have worked in a mill, and I am proud of it, and I am glad that these men have given me employment, because the law at that time provided that a child of 11 years could not work, but the Legislature has remedied that provision and I am glad that there has been introduced a bill to protect our women and our children. What would it benefit the State of Maine if we allowed these women to work nine long hours at a loom, on those high speed machines, in what way would we benefit by it if we let them lose their health? What would be the condition of the next generation if such means were allowed to exist? What would be the use of all this money that we are spending for our colleges and our institutions of learning if we do not have the people to send to those institutions in the years to come? (Applause.)

Mr. MAJER of Augusta: Mr. Speaker, I could not remain silent after listening to this argument which has been advanced, or the seeming argument, against this measure, coming from a city like Augusta, without saying to the gentleman representing the great industrial center of Waterboro (Mr. Smith), that we here stand ready and willing to meet the rebuke from any of those delegations of women opposed to a measure like this. If there are any such delegations, they have been remarkably quiet in Augusta, and if there are any women in any considerable number who are working in these factories and who are opposed to this measure, they have taken extreme care that their wishes should be suppressed and their opposition unknown.

Mr. Speaker and gentlemen, I favor this measure because I believe that

a State's greatness depends upon men and not upon acres. I believe in this measure for two broad reasons: first, from the broad and comprehensive view of the health and conservation of our citizenship; secondly, from an economic point. As for the first, it is known of all men that national vitality today is a serious and sober question before the people of the United States. We have had the echoes of it down here with the agitation in the public health department, with the energy and the argument for the good of the rural physicians, with the energy and argument for a State medical school. Conservation of national vitality is the big proposition confronting America today. And is it without cause? Of all nations today, of all the industrial nations of the world today, statistics will show that the progress of degenerative diseases has been more rapid in America than anywhere else in the world. While we have been coping with the contagious scourge and such epidemics as "flu" while the contagious scourges have been checked and are being kept in check, degenerative diseases are on the increase in America, heart diseases, kidney diseases, arterial sclerosis, hardening of the arteries. Why is this? It is because the high pressure of the American life is producing a blood pressure and we know what that means, deterioration, decay and dissolution.

The increase of this condition has been alarming, and what is the explanation? I have not seen it even questioned that the explanation advanced is that it is the pressure of the life we are living, it is the fatigue element, and this bill which is here today in front of us should be treated upon a physiological basis as a fatigue remedy. Now, fatigue is a very serious proposition in its strict sense. Every minute of our life nature is attempting to repair that which is breaking down by chemical change, the waste products in our body are being consumed and burned by the oxygen or carried off by the kidneys, or affected by the liver, and the only way in which you can treat this condition, is not by medicine but by rest. You rest today in order to meet the

needs of tomorrow; we work today on a certain cycle, and that must be met with a corresponding period of rest whereby you will have restored the balance of energy, otherwise you go into tomorrow with just so much of a diminished balance of energy, and every day that you keep reaching into that sinking fund of energy you are approaching the day of fatigue exhaustion, and when you have reached the period of fatigue exhaustion you have reached a condition that is beyond repair. This fatigue condition is not only a menace in itself but it lessens the power of resistance on the part of the individual, and the lessened power of resistance of the individual makes him, or her in this case, more readily susceptible to contagion and a career of contagion in your communities. And I say, upon that basis, upon the vitality and the health conditions, this measure is not sound.

When you take into consideration the other elements concerning industry which are affected by this bill, and it is not purely the hours of employment, it is working conditions that contribute to this fatigue, it is the air and it is the light and it is the vibration of industry, of the structure, the concentration of mind upon the rapidly revolving machinery, the concentration and the fixed attention upon the daily routine of the work, and this makes the worker a very part of the machine.

Now I will again repeat an argument which I advanced and which I challenge any representative of the opposition of this bill to deny, and in case of denial then I will call your attention to the evidence which you may go and find at the noon hour, and that in every textile industry, because of the conditions of the business in the weaving sheds and in the spinning rooms, it is necessary in order to protect the threads that are going through the machines, that these threads shall be kept in an active, contagious condition, in other words, moist. If they are not moist they will break. Now, how many of you know how that is done? I will show you, and if it is disputed, you can go up to the Edwards Company

this noon and see whether this is the truth. That condition of the threads is produced in this way, by a moisture in the room, the temperature of the room is kept away up above 80, from 80 and 90 to 100, and it is kept away up, and that furnishes the heat element, and the humidity element is produced by a fine spray of water running from pipes over head that are spraying constantly into that room, so that when the water from above and the heat from below shall produce a humid atmosphere, that will work upon the threads so that they will not break, and in God's name, gentlemen, are you going to be so solicitous of the non-breaking thread that you will break the threads of human life that is working therein? Any man will tell you that working under those conditions, hour after hour, in that humidity, the blood leaves the internal organs where it belongs and comes to the surface, to the skin, and if the body can take care of itself by the ordinary process of perspiration where there can be evaporation, you will get relief, but not so in that artificial humidity, not so at all, with the result that you find a tendency to arthritis, to tuberculosis, to a constantly diminished quantity or quality of vigor upon the part of those women; and I say to you, gentlemen, that it is a matter of inhumanity to refuse to the women in the industries of Maine that which has been accorded in so many other States.

And then you come to the economic argument. I say to you that the 48-hour law for women would be an economic gain and not a loss. It has been said that it would mean diminished production; I say that it will mean increased production, and my assertion is as good as that of the gentleman who made the other assertion, and I will back my assertion with the citation of authorities. The Industrial Commission of Illinois, appointed by Governor Frank Lowden, in July of 1918, investigated that very thing and it reported that in every branch of industry where there was a parallel, that it meant an increased and not a decreased production. And that can be found for the convenience of anyone who cares to

look it up in the brief for the defendant in the case of Bunting vs. the State of Oregon, wherein briefs were prepared by that gentleman who is now a justice of the supreme court of the United States, Louis Brandeis of Massachusetts.

I say that it will mean increased production, that it will mean increased efficiency of labor, that it will mean increased efficiency of management, and that it will result in economy in the sense that it is saving the people's money of tomorrow for large expenditures for health which now may be averted. And if that is true, it will mean a gain to capital and not a loss. That it will mean decreased wages, I challenge the citation of evidence where adoption of the 48-hour law has been followed by a reduction of wages. I challenge production of the evidence. We have known this, we have, in support of this proposition, not merely the two committees considering the matter here, but there is a consensus of the disinterested opinion of the world; there is the unanimous action of the peace conference held at Versailles, and which is incorporated into the peace treaty, the establishment of the basic eight-hour day and the 48-hour week, and all that is asked here is that you will do the same thing for women.

Now this 48-hour law would give a better citizenship; it would give better contentment; I deplore very much, while I recognize very readily the serpent-like wisdom, I deplore very much the attempt which is being made to drive in here at this session a wedge between the factory and the farmer. Gentlemen, "as ye sow, so shall ye reap." There is no incompatibility, there is no hostility between the interests of the factory and the farm. They are identical, when you talk about industrial prosperity and when you listen to the specious argument that the industry of Maine cannot compete with the industry of the south, and when you listen to the arguments against the claims of labor in these days, it makes a thinking man hesitate when they talk about the protection of our northern industries against southern

competition, if it were not for two things; the first is organized labor knocking on the doors of Congress until Congress passed child labor legislation that prevented the minor of the south from taking the bread from the mouths of the men and women of the north. Now you industry, you owe it not to your effort, you owe it to the effort of organized labor urging Congress for that child labor law upon all articles of interstate commerce. Up here in this dear State of ours you are objecting to the passage of this law on the ground that you cannot trade. Cannot trade with whom? With the south. How many of you men have ever lived there and are familiar with the situation? The same sun which lightens and brings to fruition the beautiful cotton in those southern states precludes and prevents their working under the hours of labor necessary to make them effective competitors with the north-man. Your competitors are in New England. As it seems to me the very primary thing in this matter of competition is that of the labor market itself. The thing that the manufacturer takes into consideration is, whether or not there is a ready and available supply of contented labor. Isn't that the first test? Now, I want to know how you expect to keep an efficient and contented class of labor in this land of industry when you find your sister states are according to them privileges which you deny? It seems to me it is basic that you must have a contented condition of labor to have an efficient production therefrom.

Gentlemen, I have taken more time than I intended upon this matter, and to summarize I will say right here that as I see things, it is not in revolution that we need have any fear in this country, but it is in "devolution;" the danger is in the ideals of such comfortable, well-off sophists who seek to drive away right here and now and create class distinctions. Do not make any misunderstanding of what I say, and let no man mistake my meaning. I would not condone that man or that group of men who would seek by direction or indirection to subvert

our theory of government or the activities of our government. I have too much confidence in the common sense and the conscience of American manhood and womanhood to believe that there is any danger in any such regard. I believe in that industry which will lead to material prosperity. The pure well spring from which those streams flow is private initiative and private property, and I believe that anything which pollutes the spring of private initiative or anything which subverts the theory and the sanctity of private property is subversive to our form of government. I believe there are two pillars which are supporting industry, supporting almost freedom itself. One of them is the protection of private property. I do not believe that here and now at this time or at any other time that the people of Maine are going to subscribe to any smashing of that pillar in the interest of communism, socialism, actual or near. On the other hand, I do not believe that we can forget for a moment that equally important with the protection of private property is the protection of the producers of property, and those producers of property, some of them are women, who are now compelled to work from half past six in the morning until twelve o'clock at noon and from one o'clock P. M. until half past five at night.

Now, gentlemen, I think if you want to have a free labor, and if you want to protect that second great pillar, that you can take a step in the right direction in supporting this bill, and then it will seem to me that we have made some progress towards that condition which will produce contented manhood and contented womanhood and from that there will be begotten a happy childhood, and believe that it is only in the light of national contentment that you can ever acquire enduring and real national greatness. (Applause.)

Mr. GERRISH of Lisbon: Mr. Speaker and gentlemen of the House: I am much interested in the medical knowledge of the gentleman from Augusta (Mr. Maher). He has certainly gone into this sub-

ject very carefully, but there is one thing that he has forgotten. He has forgotten to give a prescription, and I am going to offer to the House this prescription: Eight hours sleep; eight hours play; eight hours work. To be taken in full doses. (Applause.)

Mr. McILHERON of Lewiston: Mr. Speaker, I am delighted and pleased to listen to the eloquence that this bill deserves. I can give you a little of my experience. When I was seven years old I was left—

The SPEAKER: The gentleman will suspend for a moment. The House will be in order or will be cleared. The remarks are not for the entertainment or the provocation of laughter, nor for the causes of comment on the part of any gentleman except the speaker and the speaker at the present time is the gentleman from Lewiston, Mr. McIlheron, and he will be heard. Proceed.

Mr. McILHERON resuming: I was left fatherless with a mother having three boys to support, and she had to resort to a linen mill, the Bessbrook Spinning Mill in Ireland; and there is where I first accompanied the lone woman that was spoken of here in this House at previous sessions, and I worked with that lone woman one day in the mill, and she prepared my food and cared for me after her hours in the mill so that I could go to school the next day, and another boy alternated with me. The system was called there "half time." We were only living half time, and I thank God that I have seen the time when she could loaf or keep her home and enjoy herself while I worked full time. There is a wonderful sentiment that should be brought to the surface of matters and things and we are looking at everything in a material way. We have had a most wonderful evidence of the shortness of this life during this Legislature. I presume there never has been a Governor, elected to the State of Maine who has taught there a more salutary lesson than has been taught here. He told us that the party that he represented was pledged to the 48-hour law. I

want to tell you, gentlemen, representing the Democratic party from one of the largest industrial centers in the State, recognized and known throughout the country as the industrial heart of Maine,—I want to tell you that I came here representing that party that is pledged also to that measure—pledged to give its support; and when a man accepts what a party pledges, he should represent that party, or he should have manhood enough to say, "I will resign; send somebody else in my place because I cannot honestly represent the people who have sent me here. They have sent me here for one purpose, my conscience dictates another. I will resign. Let the people send a proper representative to the Legislature so their wishes may be thoroughly expressed and honestly expressed, not camouflaged."

Gentlemen, what we want in this State of Maine, and in this country, more than money is manhood. I admire manhood, and I love womanhood in all its purity, in all its sanctity. The love of a woman is as sweet as the fragrance of a rose in its purity, as God intended it should be. It is not a question of work, but it is a question of how to live. I do not stand here to say aught against any of the manufacturing industries in my city. If I had to come here to talk about the industries of my city, gentlemen, I should go back to the people and I would tell them that I could not represent them as they wanted me to represent them. I want to see industry encouraged; I want to see labor encouraged. I want to see these things go hand in hand and in harmony,—just as much harmony as the United States of America. I do not want to see them separated or divided as this House is, and I want to give you warning that a House divided against itself must fall. Take that as a warning. I have seen men withering away in fear and expectation of what? Not because of a man,—no, never! It was because they shrank down to something else that I could not class as a man. Stand and be counted, and do not shrink away. The very consciences of men will condemn them.

You can look a man in the face and tell what he is. We are all created in the image and likeness of our Creator and told to love one another. That is the doctrine that will settle all questions. Do justice to your fellowman. Be fair with your fellowman wherever he lives or under whatever circumstances you meet him, so that you may be able to say when you have completed your work here "Before me and my God I have been fair with my fellowman, and I have done him justice." Then you will have completed wonderful and sensible, protective legislation that the people will be satisfied with. The trouble is with this country today that we are financially intoxicated, and the State of Maine is no exception. The State of Maine, while it seems to be a very temperate State, still it is intoxicated financially, and people can see nothing but the gain, the money. The happiness of the people is what we want here in America. We boast about being the richest country in the world. I am glad we are, if that richness will produce happiness. Are we the richest country in the world in our hearts? There is where you find the riches. The home is where the heart is.

Now, gentlemen, I am glad, as I said, to hear the eloquence that has been afforded us on this question, and I offer these few words as coming from my heart, and I hope that the people of the State of Maine will find in the expression of this Legislature on this bill, justice and fairness to the industries as well as to the laboring people. I thank you.

The question was called for by Mr. O'Connell of Millinocket.

The Speaker: The gentleman from Millinocket, Mr. O'Connell, calls for the question. Shall the main question now be put. All those in favor of putting the main question at this time will say aye, contrary minded, no.

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

Mr. O'Connell of Millinocket then asked for a yea and nay vote.

The SPEAKER: All those who are in favor of the vote being taken by the roll call will rise and stand until

they are counted, and the monitors will return the count.

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

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Maher.

Mr. MAHER: I yield to the gentleman from Skowhegan, Mr. Smith.

Mr. SMITH: Mr. Speaker, I believe in fair play, and I am wondering if there is not some way by which Mr. Carroll can speak on this subject, inasmuch as he represents the opposition. May we not have a reconsideration? I do not know the tactics.

The SPEAKER: The Chair will reply to the gentleman from Skowhegan, (Mr. Smith) that the Chair gives absolute assent to everything that the gentleman from Skowhegan has suggested except the expression of fair play. The Chair proceeded absolutely according to parliamentary rules. A motion at this time will certainly be entertained and put to vote that the rules be suspended and the gentleman from Norway (Mr. Carroll) be heard.

Mr. McILHERON of Lewiston: I move, Mr. Speaker, that the rules be suspended and the gentleman from Norway, Mr. Carroll, be heard.

The SPEAKER: The rules are suspended and the gentleman may be heard if he cares to speak. The gentleman from Norway (Mr. Carroll) has the floor.

Mr. MAHER: Mr. Speaker,—

The SPEAKER: The gentleman from Augusta (Mr. Maher) is out of order.

Mr. MAHER: May I speak to the motion, Mr. Speaker?

The SPEAKER: The Chair has ruled.

Mr. MAHER: I rise to a point of order.

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

Mr. MAHER: A simple statement of the rule that a man may speak five minutes before the main question is put, and then yielding, which I intended to do, to the gentleman all my

five minutes, might encompass the difficulty.

The SPEAKER: As the Chair recalls the procedure, the House has voted to extend the courtesy of the House to the gentleman from Norway, Mr. Carroll, and he has the floor.

Mr. CARROLL of Norway: Mr. Speaker and gentlemen of the House: I regret very much that this proceeding was necessary, and I am sorry that I did not get the Speaker's attention. I was on my feet before the motion was put. To show my appreciation of the courtesy, I will say to you that I will talk but a very few minutes. I will also further say that there is no man in fuller accord with the gentlemen, Mr. Smith, Mr. Maher and Dr. Gerrish, and the other gentlemen, advocating the 48-hour law in the State of Maine than myself. I am fully in accord with it in every way; but I do not believe that it is a matter for the State of Maine, with a population of from 750,000 to 760,000 people, down here at the northeastern limit of transportation in the United States,—I do not believe it is a matter for us to legislate. It is a matter for Federal legislation to set the hours of labor for every state in the Union and let Maine have a fair chance in competition. Now in the chaotic condition that this country is in, I think the most unwise thing that the State of Maine could do at this time is to pass a 48-hour law. I am in accord with everything that benefits the working man and the working woman. I have spent many hours helping some of my good friends draft the compensation bill that would smooth out some of the inequalities and give the working man the best we could give him for the money. Now I want to do that same thing with labor in the State of Maine. This bill has been before many Legislatures. Two states in New England,—the one across the line—New Hampshire—turned it down almost to a man this winter, and Connecticut did the same. They felt it unwise to legislate at this time—a state so far removed from the center of distribution and also from the centers of supply.

We have listened today to good argument and wonderful eloquence. I wish I had the ability, but I can only state these facts. I have telegrams here from industries contemplating locating in Maine. They say that with the 48-hour law that New Hampshire has all the advantages we have and they would prefer to go there at this time where they have a 54-hour law. Now I believe that we are advancing, but as I said before, Maine with its small population and its location should not set the pace for the United States. I believe that industry should have a chance, and when industry has its chance, industry is giving labor its chance. Without the industry, you have no place for your women and children or your men. Now give these working people the opportunity of working and getting their living, and do not drive industry out of the State of Maine at this time. Do not do things to handicap it until this country has gotten itself readjusted to the after-the-war basis. Mr. Speaker, I thank you and the gentlemen of the House. (Applause.)

Mr. BRAGDON of Perham: Mr. Speaker, is this matter debatable under the five-minute rule?

The SPEAKER: The Chair has no present recollection of any such rule. If there is such, call its attention to it.

Mr. BRAGDON: My impression was that it had been used before.

The SPEAKER: It appears to the Chair that the question now is upon the adoption by ye and nay vote of the minority report, ought not to pass, the motion having been made yesterday by the gentleman from Waterboro, Mr. Smith. If the Chair is incorrect, it will thank any member for setting it right. The main question has been called for by the House. A ye vote is in favor of the minority report, ought not to pass. A nay vote is against the acceptance of the minority report, and leaves for further consideration the majority report. The Clerk will call the roll.

Mr. COLE of Eliot: Mr. Speaker, I am paired with Representative Willard of Sanford, who desires to be record-

ed that he would vote yes if he were present, and I will vote no.

Mr. TOWNE of Madison: Mr. Speaker, I am paired with Representative Wilson of Presque Isle, who desires to be recorded that he would vote no if he were present, and I will vote yes.

YEA—Adams, Atherton, Audibert, Baker, Bean, Blanchard, Boothby, Bragdon of Perham, Bragdon of Westbrook, Bragdon of Franklin, Brewster of Orland, Carroll, Carney, Case, Chadbourne, Chalmers, Chandler, Chase, Cherry, Cordwell, Conant, Crabtree, Crafts, Cram, Croxford, Dain, Davis, Dodge, Downing, Downs, Dunning, Eastman, Elmore, Emery, Farnsworth, Forbes, Gardiner, Granville, Hammond, Hayes, Heal, Hinckley, Hodgkins, Houghton, Hussey, Kimball, Landers, Leighton, Lowe, Main, Mason, McGlaulin, Myrick, Newcomb of Scarborough, Newcomb of Newburg, Nickerson, Patterson, Peabody, Peaslee, Phillips of Orrington, Phillips of Bar Harbor, Plummer, Ricker, Roberts of Vinalhaven, Roberts of Lyman, Rounds, Savage, Sawyer, Small, Smith of Waterboro, Smith of Ludlow, Snipe, Spear of Limestone, Story, Teague, Tilden, Thomas of Chesterville, Thomas of South Portland, Trefethen, Twombly, Varney of Jonesboro, Varney of Windham, Weatherbee, Weeks of Dresden, Wentworth, Wight, Williams, Wing, Witham—89.

NAY—Austin, Barney, Bartlett, Barwise, Belliveau, Bennett, Brewster of Portland, Brown, Buzzell, Chamberlain, Clarke, Daigle, Doyie, Fagan, Finnell, Gagne, Gerrish, Gipson, Harriman, Holley, Hunton, Kerswell, Larabee, Luques, Maher, Masse, Maxwell, McIlheron, Moody, Morneau, Murchie, Murray, Nadeau, O'Connell, Owen, Pennell, Perkins, Poore, Reed, Rogers of Rockland, Smith of Skowhegan, Spear of Rockport, Viles, Wadsworth, Warren, Weeks of Fairfield, Winter, Wiseman, Wood, Woodruff—50.

ABSENT—Belmore, Burns, Jordan, Oram, Porter, Rogers of Jonesport, Washburn—7.

PATRED—Cole of Eliot (no) and Willard of Sanford (yes); Towne of Madison (yes) and Wilson of Presque Isle (no).

Mr. GRANVILLE of Parsonsfield: Mr. Speaker, I inadvertently voted no, and I wish to change my vote to yes.

Mr. BRAGDON of Perham: Like the gentleman from Parsonsfield (Mr. Granville) I was not giving due attention when the motion was put to the House, and I now desire to change my vote from no to yes.

Mr. BAKER of Steuben: I wish to

change my vote from the negative to the affirmative.

Eighty-nine having voted in the affirmative and 50 in the negative, the House adopted the minority report, ought not to pass.

On motion by Mr. Buzzell of Belfast, the House recessed until two P. M.

AFTER RECESS

The SPEAKER: The Chair presents out of order papers from the Senate.

Papers from the Senate disposed of in concurrence.

From the Senate: Final reports of the Committee on Banks and Banking and Taxation.

Comes from the Senate reports read and accepted.

In the House, reports read and accepted in concurrence.

Senate Bills in First Reading

Resolve to reimburse L. Ernest Thornton, Secretary of the Senate, for expenses incurred in connection with the lecture of William F. Dawson.

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

Resolve to reimburse the members of the Special Committee charged with the duty of investigating the desirability of enacting the Act introduced at the 79th Legislature, entitled "An Act to establish the State University of Maine, and to provide for its maintenance."

(On motion by Mr. Houghton of Fort Fairfield, the rules were suspended, the resolve given its two several readings and passed to be engrossed in concurrence.)

Resolve in favor of Faith A. Tryon for services as stenographer to the Committee on Re-districting the State.

(On motion by Mr. Brewster of Portland, the rules were suspended,

the resolve given its two several readings and passed to be engrossed in concurrence.)

Resolve in favor of Mildred L. Humphrey for services as clerk and stenographer to the Special Committee of the 80th Legislature to investigate agricultural conditions in Maine.

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

Resolve to reimburse the members of the Taxation Commission for expenses.

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

Resolve in favor of F. G. Farrington, chairman of Committee on Insane Hospitals.

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

Resolve in favor of E. W. Peaslee, Secretary of State Prison Committee, for expenses incurred by said committee on visit to prison, February 14, 1921.

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

Senate 217: Resolve dividing the State into Senatorial Districts.

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

Resolve proposing an amendment to Article 9 of the Constitution to provide for a bond issue for the purpose of paying a bonus to Maine soldiers and sailors in the war with Spain.

(On motion by Mr. Maher of Augusta, the rules were suspended the resolve given its two several readings

and passed to be engrossed in concurrence.)

An Act to provide for the payment of a bonus to Maine Soldiers and Sailors in the war with Spain.

(On motion by Mr. Eastman of Fryeburg, the rules were suspended, the bill received its three several readings and was passed to be engrossed in concurrence.)

The SPEAKER: This last Act would take effect only on adoption of the amendment in September to the Article in the Constitution as per the resolve just passed to be engrossed.

From the Senate: Bill, An Act amending the charter of the People's Ferry Company. This was passed to be engrossed in the House, April 4.

Comes from the Senate indefinitely postponed.

In the House on motion by Mr. Adams of Liberty, 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 Salaries and Fees on bill, An Act relating to the salary of the State Superintendent of Public Schools, reporting that the same, ought not to pass.

Comes from the Senate, the bill substituted for the report, Senate Amendment "A" read and adopted, and the bill as so amended passed to be engrossed.

In the House, on motion by Mr. Murchie of Calais, it was voted to substitute the bill for the report in concurrence with the Senate. On further motion by the same gentleman, the bill then received its two several readings. On further motion by the same gentleman, Senate Amendment "A" was adopted in concurrence, and on further motion by the same gentleman, the rules were suspended, the bill received its third reading, and was passed to be engrossed as amended by Senate Amendment "A" in concurrence.

From the Senate: House Document No. 352, bill, An Act to amend Section 8 of Chapter 6 of the Revised Statutes, relating to ballots in primary elections, and providing for the order of the names of candidates on said ballots to be determined by lot. This was passed to be engrossed in the House March 31.

Comes from the Senate indefinitely postponed.

In the House, on motion by Mr. Viles of Augusta, that body voted to recede and concur with the Senate in the indefinite postponement of the bill.

From the Senate: House Document No. 349, Bill, An Act to establish game preserves or sanctuaries in the State of Maine. This was passed to be engrossed in the House as amended by House Amendment A on March 30.

Comes from the Senate indefinitely postponed.

In the House, on motion by Mr. Viles of Augusta, that body voted to insist on its former action and asked for a committee of conference.

The SPEAKER: The Chair names as conferees on the part of the House, Messrs. Viles of Augusta, Crafts of Greenville, and Wilson of Presque Isle.

From the Senate: House Document No. 379, Bill, An Act to authorize the division of towns having less than 4000 inhabitants into convenient polling places. This was passed to be engrossed in the House on March 28 as amended by House Amendment A.

Comes from the Senate indefinitely postponed.

In the House, on motion by Mr. Hinckley of South Portland, that body voted to insist on its former action, and asked for a committee of conference.

Thereupon the Chair appointed as such committee on the part of the House, Messrs. Hinckley of South Portland, Holley of North Anson, and Granville of Parsonsfield.

From the Senate: House Document

No. 381, Bill, An Act to divide the town of Wells and incorporate the town of Ogunquit. This was indefinitely postponed in the House, and on April 5th, the House voted to adhere to its former action.

Comes from the Senate that body insisting on its former action and asking for a committee of conference, with the following conferees appointed on its part: Senators Thombs of Penobscot, Clement of Waldo, and Emery of Washington.

Mr. LUQUES of Kennebunkport: Mr. Speaker, I move that the House appoint a committee of conference.

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

The SPEAKER: The gentleman will state it.

Mr. WING: This House voted to adhere—

The SPEAKER: The Chair will state that the object of the two branches of the Legislature is to act in concord. The invitation for a committee of conference from either chamber to the other is a question of the highest privilege, and the Chair rules that the House may join. The motion of the gentleman from Kennebunkport (Mr. Luques) is that the House join in a committee of conference in concurrence with the Senate. All those in favor will say aye, contrary minded, no.

Mr. LUQUES: Mr. Speaker, I call for a vote by the yeas and nays.

The SPEAKER: As many as are in favor of granting the yeas and nays will rise and stand until counted.

A sufficient number did not arise.

The SPEAKER: A sufficient number not having arisen, the Chair will put the question. All those who are in favor of joining the committee of conference will say aye, contrary minded, no.

A viva voce vote being taken, the motion to join in the committee of conference prevailed.

The SPEAKER: The Chair will appoint as conferees on the part of the House, Messrs. Smith of Waterboro, Cherry of Eastport, and Cordwell of Westbrook.

On motion by Mr. Holley of North Anson the action of the House whereby that body indefinitely postponed in concurrence with the Senate Bill, An Act to amend Chapter 8 of the Revised Statutes, providing for the order of the names of candidates on ballots to be determined by lot, was reconsidered. On further motion by the same gentleman the House voted to insist on its former action and called for a committee of conference.

The SPEAKER: The Chair appoints as conferees on the part of the House, Messrs. Holley of North Anson, Wadsworth of Winthrop, and Viles of Augusta.

Passed to Be Enacted

An Act relating to the fire department of the city of Portland.

An Act to amend the law relating to investigations in animal husbandry.

An Act to amend Sections 1 and 7 of Chapter 101 of the Revised Statutes, relating to the replevin of distrained beasts.

An Act to amend Section 11 of Chapter 260 of the Public Laws of 1917, increasing the salary of the stenographer of the Androscoggin superior court.

An Act to amend Section 87 of Chapter 16 of the Revised Statutes, relating to State aid to high schools under emergency conditions.

Finally Passed

Resolve to purchase 500 copies of the "Public Letters of John Fairfield."

Resolve in favor of the State School for Boys for the construction of a central school building.

Resolve appropriating money for construction and improvements at the State Reformatory for Women.

Resolve in favor of the Maine School for the Deaf.

Resolve in favor of the University of Maine, appropriating money for use by the Maine Agricultural Experiment station in conducting investigations at Highmoor and Aroostook Farms.

(Emergency Measures)

An Act to legalize and make valid

certain acts of the assessors of the town of Danforth for the years 1920 and 1921.

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 this bill to be enacted will rise and stand until counted, and the monitors will return the count.

A division being had, 119 having voted and all in the affirmative, the bill was passed to be enacted.

Resolve in favor of the State Reformatory for Men for maintenance.

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, 120 having voted and all in the affirmative, the resolve was finally passed.

Resolve appropriating money for the construction and improvement of the State Reformatory for Men.

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, 124 having voted and all in the affirmative, the resolve was finally passed.

Resolve in favor of the Central Maine Sanatorium, Fairfield, Somerset County.

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, 120 having voted and all in the affirmative, the resolve was finally passed.

Resolve in favor of the National Conference of Commissioners on uniform State laws and of the commissioners for Maine for the promotion of uniformity of legislation in the United States.

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, 125 having voted and all in the affirmative, the resolve was finally passed.

Resolve in favor of the Maine General Hospital.

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, 113 having voted and all in the affirmative the resolve was finally passed.

Resolve in favor of the Northern Maine Sanatorium, Presque Isle, Aroostook county.

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, 121 having voted and all in the affirmative the resolve was finally passed.

The SPEAKER: The Chair presents at this time out of order a

Memorial to Congress urging favorable consideration of the principles embodied in the Smith-Towner bill; and the Chair recognizes Mr. Murchie of Calais.

Mr. MURCHIE: Mr. Speaker, I move that the Memorial be indefinitely postponed.

Mr. BARWISE of Bangor: Mr. Speaker, the Memorial to Congress on the Smith-Towner bill is probably the most important single issue that has been raised in educational circles in America for at least a generation. It comes to this House with a unanimous report from the committee on Education. Of course I am aware at this time that your unanimous reports from committees mean nothing to this Legislature, but this bill is one which, if passed by Congress, means a million dollars a year to the State of Maine. It means the building up of our public school system in Maine until in the rural districts it will equal the high condition it has attained in the city districts.

I presume that all of you are more or less familiar with the bill, but lest you may not be I will very briefly review the provisions of the Smith-Towner act. It provides first and foremost for the collection of the 83 several bureaus, sub-bureaus and divisions of bureaus now dealing with Federal educational matters at Washington into one homeogenous department, which will have as its head a secretary and a member of the Cabinet. This bill provides for the distribution of a sum not exceeding \$100,000,000 among the several states in about the same proportion and on about the same ratio that we in Maine distribute our school fund; that is, it will work it by taking from the richer and more populous and distributing to the poorer and less populous states. Three-fortieths of this fund is to be used towards reducing illiteracy—native-born illiteracy—of which we have 9,000 in Maine. Three-fortieths is to be used toward reducing illiteracy in those above 14 years of age, among foreign born illiterates, of which we have 17,000 in the State of Maine. Twenty-fortieths, or one-half of the whole sum, is to

be used for equalizing educational advantages in the rural schools, for increasing teachers salaries so that the best teachers will not be drained away from the rural districts into the city districts by the lure of a larger weekly or monthly stipend. This very large amount will be distributed one-half in proportion to the school census between the ages of five and twenty-one and one-half in proportion to the number of teachers employed in the public schools. Eight-fortieths of this sum is to be used toward teaching physical education, the laws of hygiene and health and proper living. We discovered in the last draft—the best authorities at Washington say that seventy-five per cent. of the unfit among our young men no need to have been unfit if they had been properly taught in the public schools the simple laws of ordinary health. The remaining six-fortieths is to be used toward teacher training, toward training young men and women to a greater degree and to a larger number for positions of teaching in the public schools; and with the twenty-fortieths referred to a moment ago used for increasing salaries, the teaching profession in the State of Maine will be very much more attractive if the Smith-Towner bill becomes law than it is now.

There is no reason against the Smith-Towner bill, but there are many arguments. In the hearing the other day one thing was conspicuous, that among all of those who opposed this bill not one single person that was engaged in public school instruction, in public school administration, was quoted as against this bill,—not one. Every single state superintendent of schools in the United States, every county superintendent of schools in their systems out west, every superintendent of schools who was recognized or made himself known here by petition or signing or otherwise, was in favor of this bill. The American Federation of Labor has gone on record as in favor of this bill. The Maine Federation of Women's Clubs has gone on record as in favor of this bill. President Aley

of our State University and the president of all state universities throughout the United States, are in favor of this bill. The only educators who have opposed this bill are those at the head of private institutions. The friends of the public school all over the United States are back of this bill.

It has been urged that we were setting out on a new departure, that we were doing something contrary to the history of the American government with respect to education. Those who urged that have overlooked the entire history of the Federal Government with respect to education. In 1785, when we were functioning under the Articles of Confederation, and two years before the present Constitution was adopted, when the Northwest Territory was being surveyed and set apart, one lot of land in each township, Lot No. 16, in each township, in the entire Northwest Territory, which since has become the states of Illinois, Wisconsin, Indiana and Ohio, was reserved for educational purposes in the public schools. In 1826, when we were surveying the Jefferson Purchase—the Louisiana Purchase—we did the same; in 1848 we increased it to two lots of land in every township in the entire Oregon Conquest from the Mexican War. In 1863 we passed the Morrill act which gave many thousands of acres of land to every state that would establish a State institution, a State college, and our own University of Maine is one of the land grant colleges. The 2d Morrill act in 1890 gave twenty-five thousand dollars a year for a special line of study at those universities. The Hughes act and the Smith-Lever Act, both passed within ten years, gave additional funds. The entire history of the Federal Government toward education in the states has been one of aid.

It has been urged by the opponents of this bill that it means Federal Control of education. That is a boggy that has been set up by the opponents of this bill. If you read the bill itself, you will see that the language could not be more explicit.

The wit of man could not draw a paragraph which was more emphatic in saying that the courses of study and the management of the schools in the several states shall be left entirely to the educational authorities of those states, and that State autonomy shall be preserved in matters of education.

You will remember also, those of you who were at the hearing, that my distinguished friend from Augusta (Mr. Maher) read a long opinion on the unconstitutionality of this act. I do not think that he intended to mislead us in any way, but I gathered from the language as he stated it, that this was in some way a report or something that had to do with the proceedings of the American Bar Association; but upon talking with him since, and upon looking up the article, I find that this was an article in a law magazine. It never was reported to the American Bar Association, never was accepted by the American Bar Association, and has no other endorsement than Judge Guthries himself. Now as to the constitutionality of this matter: There can be but very little doubt at this stage of our history whether or not an act aiding the common schools would be any more unconstitutional than the Morrill Act aiding the State colleges; and as for the point that one of the opponents raised that there was no line in the Federal Constitution upon which this act could be hung, no peg upon which it could be hung,—let me say that there is not a single line in the Federal Constitution, other than the general welfare clause, upon which any labor law that Congress ever passed could be hung,—not a single thing. In the eighteen paragraphs where the powers of Congress are enumerated, there is not one thing except under the general provisions of the general welfare clause that any Federal Act of this nature can be based. Now there is a principle established in American jurisprudence that is as well grounded as the constitution itself, and that is the great principle of *Maryland vs. McCulloch* which came up in the days of the National Bank controversy. That proposition is this, that, if the end is legitimate, if the

object is legitimate, then Congress may use any means which are ordinarily appropriate, clearly adapted, and non-prohibitive. Let me illustrate by the bank case itself. It was contended that the Federal Government could not charter a national bank or could not charter any corporation whatsoever, but the Federal government had distinct powers regulating fiscal operations. Marshall laid down this rule that if a National Bank was an ordinary means such as used in other government, was an appropriate means, logically appropriate, was clearly adapted and not prohibited by any other act of the Constitution, then the means was legitimate. Now if there is anything under Heavens that is of more advantage in bringing about the general welfare of the American people than to enhance their education, the wit of man has not announced what it is; and if aiding the public schools of the United States is not an ordinary means, is not an appropriate means, is not clearly adapted to that end, and is anywhere prohibited, then I do not know anything about the Constitution.

Now, gentlemen, I know that it has been rumored around the corridors that political pressure will be brought to bear upon me and upon us to vote for this bill, by those who are opposed to it. Let me say that political pressure has no terrors for me. If I cannot return to this House, and if the Republican party cannot exist when it lives according to principle and not according to policy, then it would be better if I did not return, and it would be better if the Democrats were elected.

I appeal to you gentlemen, to vote in accordance with the report of your committee on education and in accordance with sound educational principles as advocated by the public educators all over the United States.

Mr. MAHER of Augusta: Mr. Speaker, may I ask the gentleman from Bangor (Mr. Barwise), one question through the Chair?

The SPEAKER: You may do so, through the Chair.

Mr. MAHER: Would the gentleman

tell us what the status of the present bill is?

The SPEAKER: The gentleman from Augusta (Mr. Maher) inquires of the gentleman from Bangor (Mr. Barwise) the present status of the Smith-Towner bill.

Mr. BARWISE: The Smith-Towner bill was reported favorably by both the Senate and the House committees on Education, but died in the closing days of the last Congress. It is to be re-introduced —

The SPEAKER: It is dead then. That is a sufficient answer, is it not?

Mr. MAHER: Yes, Mr. Speaker, I will trespass but a moment on the time of the House at this juncture for two reasons, the first being that I do not deem it necessary to indulge in any extended discussion or analysis of the argument of the very able gentleman from Bangor, whose wide learning, knowledge and fairness I have grown to admire and respect at this session; because I do not believe that it is necessary or proper at this time to discuss the aspects of this Smith-Towner bill. The second reason, which will appeal to you, gentlemen, much more forcibly, impelling me to be brief, is the reason that I am so desperately opposed to the Smith-Towner bill, and realizing the result of long conversational efforts upon my part as instanced by this morning, I shudder to think what would occur if I should twice inflict myself upon you in the same legislative day. But I do want to call to your minds just this: Not that there are not valid, comprehensive and controlling arguments which could be addressed to the very excellent and honorable and fair presentation of the gentleman from Bangor,—not I say that there are not very conclusive and cogent arguments which could be presented, but because I deem them unnecessary, and I will come to the heart of this matter at once.

We have before us a Memorial to Congress asking us, the representatives of the people of the State of Maine, to endorse the principles of the Smith-Towner bill, as I under-

stand it. Now I conceive that there should be three requisites for us to act affirmatively upon that, regardless of the merits of the bill. Now understand me! It may or may not be one of the most meritorious measures which could be conceived; but there should be three conditions obtaining before we, as representatives of the State of Maine, should ask, and I submit that they are absolutely sound, and those three requisites are as follows:

First, there should be a pending proposition with whose principles we might become familiar. There is pending no such proposition, no such legislation. The Smith-Towner bill needs revivifying before it can be memorialized. First, then, there should be pending legislation. Second, before we memorialize our congressmen how to act, we should be in as good a condition, if not superior to the congressmen whose actions we are seeking to influence in order to ascertain what the principles are. Now are we any better able to ascertain the principles of some measure which is not yet before Congress, a measure which was introduced in October, 1918, and stayed until it was withdrawn in December, 1919, returned in May, 1920, in both the House and Senate, and reported out in February, I believe, 1921, only to die? Is there any man here, outside of the distinguished gentleman from Bangor (Mr. Barwise) and perhaps one or two others who may have had the opportunity of investigation,—is there any man, I ask you yourselves who has been in a position to familiarize himself with the varying sections of that intricate measure? If you have, and you feel that you are sufficiently familiar with all the sections and all the elements of that bill to so advise your Congressmen, that you are superior to your Congressmen in that regard,—that is a matter for you to decide. But I submit that the third test is an absolutely controlling one. We should not memorialize Congress in regard to any pending or proposed legislation unless our Memorial represents a substantial unanimity of the people of the State of Maine; and for

this reason whatever action this Legislature takes with reference to a Memorial is not subject to any review by referendum by the people of this State, and we here and now are conclusively committing the people of this great State as being in favor of this measure. Now I do not think that any man will gainsay this, that there is a very substantial number of our citizens opposed to the Smith-Towner bill; and if those three requisites do not exist, pending legislation, superior opportunity for information upon our part, and substantial unanimity on the part of our citizens, it does not seem to me that the time of this Legislature may be well taken in discussing what is purely an academic question.

The SPEAKER: The question comes on the motion of the gentleman from Calais, Mr. Murchie, that the Memorial to Congress be indefinitely postponed. All those in favor will say aye, contrary minded, no.

A viva voce vote being doubted,

A division of the House was called for.

The SPEAKER: All those in favor of indefinitely postponing the Smith-Towner bill will rise and stand until counted, and the monitors will return the count.

A division being had, 50 voting in favor of indefinite postponement and 56 against, the motion to indefinitely postpone was lost.

On motion by Mr. Barwise of Bangor, House Document No. 465, Memorial to Congress urging favorable consideration of the principles embodied in the Smith-Towner bill received its first reading.

The SPEAKER: At this time out of order, the Chair presents a host of remonstrances against the sale of liquor in Maine. The names will all appear in the Record, and if it is the pleasure of the House they will be accepted and placed on file:

The motion prevailed, and the remonstrances follow:

Remonstrance of Virginia Jones, and others against "An Act regulating the sale of liquor in Maine."

(Presented by Mr. Washburn of China.)

Remonstrance of Dana C. Skillin and 30 others against same.

Remonstrance of Winona L. Harvey and 19 others against same.

(Presented by Mr. Tilden of Hal-
lowell.)

Remonstrance of B. W. Russell and 182 others of Camden against same. (Presented by Mr. Elmore of Camden.)

Remonstrance of P. J. Clifford and certain others of Winthrop against same. (Presented by Mr. Wadsworth of Winthrop.)

Remonstrance of J. C. Hughes and 73 others against same. (Presented by Mr. Cram of Portland.)

Remonstrance of A. S. Bisbee and 25 others against same. (Presented by same gentleman.)

Remonstrance of Alex Anderson and 16 others of Auburn against same. (Presented by Mr. Wing of Auburn.)

Remonstrance of Rev. Chas. H. Atkins and certain others against same. (Presented by Mr. Woodruff of Brunswick.)

Remonstrance of Mrs. H. H. Pringle and certain others against same. (Presented by Mr. Owen of Milo.)

Remonstrance of Hattie F. White and certain others against same. (Presented by Mr. Downs of Rome.)

Remonstrance of Rev. W. F. Brown and certain others against same. (Presented by Mr. Story of Washburn.)

Remonstrance of D. M. Libby and certain others against same. (Presented by Mr. Heal of Weston.)

Remonstrance of Geo. W. Lowell and 32 others of Freeport against same. (Presented by Mr. Davis of Freeport.)

Remonstrance of Herbert Tilden and 21 others of Kennebunkport against same. (Presented by Mr. Luques of Kennebunkport.)

Remonstrance of Norma V. Whitney and certain others against same. (Presented by Mr. Winter of Auburn.)

Remonstrance of Mrs. F. M. Keith and 50 others of Auburn against same. (Presented by Mr. Wing of Auburn.)

Remonstrance of C. G. Davenport and 42 others against same. (Presented by Mr. Cram of Portland.)

Remonstrance of Mrs. Minnie M. Rich and 12 others against same. (Presented by Mr. Hayes of Gorham.)

Remonstrance of 51 citizens of Paris against same. (Presented by Mr. Forbes of Paris.)

Remonstrance of John M. Arters and certain others against same. (Presented by Mr. Hinckley of So. Portland.)

Remonstrance of Ruth B. Wilder and certain others against same. (Presented by Mr. Woodruff of Brunswick.)

Remonstrance of Wm. Leavitt and 30 others of Portland against same. (Presented by Mr. Cram of Portland.)

Remonstrance of Ruby H. Berry and certain others against same. (Presented by Mr. Adams of Liberty.)

Remonstrance of Laura W. Brooks, and 14 others of Madison against same. (Presented by Mr. Towne of Madison.)

Remonstrance of Mary K. Niles and 66 others against same. (Presented by Mr. Thomas of Chesterville.)

Remonstrance of Alberta L. Bell and 45 others, of Mars Hill and Blaine, against same. (Presented by Mr. Hussey of Blaine.)

Remonstrance of Walter L. Sykes and 13 others of Appleton against same. (Presented by Mr. Peaslee of Thomaston.)

Remonstrance of Marion W. White and 35 others against same. (Presented by Mr. Conant of Buckfield.)

Remonstrance of Earl F. Woodcock and 90 others of Thomaston against same. (Presented by Mr. Peaslee of Thomaston.)

Remonstrance of E. L. Scribner and 29 others against same.

Remonstrance of J. J. Greene and 19 others of Windham against same. (Presented by Mr. Varney of Windham.)

Remonstrance of Mary M. Stanley and 9 others of Hiram against same. (Presented by Mr. Eastman of Fryeburg.)

Remonstrance of Mrs. W. C. French and certain others against same. (Presented by Mr. Bragdon of Westbrook.)

Remonstrance of E. A. Durell and 13 others against same. (Presented by Mr. Cordwell of Westbrook.)

Remonstrance of Mrs. Luella Grant and 32 others of Mexico against same. (Presented by Mr. Wight of Newry.)

Remonstrance of Mary G. Fullerton and certain others against same. (Presented by Mr. Main of Woolwich.)

Remonstrance of C. B. Swett and certain others of Belfast against same. (Presented by Mr. Buzzell of Belfast.)

Remonstrance of Rev. T. B. Hatt and 35 others against same. (Presented by Mr. Crabtree of Island Falls.)

Remonstrance of Rev. W. P. Richardson and 35 others against same. (Presented by same gentleman.)

Remonstrance of Clara H. Meserve and 36 others against same.

Remonstrance of Florence W. Barry and 15 others against same.

Remonstrance of Will S. Coleman and certain others against same. (Presented by Mr. Roberts of Lyman.)

Remonstrance of Beulah S. Oxton and certain others against same. (Presented by Mr. Rogers of Rockland.)

Were read and ordered placed on file and sent up for concurrence.

The SPEAKER: The Chair is informed that there is an addition or postscript to the veto message in connection with the Cary Hospital Resolve. The Clerk at this time will read the veto message and the postscript.

(Veto message read by the Clerk.)

"P. S. Before the State of Maine assumes additional obligations to aid private institutions, even though such institutions are performing valuable services, a definite policy should be adopted as to the State's contribution for private charities. The demands for funds from the regular State institutions, such as the two Insane Hospitals, Men's and Women's Reformatories, School for the Deaf, School for the Feeble Minded, Bath Orphan Asylum, the three State Sanatoriums, and the two State Schools, one for girls and one for boys, already amount to over three and a quarter million dollars for the fiscal period, and these figures have been reduced to the minimum amount required to keep these institutions in proper condition.

The fact that the citizens of Caribou are willing to contribute to the aid of this hospital speaks well for their public spirit, but it does not lessen the burdens of the State of Maine when it is understood that the State now grants annual aid to thirty-eight institutions similar to the hospital in question and to thirty-four private institutions of learning, it can readily be seen that each institution that is added to this already long list brings additional burdens, and there now seems to be an end to what the State can afford to do.

With these facts before us it cannot be said that the State of Maine is failing to do its part in the support of a sick and dependent citizen if it refuses to pass this resolve.

Respectfully,

(Signed) PERCIVAL P. BAXTER,
Governor of Maine."

Mr. FARNSWORTH of Caribou: Mr. Speaker and gentlemen of the House: I do not wish to enter into any extended argument at this time in favor of the Cary Hospital appropriation—simply to explain the matter of it that all may vote intelligently when they come to vote. The resolve calls, as you have already heard, for ten thousand dollars to be granted by the State, provided that the town of Caribou shall raise the sum of forty thousand dollars. In other words, for every dollar that we

are to receive from the State of Maine, if this resolve were passed, we should have to put up four dollars in Caribou in order to get it. That seems to be a fair proposition, and even more than fair; but, gentlemen, the case is stronger than that, I think, for on the 28th day of August, 1914, the estate of Dr. Cary paid the State of Maine an inheritance tax of \$3,283.44, which came right out of our endowment for our hospital, being the same estate. Now, then, the interest at five per cent compounded annually on this amount during the time that the State has had this money since the payment of the inheritance tax was made, amount to the sum of \$4,500. In other words, the State of Maine under this resolve is only paying the town of Caribou approximately \$5,500 instead of \$10,000. When Dr. Cary died he left his entire estate to the town for the purpose of establishing a hospital, the same being a public hospital for the use of everybody. That estate, by wise and judicious management on the part of the trustees, which was then about \$65,000, now amounts to \$109,000, approximately. Some of you will ask, perhaps, why is not that enough to go on with your hospital; but, gentlemen, it was a provision—and practically the only provision in the doctor's will—that \$100,000 of this amount should be kept as an endowment or maintenance fund for the support of the hospital; so that it leaves us only \$9,000 of the estate, and it is necessary in order to erect such a building as we would need to have perhaps \$60,000 or \$70,000 more.

We have in my town over 6,000 people—more than several cities of the State have—and surrounding this are several large towns without any hospital accommodation whatever. We have in my town one small hospital with about a dozen or fourteen beds as I am informed—absolutely inadequate to the needs of our own town, to say nothing of those of the surrounding country. Now I do not wish to take your time, but, gentlemen, I believe that this entire proposition from the day when old Dr. Cary signed his name in the presence of three attesting witnesses up to the

present moment, is just as clean and white as the snow that drifted over the old Aroostook hills when Dr. Cary drove his old bay mare over those hills forty years ago or more. I believe this will appeal to you gentlemen as an entirely open and above board proposition and as one that should receive your support. I thank you.

The SPEAKER: The question comes before the House whether the resolve appropriating money for the aid of the construction of the Cary Hospital shall become a law notwithstanding the veto. A vote yea is a vote to enact the resolve regardless of the veto.

A vote nay is a vote against the resolve.

The clerk will call the roll.

YEA—Audibert, Austin, Barney, Bartlett, Barwise, Bean, Bennett, Blanchard, Boothby, Bragdon of Perham, Bragdon of Franklin, Brewster of Orland, Brown, Buzzell, Carroll, Chandler, Chase, Cherry, Clarke, Cole, Conant, Crabtree, Crafts, Daigle, Dain, Dodge, Downing, Downs, Dunning, Eastman, Elmore, Emery, Farnsworth, Finnell, Forbes, Gagne, Gardiner, Gerish, Gipson, Hammond, Heal, Hinckley, Hodgkins, Holley, Houghton, Hunton, Hussey, Kimball, Landers, Larabee, Leighton, Maher, Main, Mason, Maxwell, McGlauffin, McIlheron, Moody, Morneau, Murchie, Murray, Myrick, Nadeau, Newcomb of Newburg, O'Connell, Patterson, Peabody, Peaslee, Pennell, Perkins, Phillips of Orrington, Plummer, Reed, Roberts of Lyman, Sawyer, Small, Smith of Waterboro, Smith of Skowhegan, Smith of Ludlow, Spear of Limestone, Spear of Rockport, Tilden, Thomas of Chesterville, Thomas of South Portland, Trefethen, Twombly, Varney of Jonesboro, Viles, Wadsworth, Washburn, Weatherbee, Weeks of Fairfield, Wight, Williams, Wilson, Winter, Wiseman, Witham, Wood, Woodruff—100.

NAY—Adams, Baker, Belliveau, Brewster, Portland; Carney, Chadbourne, Chalmers, Chamberlain, Cordwell, Cram, Croxford, Davis, Fagan, Hayes, Jordan, Lowe, Luques, Masse, Newcomb, Scarborough; Nickerson, Oram, Owen, Phillips, Bar Harbor; Poore, Ricker, Rogers, Rockland; Rounds, Savage, Snipe, Teague, Varney, Windham; Warren, Wentworth, Wing.—34.

ABSENT—Atherton, Belmore, Bragdon, Westbrook; Burns, Case, Doyle, Granville, Harriman, Kerswell, Porter, Roberts, Vinalhaven; Rogers, Jonesport; Story, Towne, Weeks, Dresden; Willard.—16.

One hundred and thirty-four having

voted, 34 voting no and 100 yes, the resolve becomes a law notwithstanding the veto. (Applause).

The SPEAKER: Specially assigned for today, House Document No. 460, An Act relating to 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 April 5, by the gentleman from Auburn, Mr. Wing, pending its assignment for third reading.

Mr. Wing then offered House Amendment "A" to amend said bill by adding to Section 2 after the word "thereof" in line 16, the following paragraph: "Any party in interest aggrieved by the valuation of the shares of any trust company or banking institution made by the Board of State Assessors may claim an appeal to the Supreme Judicial Court at any time before said first day of July. Such an appeal shall be filed in the office of the clerk of said Court in the county where such trust company or banking institution is located, and shall be heard and determined at the next term thereof held after said date. Notice and hearing of such appeal shall be given and held in the manner provided by Section 81 of Chapter 10 of the Revised Statutes. The decision of the Court upon such appeal shall be certified by the clerk of the Board of State Assessors who shall thereupon assess a tax of fifteen mills upon the valuation of such shares as fixed by the Court, and shall forthwith certify such assessment to the treasurer of State who shall give notice thereof to the trust company or banking institution whose shares are affected thereby, and the tax so assessed with interest at six per cent from July 1 of the year for which the tax is assessed shall be paid to the treasurer of State within thirty days thereafter."

On further motion by Mr. Wing, House Amendment "A" was adopted.

Mr. Wing then moved that under a suspension of the rules the bill receive its third reading.

Mr. GARDINER of Gardiner: Mr. Speaker, I move the indefinite postponement of the bill, as amended,

and I wish to speak upon that motion.

The SPEAKER: The Chair rules that the motion is in order and recognizes the gentleman from Gardiner, Mr. Gardiner.

Mr. GARDINER: Mr. Speaker and gentlemen, you will observe that House Document No. 460 in its main substance creates a new rate of taxation for bank stock. Under the present law the shares of bank stock are taxable for the most part in the town where the owner of the stock resides, and are taxed at the local rate in that town or city, whatever that rate may happen to be. The average rate of taxation throughout the State is thirty-five mills. House Document 460 provides that the ownership of the shares of bank stock should be reported to the State Assessors and that a tax of fifteen mills should be assessed on the value of that stock.

You will see that the real purpose of the bill is to reduce the amount of taxes which have heretofore been assessed and collected upon shares of bank stock. This bill has the unanimous report and a favorable report of the committee on banks and banking. The original bill was introduced on March 21st, rather late in the session, and was referred to that committee. I should ordinarily hesitate to speak in opposition to a unanimous report of a committee, but I feel in the first place that this bill essentially is concerned with taxation matters rather than with banking matters, and I feel in the second place that the matter has not had sufficient consideration at this time.

There is one effect of the bill which is most significant. All property which is subject to municipal taxation at the present time bears also its share of the State tax, whatever that State tax is. Very likely our State tax will be six mills. In 1919, about ten million dollars' worth of bank stock was taxed in the various cities and towns of this State. The State, therefore, derives a revenue from that intangi-

ble property at a rate of six mills, an amount equal to about \$60,000. That revenue to the State is entirely wiped out if House Document 460 becomes a law, \$60,000 of revenue lost to the State, for House Document 460 provides that this tax of fifteen mills shall be returned to the towns and cities where the stock is owned. That loss to the State is absolutely definite, but the best we can do is to estimate the loss to the various towns and cities where the stock is held.

I shall probably agree with all that is said by members of the committee on banks and banking in regard to advisability of passing this law, so far as the banks are concerned. I have before this stated on the floor of this House that the tax now levied upon bank stock was too high. I have not changed my position. I do not presume to take up your time to maintain my reputation for personal consistency, because I did not come here for the purpose of representing myself. I repeat, the tax on bank stock is too high at the present time, but the way to correct that situation is to tax bank stock in a similar way that other intangible property is taxed, at a reasonable rate. That would accord with our constitution, more than would the method proposed in this bill.

Article XXXVI of our constitution provides that "All taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally, according to the just value thereof; but the legislature shall have power to levy a tax upon intangible personal property at such rates as it deems wise and equitable without regard to the rate applied to other classes of property." The last part is an amendment recently adopted. You will observe that the fundamental principle of our constitution in regard to taxation is that all property should be taxed equally, and that amendment was adopted to the constitution allowing the taxation of intangible property at a different rate. I question the constitutional-

ity of this bill on the ground that when the constitution was amended to allow the taxation of intangible property at a different rate that applied to intangible property as a class, and you cannot subdivide that class and tax a certain kind of intangible property at a rate of fifteen mills and allow certain other kinds of intangible property to be taxed at the full municipal rate. It is somewhat the same proposition as attempting to say that you can class all houses painted white at a different rate from other houses.

I understand that some eminent lawyers have passed upon the constitutionality of this measure. I would say that I have not had the opportunity to make a thorough investigation of the subject, but the plain reading of the constitution, that "all property shall be taxed equally", indicated to me that it would be unconstitutional to tax a certain group of stock at a different rate from other stocks.

I have said that the amount of bank stock taxed in 1919 was just about \$10,000,000. That was the assessed value. That bank stock was owned in 303 cities and towns throughout the State. The average value on which this stock was assessed and at which it bore the rate of taxation was for bank stock \$114. a share, and for trust company stock \$124. a share. There is no method of estimating the amount of revenue which the tax authorities of each city and town obtain from bank stock owned in their localities without examining the records of each city and town, but it is presumed that the State authorities collected the amount of the State tax. Whatever it was for the year 1919, about seven mills, I think, but it represented almost \$10,000,000 of property. That would be \$70,000 for that year. The bank commissioner's report showed that in addition to this assessed value of bank stock which is taxed, there is probably a large amount of bank stock which escapes taxation, probably because it is held by non-taxable organizations. I have been unable to give an exact

estimate of the amount of stock that so escapes taxation, but the bank commissioner's report shows a par value of \$11,500,000 of bank stock so that there is not much that escapes. The difference between 115,000 shares of stock as shown in the bank commissioner's report, and 82,000 shares as shown in the consolidated reports of the local assessors.

I have spoken of the fact that certain stock was exempt from taxation because it was held by non-taxable organizations. Some of this stock is held, for instance, by charitable corporations. You will note that this document No. 460, makes no provision for exemption in case stock is held by a charitable organization. Of course the bill contemplates the fact that the bank will pay the tax for the share-holders, but the burden must be reflected to the owner of the stock. You are therefore insisting upon a tax regardless of whether, according to ordinary principles, we would accord to that owner the privilege of tax exemption. Now the difference in the rate of taxation between the average rate for the state of 35 mills which this property now bears and the proposed rate of 15 mills can be readily estimated. If you adopt a rate of 15 mills you must reach \$22,000,000 worth of bank stock before you secure an equal amount of revenue to what we have been collecting. That is, you must find and assess and tax \$22,000,000 worth of bank stock instead of \$10,000,000, as at present. Undoubtedly if this bill were passed, very many banks would increase their capitalization and place new issues of stock upon the market, but I submit that they are not likely to place an amount equal to \$12,000,000 which would be necessary in order to make up the difference between the taxes.

Now, the obvious remedy I have indicated is a rate of taxation; either a flat rate of taxation on all intangible property or some form of income tax upon intangible property by which all kinds of stock, bank

stock and foreign corporation stock and all other stocks shall be treated in the same way. You are now faced with a proposition asking that bank stock should be given different treatment, should be given a preference over other forms of security which has remained subject to taxation at the local rate. You have observed the frequency of the veto messages which have been arriving, all based upon the proposition that the expenditures authorized were too large. This document before you now contemplates the relinquishment of at least \$60,000 on the part of the State, and indefinite amount on the part of 303 cities and towns, but cannot possibly avoid the relinquishment of \$60,000 on the part of the State. The relinquishment of revenue is equal to an appropriation of money from the strictly fiscal point of view. I do not have the same confidence that a veto would be imposed on this bill that I would have if it was a bill contemplating a straight appropriation of \$60,000 for some particular purpose. The principle remains the same, if you pass this bill you reduce the revenue of the State by \$60,000 and you will reduce the revenue of the cities and towns of the State to a certain extent.

I have spoken of the fact that this bill was introduced late in the session. I presume that most of the banks throughout the State are in favor of the amendment for it would benefit their stockholders by a reduction in the amount of taxes they pay. I believe that it was a novel proposition within a few days to certain banks and I presume that it remains at this time a novel proposition to a great many local assessors and town officials who are responsible to their towns for the budgets of those towns in different parts of the State.

It seems to me that we should consider this matter with great seriousness before we decide that it is wise at this time to agree to a relinquishment of so much revenue on the part of the State and on the part

of 303 cities and towns throughout this State. (Applause.)

(Mr. Buzzell of Belfast, at this point assumed the Chair.)

Mr. COLE of Eliot: Mr. Speaker, there are two things that courts and legislatures are doing, first they are regulating the business of every man who has any business, and secondly, they are throwing restrictions around every man that hasn't any business so that he cannot get one. This bill is intended, if possible, to be a little relief, and grows out of a personal experience of a small country bank, and I want to recite that history to you before I get through.

So far as the constitutionality of this matter is concerned, I wish to say that it has been submitted to the best lawyers in the State of Maine, and no one yet has said that it was unconstitutional. Quite a good many have said that it is absolutely perfect and all right; some of them have expressed a doubt, but if given the benefit of the doubt the bill would not have come in here. We have the supreme court to determine these matters and we have just raised the salaries of the justices of that court, so that they will determine these questions quicker and better, and if there is any measure that this legislature has any doubt about, it need not hesitate to pass the measure because any man can try it out and get a final decision upon it from our Supreme Court.

There is one question which is asked of almost every measure that comes up, and that is, "How much revenue are we going to get from it, or how much is it going to cost to put it into operation?" There are some measures that should not be solely for revenue producing purposes, provided they are business producing measures, and our claim is here in this case that while this may not be called a great tax revenue producing measure, it will give instant relief to that class of people who have been unable to get relief and who will continue to be unable to

get relief unless something of this kind is passed by this Legislature.

I want to be as brief as I can in these closing days of this Legislature, but I think this is a matter of vital importance to the State of Maine, and I want to say to all of you, just look back in your minds over the last two or three years to a time when perhaps you have been a little hard pushed and wanted to get a little money at your local banks, and how many of you have been able to get it? Many of you, I have no doubt, have been to your local banks to raise a little money in connection with your business and have been told that they did not have any money, or if they did let you have it they charged you just as much for it as they were getting for call money in the city of Boston, which was 8 or 9 or perhaps 10 per cent. And therefore, all the money that you people earned during the war and put in your local banks, instead of being turned back to help finance the State of Maine, was sent out of the State in order that it might earn a high rate of interest for the stockholders of those banks, and the depositors likewise.

Now, let us see what happens. Bank stock is the only stock upon which there has to be a definite return and which is taxed at its full value. Under the law the treasurers and the cashiers of the banks, trust companies and national banks are required to report to the assessors of the various cities and towns a correct list of all the stock owned in these cities and towns. The tax is then assessed and the local rate of taxation, \$25 in this town and \$30 in another and \$38 in another and \$40 in still another, according to the local rates in the different towns. The owner of that stock perhaps paid \$150 per share, and it yielded him perhaps 7 or 8 per cent., and when he has paid the \$40 tax or the \$30 tax he has nothing left for income. People in the State of Maine are not wealthy enough to hold bank stock for an income at that rate. What happens then? Just what is happening all over the State of Maine, especially in the larger centers, and there is where this stock is hidden away. A bank is formed by an as-

sociation of other banks, known as a holding bank. Every director of a trust company and every director of a national bank holds 10 shares of stock; you have a board of directors and you have so many shares of stock out, and the bank pays no tax on it to the State or anyone else, and it escapes taxation. If you had the stock of all the 55 trust companies in the State of Maine today taxed at one and one-half cents, and you have all the stock in the national banks taxed, I have no doubt the municipalities would be as well off as they are today. But what has happened again? How widely scattered is your bank stock? Look in your little towns, don't go to your cities, but let us see where the relief will come in the little towns. Who owns the national bank stock in your town? One family usually owns the controlling interest. Who owns the trust company stock in your little towns? One or two people, or three or four people, the people at large cannot afford to own it. What would happen if we had bank stock down where it should be? Bank stock in the State of Maine where the funds of the people of the State of Maine are stored, ought to be the most widely held of any stock in the State of Maine, and it ought to be everybody's stock, and everybody ought to be interested in it in every locality. And if you have a bank capitalized at \$50,000 in a town of 3500 or 4000 inhabitants, and if everybody bought the stock in that town, you would have a bank where the money of that town was to be put into it, and it would be returned back to your farmers and to your local people.

I think it is safe to say that 15 per cent. or perhaps less than 15 per cent. of all the money in the banks in the State of Maine is held on mortgages; the rest of it is out of the State, and why shouldn't it be? They are simply using your money and mine in order that they may sell the money, and the people of the State of Maine are starving and the farmers of the State of Maine are starving, and you let a young man get married and if he wants to buy a farm and goes to one bank, will they finance him? They may, if he is a relative of somebody,

but the average person, if he wants to borrow some money, if he wants to get 60 per cent. of the value of his farm, he cannot get it unless he gets somebody to go on a note and endorse it for him, unless he has collateral to put up.

Now I want to give you a little personal experience as a reason why this bill grew up. I live in a town of 4500 people, and for quite a number of years we had been trying to get a bank. We were unable to do so until the Federal reserve bank started in business and required all the national banks to put in a certain amount into the reserve bank without interest. The small national banks of the State were unable to do that and they couldn't afford to do it, so a good many of them gave up their charters and went over into the trust companies formed under the laws of the State of Maine. One of them was the York national bank, and when that went over to a trust company, those of us who lived in my town went to them and said, "Why don't you increase your capital stock and come over and we will form a Board of Directors and form a so-called branch?" Our money up to that time had been going out of the State; our business went to Boston and our money went to Boston, and the Tremont Trust Company has got a lot of it tied up in its vaults or somewhere else, so the banks in Portsmouth took care of our local business. We started on the first or second day of January a year ago trying to interest our people to come in and do business with us, and we interested some of them and after they began to put their money in they said, "Why can't we buy a few shares of this stock?" and we said, "We would like to sell it to you, and there is plenty on the market, but our tax rate is \$37.50 a share, and it pays 7 or 8 percent, and it will cost you \$145 a share to buy it, and you better not own any." And the result was that no one could buy a share of stock. Now at the end of the first year, although two banks across the river came across with paid solicitors, we came out at the end of the year with \$216,000 on our books, and

\$1,100,000 and over of business done over the county. We said to every young person in that locality who was a good moral risk, "If you build a house or if you buy a house we will help to finance you," and we allowed them to build their houses and have their bills sent to us, because we felt that we were willing to take a little chance on their lives just as well as the insurance companies could. We said to these young fellows, "If you want to buy a farm, we will let you have the money and we will finance you," and we have some good boys started there doing business, and if it hadn't been for our method, they would not have been able to buy their farms.

I believe if we had a bill of this kind making it possible to scatter bank stock over the State of Maine, everywhere throughout the State and throughout these towns, we would have a great many of these small banks scattered all over the State and it would be the beginning of prosperity in the State of Maine. It seems to me that this is worthy of your consideration, if you are interested in the growth of the State of Maine, and if we are interested in keeping our boys and girls here. As the gentleman from Gardiner says, there will be an increase in the capital stock of these banks which will be scattered all through the various towns of our State, and I think the salvation of the State of Maine is the building up of the country towns, and helping to give the boys of the country towns a start, and I say it is just as good an answer for the country bank to adopt methods like these as it is for the large insurance companies to take chances on the lives of these boys. (Applause.)

Mr. DODGE of Portland: Mr. Speaker, as it has already been called to your attention, the assessed valuation of bank stock, both national banks and trust companies in the State of Maine, is approximately \$16,000,000. The total capitalization, according to the State Assessors, is about between eleven and twelve million dollars. The gentleman from Gardiner, Mr. Gardiner, has called attention to the fact that the average

rate per share is about \$115. There is a large amount, not less than 25 percent, of bank stock of trust companies and national banks that now is not taxed under the law or under existing arrangements. If the entire amount of capitalization of the trust companies and national banks in this State were taxed the amount would be nearer \$15,000,000. There is a large amount of this stock held by charitable institutions, which under the law is tax exempt. There is a large amount of trust company and national bank stock held by the savings banks in this State, and it is a fact that certain savings banks in this State have practically control of some of the national banks.

It seems to me if this bill were to become a law and this rate of 15 mills were used, that the State instead of losing money in the end, would gain, and that there would be an actual gain of revenue. As the gentleman from Eliot, Mr. Cole has told you, there are at the present time a number of national banks and trust companies in this State that would like to increase their capitalization materially. Why don't they? For the very good reason that they cannot sell the stock. And why can't they sell the stock? Because there is a double liability attaching to every share of stock owned, and the rate of return is such, when you deduct the rate of local taxation, that the net is so small that it is better for the average citizen to leave his money in the savings banks at four percent.

These banks are obliged to turn away large commercial accounts because they are not able to loan the amount of money required by the large commercial concerns in this State, and the result is that the money is going out of the State of Maine every day and every week of the year to Boston and New York, because our banks are not able to take care of these commercial concerns, although they would much prefer to do business with banks in the State of Maine.

Now, under the State law as it exists today, the stock of a Maine

corporation is tax-exempt. I would like to ask the gentlemen of this House if it is reasonable for the State of Maine to exempt the stock of Maine corporations doing business in the State of Maine? Is it unreasonable to lower the rate of bank stock to 15 mills? It seems to me the analogy is there. I see no reason why if we should exempt one class of intangible property from taxation absolutely, why we should take another class of intangible property and put a tax of 15 mills upon it. It seems to me that it is good business for the State of Maine to make it possible for these banking institutions to take care of the commercial needs of this State, and the only way I know this can be done is to make bank stock attractive from an investment point of view. I have already shown you that there would probably be a relatively small loss in the amount of revenue received because of the additional amount of bank stock that already is held and that is now escaping taxation.

The fact that this bill was introduced late in this session, it seems to me, is not a good argument for the indefinite postponement of it. This measure has come in here and it has been a gradual step, and it has received considerable attention by those who are interested in the banking situation in this State, and it seems to me that those gentlemen who have made a study of this situation are certainly entitled to consideration at this time. It seems to me with a unanimous report from the committee you should give this matter very careful consideration, and it seems to me that certainly the report of that committee should have some weight with this Legislature. I do not believe in a snap judgment or in anyone getting up here on the floor of this House and moving for the indefinite postponement of a proposition of this nature after it has been carefully considered, and I think if you can see this matter from the point of view that I have been trying to point out, that you will assist materially in the commercial development of the State of Maine.

Mr. CARROLL of Norway: Mr.

Speaker, I would like to say a word in regard to this bank situation from the point of view of the business man. We little realize how much money is going out of the State of Maine. I think that every industry in the State of Maine of any magnitude at all is obliged at times to borrow money. Every man doing business in the State of Maine would rather borrow money in the State of Maine from men with whom he has lived and men who know him intimately, than to be obliged to go to Boston and New York for their money, for it is a fact that men who have to borrow two or three of four hundred thousand dollars at different seasons in the year, must necessarily go to Boston or New York. Consequently, his business is done with Boston or New York banks all the time and he has to carry a deposit of 20 per cent. of the amount of money he borrows of those banks. A man couldn't possibly borrow that money in the State of Maine by going to any banks, and it would mean an endless amount of work in his office in order to take care of this business and watch his bank balances and also his checking account. I think we should make it possible to have in the State of Maine, in our large business centers a few large banks to accommodate the industries of Maine and to encourage the industries of Maine, in order that we may keep as much of this money at home as possible.

The SPEAKER: The question is on the motion of the gentleman from Gardiner, Mr. Gardiner, that this bill be indefinitely postponed.

A viva voce vote being taken,

The motion was lost.

On motion by Mr. Wing of Auburn, under a suspension of the rules, the bill then received its third reading and was passed to be engrossed.

Reports of Committees

Mr. Brewster from the Portland delegation, on Bill, An Act to grant a new charter to the city of Portland, reported same in new draft under same title and that it "ought to pass."

The report was accepted.

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

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.

Mr. MURRAY from the Portland delegation, on Bill, An Act to grant a new charter to the city of Portland, reported same in new draft under same title and that it "ought to pass."

The report was accepted.

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

On motion by Mr. Murray of Portland, the rules were suspended and the bill received its third reading and was passed to be engrossed.

On motion by Mr. Brewster of Portland, it was

ORDERED, that 2500 copies of the new drafts of House Documents Nos. 106 and 162, relating to Portland charter, be printed.

Mr. Holley from the committee on appropriations and financial affairs, reported "ought to pass" on resolve in favor of Richard T. Dunning, Secretary to the committee on State School for boys, State School for girls and State reformatories.

The report was accepted.

On motion by Mr. Holley of North Anson, the rules were suspended and the resolve received its first reading.

On further motion by the same gentleman, under a suspension of the rules, the resolve received its second reading and was passed to be engrossed.

Mr. Holley from the committee on appropriations and financial affairs, reported "ought to pass" on resolve in favor of Charles J. Dain, secretary of the committee on State School for Feeble-Minded.

The report was accepted.

On motion by Mr. Dodge of Port-

land, the rules were suspended and the resolve received its first reading.

On further motion by the same gentleman, under a suspension of the rules, the resolve received its second reading and was passed to be engrossed.

Mr. Holley from the committee on appropriations and financial affairs, reported "ought to pass" on resolve in favor of Arthur E. Forbes, secretary to the committee on State sanatoriums for expenses of the committee.

The report was accepted.

On motion by Mr. Wadsworth of Winthrop, the rules were suspended and the resolve received its first reading.

On further motion by the same gentleman, under a suspension of the rules, the resolve received its second reading and was passed to be engrossed.

Mr. Holley from the committee on appropriations and financial affairs, reported "ought to pass" on resolve on the pay-roll of the House of Representatives of the Eightieth Legislature.

The report was accepted.

On motion by Mr. Holley of North Anson, the rules were suspended and the resolve received its first reading.

On further motion by the same gentleman, under a suspension of the rules, the resolve received its second reading and was passed to be engrossed.

Mr. Holley from the committee on appropriations and financial affairs, reported "ought to pass" on resolve in favor of certain officers of the House of Representatives of the Seventy-Ninth Legislature, for services at the organization of the House of the Eightieth Legislature.

The report was accepted.

On motion by Mr. Savage of Mt. Desert, the rules were suspended and the resolve received its first reading.

On further motion by the same gentleman, under a suspension of the rules, the resolve received its second

reading and was passed to be engrossed.

Mr. Holley from the committee on appropriations and financial affairs, reported "ought to pass" on resolve in favor of Anne M. Clancy.

The report was accepted.

On motion by Mr. Owen of Milo, the rules were suspended and the resolve received its first reading.

On further motion by the same gentleman, under a suspension of the rules, the resolve received its second reading and was passed to be engrossed.

First Reading of Printed Bills and Resolves

House 466: An Act to amend Sections 8, 22, 37, 53, 54, 55, etc. of Chapter 259 of the Public Laws of 1917, known as the Military Law.

On motion by Mr. Gardiner of Gardiner, under a suspension of the rules, this bill received its three several readings.

On motion by Mr. Weeks of Fairfield, the bill was then tabled pending its passage to be engrossed.

House 463: Resolve to apportion 151 representatives among the several counties, cities, towns, plantations and classes in the State of Maine.

On motion by Mr. Buzzell of Belfast, the resolve received its two readings under a suspension of the rules.

On motion by Mr. Gipson of Bingham the resolve was then tabled for the purpose of an amendment.

House 465: 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."

On motion by Mr. McIlheron of Lewiston, under a suspension of the rules, the bill received its three several readings and was passed to be engrossed.

House 467: An Act relating to the fees of city clerks.

On motion by Mr. Maher of Augusta, under a suspension of the rules, the bill received its three several

readings and was passed to be engrossed.

On motion by Mr. Hinckley of South Portland, Senate Document No. 151, Bill, An Act to authorize the establishment of danger signals on public ways and to regulate the display of advertisements thereon, was taken from the table.

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

Mr. Hinckley moved that the bill be indefinitely postponed.

Mr. HINCKLEY of South Portland: Mr. Speaker, I wish to call the attention of the House to this bill. It is small in itself, but of great importance, and I will read it: "The State Highway Commission may authorize and regulate the display of suitable advertisements upon approved highway danger signals placed at curves, intersecting ways and other places of danger along the highways by order or permit of the commission."

At the present time, under the law, it is illegal to place any advertising on any sign along the highway, and this bill provides that the State Highway Commission may give a monopoly to some advertising concern along every highway in the entire State of Maine. That is the first proposition, and it is unfair. Secondly, conceive if you will of a danger signal at a dangerous curve covered with advertising matter. Just think of that for a moment. Picture, if you will, perhaps, on that danger curve the painting of a beautiful young lady, attired, if you please, in a garb that will advertise to its best advantage some well known make of a one-piece bathing suit, and then consider, gentlemen of the House, of what use would the danger signal be at a dangerous curve with such a vision before a man driving along that road. I think I have said sufficient, and I hope the motion to indefinitely postpone will prevail.

A viva voce vote being taken,

The motion was agreed to, and the bill was indefinitely postponed.

On motion by Mr. Dodge of Portland, Resolve in favor of the Western Maine State Sanatorium was taken from the table.

The pending question being the final passage of the resolve.

On further motion by Mr. Dodge, the vote was reconsidered whereby this resolve was passed to be engrossed.

Mr. Dodge then offered House Amendment "A."

Mr. DODGE of Portland: I will say, Mr. Speaker, that the only change is in the last paragraph of Section 1 which says "provided that the balance of any of the sums above appropriated which may remain unexpended at the end of the fiscal period, for which appropriated, shall be available for expenditure during the succeeding fiscal period," and the provision of the amendment is "If so ordered by the Governor and Council."

The amendment was adopted.

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

On motion by Mr. Wadsworth of Winthrop, Senate Document No. 170, Resolve appropriating money to aid in the screening of certain lakes and ponds, was taken from the table.

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

On further motion by Mr. Wadsworth, the resolve was passed to be engrossed.

On motion by Mr. Buzzell of Belfast, the report of the Committee on Claims on resolve relating to Emery-Waterhouse Document, Senate Document No. 205, was taken from the table.

Mr. Buzzell then moved the indefinite postponement of the resolve in concurrence with the Senate.

The motion was agreed to.

On motion by Mr. Buzzell of Belfast, the majority and minority reports of the Committee on Legal Af-

fairs on Bill, An Act relating to the State Board of Charities and Corrections, was taken from the table.

Mr. Buzzell then yielded to Mr. Weeks of Fairfield.

Mr. Weeks then moved that the minority report of the committee, reporting "ought not to pass," be accepted.

The motion was agreed to.

On motion by Mr. Hunton of Oakland, House Document No. 451, Bill, An Act to amend Section 110 of Chapter 4 of the Revised Statutes, relating to payment of damages done by dogs and wild animals to domestic animals, was taken from the table.

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

Mr. Hunton moved that the bill be indefinitely postponed.

The vote being doubted,

Mr. Hunton: Mr. Speaker, this bill refers to payment for damages done by dogs and wild animals—

The SPEAKER: The Chair will at this time suggest that a recess be taken for fifteen minutes. Prior to that time and before the gentlemen leave their seats, the Chair is of the opinion that he announced the conference committee on the bill to establish game preserves consisting of Messrs. Viles of Augusta, Crafts of Greenville and Wilson of Presque Isle. And the Chair would call attention of at least one member in each delegation to Senate Document No. 210, which is a bill relative to the salaries of all county officers and for clerk hire in county offices. It has been discovered that in at least six of the counties there has been an error in the bill. The Chair has called the attention of members of several counties to the bill, and suggests that corrections should be looked after before the bill is passed to be engrossed.

(At this point a recess was taken until 5 o'clock this afternoon.)

AFTER RECESS

Mr. HUNTON of Oakland: Mr. Speaker and gentlemen of the House: This is an act to amend Section 110

of Chapter 4 of the Revised Statutes, relating to the payment of damages done by dogs and wild animals to domestic animals. This act attempts to amend this law so as to exclude poultry from the provisions of the old law, and lest there may appear in an anomalous situation as a member of the legal fraternity on sponsoring a matter involving agriculture, I take this occasion to state that I was born and reared upon one of the good old rock-ribbed farms of Kennebec county, and at the present time am the owner of the ancestral farm, and have taken a deep interest in agriculture. In 1872 I accompanied my father to Portland, Maine, to attend the exhibition of the Maine State poultry exhibition and there received the inspiration that later ripened into a love for these feathered friends of mankind, and developed an interest in this industry that at a later time in life I had an ambition to possess every domestic breed of turkeys known in the world. That ambition was gratified and at one time I did exhibit at the Boston exhibition every domesticated turkey known. At a later day I was honored with the presidency of the Maine State Poultry Association and have exhibited in the largest exhibitions in America; and it is with no small pride that in 1904 I brought the honor to the State of Maine of winning at the World's Fair at St. Louis four first prizes in the classes in which I exhibited. (Applause). I believe, gentlemen, that I can speak with some experience and some knowledge of the poultry industry in the State of Maine. This bill I will characterize as one of the most vicious and destructive pieces of legislation that has been presented for the consideration of this House. The poultry industry by many may be regarded as a minor branch of agriculture; but let me assure you—and I think I will be able to convince you—that it is one of the major branches of animal industry in the State of Maine. I will present to you some comparative statements of the value of this industry to Maine. These statements are not fantastic or imaginary; they are furnished me from the department of agriculture of the State of Maine,

and I believe they are perfectly reliable.

The value of all the horses and colts in the State of Maine for the year 1919, totaled \$11,690,458. The cows and the oxen and all of their kind, value \$10,379,192. The sheep which we have under consideration, and products, and the largest expenditures are made for this branch of industry, at a value of \$711,815. The poultry industry in comparison. Our latest tabulated statistics for the State of Maine, as many of you are aware, the industry is only enumerated periodically—and the last periodical enrollment by the assessors in 1918 showed that there was \$1,277,611. Hens in the State valued at \$1,314,867.32. The product of those hens in dressed poultry sold for \$723,730.53. The value of the eggs sold was \$2,298,313.87. The value of the turkeys was \$5034.25. The product sold at \$6826.66, and the eggs produced, \$1,242.30. The ducks, \$5649.40; the products sold, \$3966.80; the value of the eggs produced, \$6946.90. The geese, value \$6565; product sold, \$6691; eggs produced and sold, \$987.65; making a total value of the poultry, hens, turkeys, ducks and geese, the dressed poultry, and the eggs sold, \$4,390,821.62.

The United States census of 1920, though not hardly tabulated yet, but the preliminary announcement of the Census Bureau at Washington, shows a decided increase in this industry, and this census shows that Maine produced in the year 1920, \$5,487,542 worth of eggs alone, and that the poultry, including the turkeys, ducks and geese, amounted to \$2,328,329, making the entire value of the poultry, its dressed poultry and eggs, \$7,815,871.

Gentlemen, the most of you are aware of how this law was administered, as many of you have served on boards of selectmen in the various communities and know that the revenue from which this reimbursement is taken is derived from dog license fees. The dog is licensed. It is allowed to go wild, at large, without any keeper, and from my own personal experience I have lost several valuable birds, and in one instance a first

prize white Holland turkey at Boston, which was pursued under a barn cellar and killed by a dog, the identity of which I was unable to secure.

Another element of destruction to our poultry are the foxes, and it may be new to some of you to know that we are not allowed to pursue and kill the foxes because they are protected by the laws of the State of Maine for the benefit of sportsmen that they may pursue them with dogs, chase them over the mountain tops and down into the valleys, and when exhausted, then from some spot or cover shoot them for the sport and the little value that their fur is worth in the market. In my boyhood days it was my unpleasant task, at the command of my paternal parent, to shepherd a large flock of turkeys during the late summer and fall once to protect them from the depredations principally of foxes. That industry, gentlemen, is practically a thing of the past, because with the protection of foxes and their increase, with the roving disposition of the turkey, it is practically impossible to protect them from these beasts of the wilds. I submit to you gentlemen whether or not an industry of this magnitude, one that is worth so much to the State of Maine and which involves so many people as breeders and promoters of the industry, as well as every man and woman who feeds upon the product,—whether or not you gentlemen will take away from these breeders the little protection that is afforded them by the provisions of this Act. There has been in the past some controversy before some boards of selectmen whether or not poultry were domestic animals. I never had any doubt in my mind in the drafting of the original Act, and the courts have so held. The opinion of the Attorney General has been presented to this House that they are domestic animals.

Now I wish to call your attention to the sheep industry for which this bill was first drafted as sheep were subject to the ravages of dogs, and in that bill it was supposed that it only included sheep; but later it was found that poultry was likewise pro-

tected. The sheep industry is a valuable asset to the State of Maine. No one questions it, but the entire value of the sheep industry in the State of Maine, including all of the sheep and lambs in the State in the year 1919, was only \$787,332, while in the same year, the State paid for sheep and lambs destroyed the sum of \$29,404.43. The poultry industry, which with dressed poultry alone produced more than the entire value of the sheep industry, received but \$7,086.28. In the year 1920 there was paid for loss of sheep and lambs, \$26,572.06, while the poultry industry received \$11,020.70. Gentlemen, the comparison is clear to all of you. There is no comparison here. The poultry industry is worth many times more than the sheep industry for the State of Maine, and are you going to deprive these men who have invested largely in this industry and are contributing to the wealth and the food supply of the State of Maine of that little protection which they are receiving. Now I anticipate that the opposition to this bill will come from its administration by the municipal officers. It has been said that it has been difficult to prove a claim, and that there was imposition upon the municipal officers. I admit that there may have been attempted imposition, and in some cases they have been realized, but I am going to submit to you, gentlemen, that with a board of capable selectmen,—and when the selectmen are unable to agree with the owner of the poultry, this law that is now on the Statute provides for a referendum of their differences with the claimant submitting one referee, the town submitting the second one, and the two referees submitting the third. Gentlemen, with such a referendum every town will be safeguarded if its municipal officers simply discharge the duties of their office according to the oath which they take upon assuming the office. I appeal to you as a breeder and as a farmer that you pass no legislation in this Legislature that will be destructive of one of the great animal industries; and I beg to leave this law as it is today and give the poultrymen the

little protection that they get. I thank you, gentlemen. (Applause.)

Mr. CRABTREE of Island Falls: Mr. Speaker and gentlemen of the House: This domestic animal question has been discussed quite thoroughly this session before various committees and in the corridors and even on the floor of the Senate; but this is the first opportunity that this body has had to take a crack at it. If the motion of the gentleman from Oakland (Mr. Hunton) prevails, which I hope it will not, if the State wishes to continue in this wholesale poultry business, this question will take its place along with the lobster law and the Michael Burns resolve in becoming a perennial source of discussion and entertainment of future Legislatures.

Now the bill in question, House Bill 451, as the gentleman from Oakland (Mr. Hunton) has said, seeks to eliminate from the domestic animal law the provisions so far as poultry are concerned. This bill was introduced several weeks ago at the request of the selectmen of my own town and other localities who have had vexatious and expensive experiences with the law. At the hearing I stated to the committee and other proponents who made the same statement that the law is one that is easily abused, in fact it is full of holes; but I knew the Committee on Agriculture to be an intelligent, honest, fair-minded body of men, as all Legislative committees are, and I knew that they would give the matter deliberate consideration, and I was willing to leave the matter in their hands. They, on March 31st, after careful consideration reported this bill 451 unanimously, ought to pass, eliminating poultry from the provisions of the domestic animal act.

Now so far as the administration of the law is concerned in respect to sheep and cattle, damages can be quite easily ascertained by the selectmen. When a dog attacks sheep or cattle in the pasture and kills them, it usually leaves part of the carcass or the bones and these can be seen by the selectmen when called into the case and are evidence upon which

the selectmen can base their judgment for damages. It is altogether different with poultry. As the gentleman from Oakland (Mr. Hunton) has said, the largest item under poultry loss seems to come from foxes. Now a fox is a wise animal. He does not go to a farmyard and pick out a hen or a turkey according to the cultivation of his taste, and proceed to eat or kill the animal and destroy it right there and leave the remains as evidence that he has committed the act, but he goes under cover of darkness and grabs the hen or chicken by the neck and takes it off to the woods and hides it. He may repeat this process several times in a night. The owner may go to the selectmen and tell them that he has sustained a loss, but the selectmen will be unable to verify his statement, and that is where the abuse comes in in that the selectmen of towns have to depend almost entirely upon the character of the man who is making the claim; and while I would not wish to infer that farmers or poultry raisers are dishonest, you and I all know that in every community there are those who are willing to take advantage of any opportunity that will afford them a little easy money, and it is very easy for those who are so inclined to evade this law and to abuse it. A man, we will say, in the spring of the year has a little flock of hens and he will set all that he can and count the chickens frequently before they are hatched,—anyway, soon after,—make a good full count and mark the total number down on the barn door, so as not to forget the number, and at various times during the summer notify the selectmen that they have sustained losses in their poultry. The selectmen are busy and do not go to investigate the matter, knowing that it would do no good if they did. When fall comes the man counts up and finds he had 150, we will say in the spring. At hatching time, he has 50 left. He reasons along the line of least resistance and concludes that he has had 100 chickens or hens killed by dogs or wild animals, regardless of the number of young chicks that may have been drowned

in a pond of water or killed under the feet of horses, run over by automobiles or fallen prey to chicken cholera, or something of that kind. The man takes his bill to the selectmen at so much per. That is one of the holes in the bill. It never should apply to anything except sheep. It never should apply to poultry. Now if he is not satisfied with the selectmen the claimant has recourse to a board of referees as mentioned by the gentleman from Oakland (Mr. Hunton). I do not know why it is, but the board of referees almost invariably decide in favor of the claimant, and the committee on claims this year and previous years have had occasion to know that this is so. During this session several circumstances have arisen that must have convinced the committee on Agriculture that there was merit in this proposed bill. One instance was where the selectmen of a town in the spring of 1920 listed about 1800 hens and when the claim for loss under this law came in in the fall there were claims for 1300 hens killed, a loss ratio as an insurance man would say of about 80 per cent. In another instance a small country town made claims a year or two ago for \$1800 worth of poultry destroyed by dogs or wild animals. Several members of this House are familiar with that town and drive through it frequently in the summer time; but it is the opinion that there never has been a season when they had \$1800 worth of poultry in the town. The committee on Claims became alarmed at the number of claims coming in and the size of them, and they took the position that as long as the law does not state that poultry are domestic animals they would rule them out altogether, and it was to establish this point that the order was introduced into the House, calling upon the Attorney General to render an opinion as to whether or not he thought that domestic animals included poultry. He established the fact that they were. I may be accused of inconsistency in asking that that order be introduced on the one hand and standing here on the other pleading with you that poultry be eliminated.

There is no inconsistency; I simply wanted the point established. Another weak place in the law is that they have to appeal from their decision to determine whether or not the town should be reimbursed. The Attorney General or some future attorney general may be called upon to carry this point still farther, if this law remains as it is. If a hen is a domestic animal, why is not a hawk a wild animal? If a dog or a cat is a domestic animal, why is not a rat a wild animal? Bills are being presented to the State for the payment of damages by both hawks and rats. The State Auditor refuses to certify these claims for payment, but he may have to at some time in the future.

If the poultry business in Maine is of such proportions as the gentleman claims—and I have no reason to doubt his figures—it is a business that is no longer an infant industry and does not require protection. There is no more reason why we should insure the poultry industry against loss than that we should have the farmer's crops insured against loss from an early frost or the summer hotel insured against loss from a cold summer.

Now the gentleman from Oakland (Mr. Hunton) mentioned the figures for 1920 in regard to losses. I want to say in addition to what he says that in round numbers for 1920 the domestic animal losses, including poultry, were \$38,000. Since the first of January bills have come in and been approved at the time I got these figures for \$7,760, making a grand total of \$46,568.39. Now bear in mind that the bills for these claims have to be paid from the dog license fund and the dog licenses last year amounted to only \$35,457, leaving a deficiency of \$11,109.39 in that fund.

If this domestic animal law is to remain as it is, we must find some way of adding to that dog license fund. It seems to me that there are three courses open to us in regard to this matter. First, increase the dog tax twenty-five or fifty cents a year to keep up with the increased expendi-

tures. Second, add to the fund from some other state fund—possibly the contingent fund which has to mother everything from State garages down, and it might as well mother chickens—or, third, pass this bill 451, which eliminates poultry from the act.

I wish to correct one statement that the gentleman made regarding the killing of foxes. One has a perfect right to shoot foxes when they come prying around his premises. You want to bear in mind that you have a right to do that.

I trust you will not override the report of the committee in this matter, and that you will vote down the motion of the gentleman from Oakland (Mr. Hunton) to indefinitely postpone, and that you will pass along House Bill 451 which has the endorsement of the committee on Agriculture.

Mr. HUNTON: Mr. Speaker, the gentleman states that in one town the returns from the town showed only \$1800 worth of poultry and that \$1300 worth were killed. I will remind the gentleman that the enrollment is made on the first day of April when there is practically nothing but breeding poultry, and perhaps that \$1800 may represent thousands of chickens matured in the fall.

The gentleman refers to foxes that they only roam in the dark, and we have the opportunity to shoot them; but my understanding of the law is that we can only shoot them when they are in the act of destroying the poultry. He further tells us that in Aroostook county the hens roam around at night. In Kennebec county our hens are better trained and are housed at night. (Laughter.)

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

The SPEAKER: The question before the House is on the motion of the gentleman from Oakland, Mr. Hunton, that House Bill No. 451 be indefinitely postponed. All those in favor will say aye, contrary minded, no.

A viva voce vote being doubted, A division was had.

Forty voting in the negative and 53 in the affirmative the bill was indefinitely postponed.

Mr. KIMBALL of Hampden: Mr. Speaker, I move that the bill be tabled for the purpose of amendment.

The SPEAKER: The Chair will inquire if the gentleman has reference to the bill relative to poultry being domestic animals?

Mr. KIMBALL: Yes, Mr. Speaker.

The SPEAKER: A motion cannot be entertained at this time.

Mr. KIMBALL: I move reconsideration.

The SPEAKER: The gentleman from Hampden, Mr. Kimball, now moves that we reconsider the vote whereby we indefinitely postponed House Document No. 451. All those in favor will say aye, contrary minded, no.

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

Mr. ROUNDS: Mr. Speaker, I move we reconsider the vote this morning whereby we passed an amendment allowing only sixteen dollars for stenographer for Edgar E. Rounds. Mr. Speaker, I want to say here that I would like to have this reconsidered so we can pay the bill, and so that Portland would not be indebted to the State of Maine, the State being so poor that it cannot pay any bills.

The resolve in favor of the Portland Delegation was then passed to be engrossed.

On motion by Mr. Varney of Jonesboro, it was voted to take from the table House Document No. 282, House Amendment "B" to House Amendment "A" on An Act limiting salaries of certain city and town officers.

Mr. VARNEY of Jonesboro: I yield to the gentleman from Portland, Mr. Rounds.

Mr. ROUNDS: Mr. Speaker, this bill was tabled last Saturday to come up Tuesday, but owing to the pressing business it had to come up Wednesday afternoon late, so I would like to offer another amendment.

The SPEAKER: According to the endorsement upon the papers, House Amendment "A" was offered and adopted. House Amendment "B" to House Amendment "A" was offered and tabled, on motion by the gentleman from Jonesboro, Mr. Varney. The gentleman from Portland, Mr. Rounds, now offers House Amendment "C" to House Amendment "A" and "B."

Mr. WING of Auburn: Mr. Speaker, I rise to a question of order. The question is on the adoption of House Amendment "B."

The SPEAKER: The question is on the adoption of the amendment to House Amendment "A" and at this time the gentleman from Portland (Mr. Rounds) offers a second amendment to House Amendment "A." The Chair would be of the opinion that the motion of the gentleman from Jonesboro, Mr. Varney, on the amendment to House Amendment "A" should be first disposed of. (House Amendment "A" read.)

House Amendment "A" was adopted. House Amendment "B" to House Amendment "A" was to amend by adding after the word "city" in the first line thereof the words "of forty thousand inhabitants and over." The question now before the House is on the adoption of that amendment, and the Chair recognizes the gentleman from Jonesboro, Mr. Varney.

Mr. VARNEY: Mr. Speaker, I move the adoption of House Amendment "B."

Mr. BREWSTER of Portland: Mr. Speaker, it seems to me a very extraordinary thing that the larger a place gets the more it is limited in its expenditures, and I can well understand an amendment which would provide that no place under 40,000 inhabitants should pay over \$5,000, but when you say that every town and city in this State except those of over

40,000 may have any liberty they like in the matter of expenditures and then go on here in the city of Augusta to govern the city of Portland, and limit it in that fashion, it seems to me that the Legislature is going too far. I trust that at the proper time, a motion to indefinitely postpone the whole bill will be adopted by the House. I do not want to complicate the situation until it is a proper time to do that.

Mr. ROUNDS of Portland: Mr. Speaker, I am glad that I agree with the gentleman from Portland, Mr. Brewster, when he says that the larger a place gets the smaller the salary is. The State of Maine is somewhat larger than the city of Portland, but the city of Portland is paying more than you would pay your boss for this man in the city of Portland. Now I am trying to regulate it so that a man connected with the State of Maine will be over a man in the city of Portland in the matter of salary, but the great State of Maine cannot afford to pay so much money as that. The city of Portland can afford it, because the school committee that does not have anything to do with the raising of this money, and don't have anything to do with it only to spend it, put their hands in the city pocket and pull it out, all they have a mind to, and the city government has to raise it no matter how much it is, and giving them \$6,000, and giving the State Superintendent of Schools \$5,000, whereas it was only \$4,000. But they have here a unanimous report, as they have all talked about the unanimous report of the committee on salaries and fees that it shouldn't be over \$4,000, but now they come here and jump that over to \$5,000; but here in the city of Portland they are paying \$6,000, and they can't get out of it because there are some people in there that they can't get rid of, and they come down here and try to stop them. The gentleman from Portland who has just spoken (Mr. Brewster), is on that committee, and he gets his hand in the pocket and pulls out that money, but the gentleman from Portland, who has to put the money into the pocket cannot have anything to say about it,

and I am the one that has to put it in, and he is the one that pulls it out. (Laughter.)

Mr. BREWSTER: Mr. Speaker, I don't know whether it is a matter of personal privilege, but as the gentleman has stated, I happen to be a member of that school committee, and I happen to be a member of that school committee from the same ward in which the gentleman from Portland, Mr. Rounds resides. I have offered to him in all seriousness when my term of office expires, this December, that we may have a great and solemn referendum upon the proposition of whether I did right or whether I did wrong last fall when I voted for this increase of salary. If the gentleman believes in the rule of the people, let him go back there and let them rule, and not come down here to this Legislature and ask you to determine those matters.

The SPEAKER: The Chair has in his hands another amendment suggested to be House Amendment "C" to House Amendment "A", proposing an amendment by inserting the words "fifty thousand and over," and from the nature of the two amendments, in accordance with a familiar parliamentary rule, the Chair will put the motion on the second amendment first. The gentleman from Portland, Mr. Rounds, moves to amend House Amendment "A" by adding after the word "city" the words "of fifty thousand inhabitants and over." There is also another amendment which adds Section 2.

(The Speaker then read the amendment.)

Mr. ROUNDS: Mr. Speaker, I thought I had amended it so that we would have home rule, because the gentleman from Portland, Mr. Brewster, wanted it, so that they wouldn't have any trouble, and I thought I had it so that everybody would be satisfied and even now they are kicking.

Mr. BREWSTER: Mr. Speaker, I rise to a point of inquiry.

The SPEAKER: The gentleman may state his inquiry.

Mr. BREWSTER: I would like to

inquire whether this is a general statute which we are enacting?

The SPEAKER: The Chair will say that it is.

Mr. BREWSTER: I would like to inquire, Mr. Speaker, how it is possible to refer a general statute for a referendum to the citizens of the city of Portland.

The SPEAKER: The gentleman from Portland, Mr. Rounds, may reply through the Chair.

Mr. ROUNDS: Mr. Speaker, there has been so much quibbling over little things in this Legislature, that money does not seem to make any difference to some of these people only when they want it in their own pockets. It has been talk about charters here all through the session, and we are going to delay here two days probably for this charter, and I don't know why it isn't just as well for the citizens of Portland to vote upon this as it is to have any others vote upon it. They vote on other things, they vote on the water district and on different things, and I don't know why they shouldn't vote on this matter.

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

The Chair declared that the amendment was not adopted.

Mr. Rounds then doubted the vote, and asked for a division of the House.

A division being had, 51 voted in favor and 15 opposed.

Mr. HINCKLEY: Mr. Speaker, I am going to make a motion at this time to reconsider, and I will say that I voted in the affirmative for that purpose. It seems to me that this House cannot realize the action that it has taken just now, else it never would have done it. You have just voted to insert a general law in this State subject to the approval of one municipality in the State. Certainly no attorney would believe that this can legally be done, to enact a general law dependent upon what a municipality says and I hope this Legislature will not go on record as being in favor of such a proposition. I move that we

reconsider now and come to our sound senses and try to do business in a businesslike way and in a legal way. I therefore move that this matter be indefinitely postponed.

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

Mr. ROUNDS of Portland: Mr. Speaker, I would like to rise to a matter of personal privilege at the present time.

The SPEAKER: The gentleman from Portland, Mr. Rounds, has the floor.

Mr. ROUNDS: Mr. Speaker, the gentleman from South Portland (Mr. Hinckley), accused me of false statements in this House yesterday on a matter that came up here on a bill which was introduced here and which was in the hands of the conference committee. Now, gentlemen, I want to say right here that I made no false statement, but he was the one who made the false statement, because I say right here that he said on the floor of this House that I was the only gentleman that voted against this matter in the committee, that I was the only one of the Cumberland county delegation that voted against that bill. Now I want to name them if I may be permitted to do so, and they were the gentleman from Scarborough, the gentleman from Gray, three gentlemen from Portland and one gentleman from Gray in the Senate, and they all voted on that measure as I did. Now, he said I was the only one that voted that way; he said this was a step backwards, did he not, and I want to read from the Revised Statutes where it provides according to my bill that there shall be four deputies instead of three; "special deputies of Cumberland county. The sheriff of Cumberland county shall appoint three deputies therein to serve at the pleasure of said sheriff, and whose special duty it shall be to enforce the provisions of the last 38 sections of Chapter 127 in said county."

Now the bill that is before this House today or that was before this House, was for three deputies and one lady deputy, making four in all. Now that was a temperance measure;

it was to do the business of the county of Cumberland. Now the county of Cumberland is a large county, but as the gentleman says, we have on it a harbor where vessels come in, and the gentleman knows how near we came to trouble with the Italian government, when the sheriff of Cumberland county in his great desire to get at the liquor that comes into Portland went aboard of her and, as I say, came near getting the United States into a broil with the Italian government. Now it is not right. The county of Washington, the county of Penobscot, the county of Somerset, the county of Oxford have no liquor deputies, although they are bordering on the line where liquor is coming in all the time. Cumberland is surrounded with prohibition, and the sheriff of Cumberland has said that he should have more deputies all of the time. Now, gentlemen, I want to say that the gentleman further said at this meeting of the Cumberland delegation that the sheriff's office of Cumberland county has paid expenses. I read from the report of the county commissioners for the year 1917, and you will see that the earnings of the sheriffs were \$14,626.77; expenses, \$27,028.12, making a deficiency of \$12,401.25. The receipts of the county commissioners on Pages 70 and 76 for the year 1918, were \$1349.73; sheriff's office expenses, \$13,564.55, making a deficiency of \$12,214.82. In 1919 the receipts from the sheriff's office were \$1470.80 and expenses, \$15,036.89, making a total deficiency of \$38,182.26. Therefore, I say that the sheriff's office did not pay, and I want it distinctly understood that he was the one that was telling the falsehood, instead of the gentleman from Portland, as has been stated. Now, gentlemen, I want fair play, and I think it is time that we had it.

On motion by Mr. Gipson of Bingham it was voted to take from the table House Document No. 463, tabled by the gentleman before recess, relative to the apportionment of the representative classes.

Mr. GIPSON: Mr. Speaker, I offer House Amendment "A" to place in Somerset county in my class one of

the plantations omitted in the draft.

The SPEAKER: The gentleman from Bingham, Mr. Gipson, moves the adoption of House Amendment "A" to House Document 463 by inserting in the last line in the county of Somerset county apportionment before the words, "one representative," the words "Long Pond Plantation."

The amendment was adopted.

The Chair presents report of the committee on claims on resolve authorizing payment of certain deficiencies, Senate Document No. 171, tabled by the Speaker, April 5th, pending acceptance of the report.

The report was accepted, and on motion by Mr. Roberts of Lyman, the rules were suspended, the resolve was given its two several readings, Senate Amendment "A" was read and adopted in concurrence, and the resolve was passed to be engrossed in concurrence.

On motion by Mr. Buzzell of Belfast, a recess was taken until 7.30 this evening.

AFTER RECESS

The SPEAKER: The Chair will lay before the House, House Document No. 455, An Act relative to motor vehicles, together with House Amendment "A", being House Document No. 462. It is further the desire of the Chair that the House might proceed in committee of the whole to consider and discuss the automobile law. The Chair would be glad to entertain such a motion.

Mr. HINCKLEY of South Portland: Mr. Speaker, I move that the House resolve itself into a committee of the whole for the consideration of the act relative to motor vehicles.

The motion was agreed to.

The Speaker then called to the Chair the gentleman from Calais, Mr. Murchie.

(The House then resolved itself into a committee of the whole and considered the matter of the automobile law.)

IN THE HOUSE

(The Speaker at this point resumed the Chair.)

Mr. MURCHIE of Calais: Mr. Speaker, the committee of the whole having considered House Document No. 455, An Act relative to motor vehicles, recommends to the House the passage of the bill as amended by House Amendments "C" and "D," and advises the rejection of House Amendment "A," which has been printed and House Amendment "B" which was offered in the committee, and for the purpose of getting these amendments before the House, I will offer them at this time and move the acceptance of the report.

The SPEAKER: The House hears the report, and is it the pleasure of the House to continue with the Act relative to motor vehicles? In such case, the first business of the House would be on the adoption of House Amendment "A."

Mr. ROUNDS of Portland: Mr. Speaker, I understand that in this committee of the whole we in Portland have been nailed to the cross, and it has been said that certain sections in the State of Maine cannot have a right to use their roads, practically. Now, there is another thing coming up later, and that is an emergency act, and I want to give notice to this House at this time that there will be a referendum on this, and if you give us what is right and give us time to make proper amendments which we can all agree to, I think there will be no referendum to it. I want to give notice to this House at this time that if you keep on in this way you will probably in ninety days have a referendum on it so that you won't have anything more this year.

Mr. DODGE of Portland: I would like to ask through the Chair of the gentleman from Parsonfield, Mr. Granville, if I understood correctly his statement that if this proposed bill does not provide that trucks cannot operate upon the hard surfaced streets of Lewiston or Portland or any other city or town in the State of Maine, if he is quite willing, speaking for himself and the commit-

tee, that a suitable amendment may be made?

The SPEAKER: Will the gentleman from Portland, Mr. Dodge, please repeat his question?

Mr. DODGE: I would like to ask the gentleman from Parsonfield, Mr. Granville, through the Chair, if I understood correctly that he stated while we were acting as a committee of the whole that if this proposed bill does not provide that trucks heavier than 18,000 pounds can operate on the hard surfaced streets of cities and towns in this State, that he is quite willing for an amendment to that effect to be made.

The SPEAKER: The gentleman from Portland, Mr. Dodge, inquires as to the personal inclination of the gentleman from Parsonfield, Mr. Granville. This is a question if House Document No. 455, does not provide that trucks carrying over 18,000 pounds each under the terms of the bill, operate on the city streets, such as the cities of Portland and Lewiston, that he, Mr. Granville, is personally willing that such an amendment should be offered, or attached to the bill?

Mr. DODGE: Attached to the bill.

The SPEAKER: That the bill should be so amended as to make it lawful for such trucks to run on the city streets. Is that the question?

Mr. DODGE: Yes, Mr. Speaker.

Mr. GRANVILLE: Mr. Speaker, in reply to the gentleman from Portland, Mr. Dodge, through the Chair, I will state that he has a correct understanding of my statement. I will not only advocate, but I will do whatever I can for that.

Mr. MURCHIE: Mr. Speaker, I am going to make a motion, and I will say that my purpose is this, that we now adopt those amendments that the committee of the whole has suggested that we adopt, and leave the bill as amended on the table until tomorrow morning, when such an amendment as that suggested by the gentleman from Portland, Mr. Dodge, may be presented.

The SPEAKER: Does the gentleman from Calais, Mr. Murchie, make

any motion relative to House Amendment "A," the printed amendment?

Mr. MURCHIE: I was going to move, Mr. Speaker, that House Amendment "A" be indefinitely postponed.

The SPEAKER: The gentleman from Calais, Mr. Murchie, moves that House Amendment "A," being House Document No. 462, be indefinitely postponed. Is that the pleasure of the House?

The motion was agreed to.

Mr. MURCHIE: I will make the same motion, Mr. Speaker, with reference to House Amendment "B" which was presented by the committee and upon which the action of the committee was, that it be rejected.

The SPEAKER: The Chair assumes that the House knows the purport and intent of House Amendment "B," and the Chair will not read the amendment unless it is required. The gentleman from Calais, Mr. Murchie, now moves the indefinite postponement of House Amendment "B." It occurs to the Chair that House Amendment "B" has never been offered in the House.

Mr. MURCHIE: I think, Mr. Speaker, that in the report of the committee the amendments offered were all presented.

The SPEAKER: The Chair will rule that amendments are to be offered in the House.

Mr. MURCHIE: Mr. Speaker, if that is so, I see no reason for presenting the amendment. I will now move that House Amendment "B," which in the Speaker's hands appears as House Amendment "C," and if the Speaker will change it to House Amendment "B."

The SPEAKER: The gentleman from Calais, Mr. Murchie, now offers House Amendment "B" and moves its adoption. This amendment provides that said bill shall be amended in Section 49 by striking out all of said section after the word "act" in line 18 and inserting the following words instead of the words so stricken out, "the term 'gross weight' shall mean the actual weight of the vehicle and load."

The amendment was adopted.

Mr. MURCHIE: If the Chair will change what appears on his desk as House Amendment "D" to House Amendment "C," I will now present that amendment and move its adoption.

The SPEAKER: The Chair assumes that the members of the House are familiar with the tenor and purport of the amendment which was denominated as "D" and is now House Amendment "C" to House Document No. 455.

The amendment was adopted.

Mr. ROUNDS of Portland: Mr. Speaker, I would like to ask what House Amendment "C" is?

The SPEAKER: The Chair will state to the gentleman from Portland, Mr. Rounds, that House Amendment "C" adds the emergency clause.

On motion by Mr. Wing of Auburn, the rules were suspended, and the bill received its third reading and was passed to be engrossed as amended by House Amendments "B" and "C."

The SPEAKER: The Chair will state that if the bill is passed to be engrossed at this time it will go to the Senate in the morning.

Mr. HINCKLEY: Mr. Speaker, it would be an easy matter if an amendment is desired along the line suggested to have that made as a Senate Amendment, and if it is agreeable to the House, it can be taken care of and save a lot of time at this late hour of the session.

The SPEAKER: If the bill is to be amended by the House, we probably will not save any time by passing it along. If the amendment were rejected in the Senate, you might be somewhat ahead; if the amendment is adopted in the Senate, it will be returned to the House for acceptance by the House in concurrence. The Chair not having the information will inquire whether it is probable that in 20 minutes or so the amendment can be drawn so as to be offered.

Mr. HINCKLEY: I think it can be, Mr. Speaker.

On motion by Mr. Murchie, the bill was temporarily laid upon the table.

On motion by Mr. Murchie of Calais, House Document No. 454, An Act to provide for a full time State Highway Commission, was taken from the table.

Mr. Murchie then offered House Amendment "A" and moved its adoption.

Mr. MURCHIE of Calais: I will say, Mr. Speaker, that this amendment simply attaches the emergency clause to the bill.

The amendment was adopted.

On further motion by Mr. Murchie, the rules were suspended and the bill received its third reading as amended by House Amendment "A" and was passed to be engrossed.

On motion by Mr. Warren of Portland, the report of the Committee on Legal Affairs on House Document No. 55, Resolve proposing an amendment to the constitution to allow towns and cities to adopt and amend charters, was taken from the table.

Mr. WARREN of Portland: Mr. Speaker, the report of the committee on this bill was that it "ought not to pass." Now of course you all know what this is and what this bill comprehends. It is a bill designed to give a greater amount of self-government to cities and towns in the State of 5,000 or more inhabitants.

It was presented to the House February 7th and referred to the committee on Legal Affairs. It was just reported out last Wednesday, I think, and I wish that that might have been reported out when we had more time to consider it. It is an amendment to the Constitution and provides for the adopting of charters by cities and towns. Those of us who have been here to the Legislature this term and last term, and I imagine the previous terms, realize something of the time of this Legislature that has been taken up by

matters concerning cities and towns of the State. I think I can safely say that had it not been for these various bills concerning the city of Auburn, the city of Lewiston, the city of Portland, and some others, this Legislature might have adjourned before this time. I believe the practice of bringing every little matter concerning the cities into this Legislature is wrong. I do not believe in airing family troubles in this Legislature, we have a little example of it this afternoon on this very point as you all remember, just shortly before we adjourned, and under the existing law it has to be done. Now this bill is drawn on the same line as one that has been in vogue in the state of Texas and I think some other western state. I realize that my personal feelings in a place like this and in a matter of this kind should give way to the judgment of the body as a whole. Now I do not want to press this matter for I believe the time is too short to give it the attention it deserves; but I hate to see it die entirely, and fall by the wayside and not be brought up again. Therefore I have prepared this order which I will present at this time and ask its passage.

The SPEAKER: Would the gentleman from Portland (Mr. Warren) consent to table the matter until there is fuller attendance?

Mr. WARREN: Certainly, my object was only to get it out of the way.

Thereupon, on motion by Mr. Warren of Portland, House Document No. 55 was tabled, pending the acceptance of House Amendment A.

Recess.

AFTER RECESS

Mr. GRANVILLE of Parsonsfield: Mr. Speaker, I move the adoption of House Amendment D to House Bill No. 455.

The SPEAKER: The gentleman from Parsonsfield, Mr. Granville, moves the adoption of House Amendment D by amending Section 18 by striking out the word "and" in the

14th line thereof and inserting after the word "used" in said line the following: "Provided, however, that the State Highway Commission in respect to State and State aid highways and bridges within city or compact village limits, and municipal officers in respect to all other ways and bridges within such city and compact village limits may grant permits to operate vehicles having a gross weight exceeding the limit of gross weight in this act prescribed and all such permits." Is it the pleasure of the House to adopt House Amendment D?

Mr. CARROLL of Norway: Just a moment before that is put, Mr. Speaker. I would like to ask if that covers Section 85?

The SPEAKER: The gentleman from Norway, Mr. Carroll, inquires whether the section as amended by House Amendment D, if adopted, and Section 85 will be in harmony.

Mr. CARROLL: Mr. Speaker, I would like to take a minute if I may. I do not think there are many who really understand this proposition. The proposition is this, that many people operating trucks will use perhaps a ton truck on a short haul where there are fine streets or good roads and they will load that truck two tons. Now this law will prohibit that. For instance, if a jitney service connecting two towns and doing a transportation of passengers, for instance with a truck built up perhaps from a three-fourths ton, oftentimes they will meet trains and will carry 25 people and perhaps more. With this bill as it is now that man could not possibly carry over 12, and consequently he could not afford to run it.

The SPEAKER: The question is on the adoption of House Amend-

ment "D" and the gentleman from Norway, Mr. Carroll, inquires whether this is in harmony with Section 85. Are you satisfied of that, Mr. Carroll?

Mr. CARROLL: Mr. Speaker, I would say from the wording of the bill and that amendment that any man is absolutely prohibited from putting on at any time more than 20 per cent overload above the registered capacity of that truck; in other words, if a truck is licensed or is sold as a ton capacity truck you could not put over 2400 pounds on it at any time.

Mr. GRANVILLE of Parsonsfield: Mr. Speaker, that touches upon a point discussed in the committee. One of the vital things about a truck so far as the damage to the road is concerned is the fact that your tires are supposed to be of sufficient width to carry that load. When you go to overloading a truck, you are imposing an additional burden on your load by getting more pressure than, possibly 700 pounds to the inch, which is a damage to the road and also to the truck.

Mr. ROUNDS of Portland: Mr. Speaker, I do not think there is a quorum, and I move that we adjourn until tomorrow morning at 9 o'clock.

Mr. HINCKLEY of So. Portland: Mr. Speaker, I think that no further amendment is necessary and that it is all right as it is.

Mr. ROUNDS: I raise a point of order.

The SPEAKER: Will the monitors return the count of those present?

The monitors returning a count of 72 present, the Speaker then declared that there was not a quorum present and thereupon the House adjourned to 9 o'clock tomorrow morning.