

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eightieth Legislature

OF THE

State of Maine

1921

AUGUSTA
KENNEBEC JOURNAL PRINT
1921

SENATE

Wednesday, March 9, 1921.

Senate called to order by Hon. Charles E. Gurney, President pro tem.

Prayer by Rev. Langdon Quimby of Gardiner.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act relating to amending Chapter 10 of the Revised Statutes, relating to poll taxes.

In the Senate this bill was indefinitely postponed in non-concurrence. The House insisted upon its former action and asked for a committee of conference.

On motion by Mr. Tuttle of Aroostook, the Senate voted to recede and join a committee of conference.

The PRESIDENT: The following Act was introduced in the House yesterday, after the expiration of the time limit for the reception of private and special bills, and under suspension of the rules was given its three readings. It is An Act to make legal and valid the annual city election of the City of Ellsworth, held March, 1920.

On motion by Mr. Folsom of Somerset the bill was tabled.

From the House: An Act for the improvement of the sanitary conditions in school building toilets.

The pending question being the adoption in concurrence of House Amendment A, upon motion by Mr. Allen of York the bill was tabled.

House Bills in First Reading

House 235: An Act to amend Section 1 of Chapter 215 of the Public Laws of 1917, increasing the bounty on bears in Penobscot and Washington counties.

(House Amendment A adopted in concurrence on motion by Mr. Tuttle of Aroostook.)

House 38: An Act to authorize the City of Lewiston to issue its bonds to the amount of \$100,000 to pay its

bonds now outstanding and maturing in the year 1923.

House 39: An Act to authorize the City of Lewiston to issue its bonds to the amount of \$250,000 to pay its temporary loans consisting of notes now outstanding and maturing at various dates prior to January first, 1922.

House 228: An Act validating and making legal a meeting of the stockholders of the American Warp-Drawing Machine Company in amending and enlarging the purposes of the corporation.

House 239: An Act to authorize the Boston and Maine Railroad to acquire the property and franchise of, or to consolidate with, any of its subsidiaries not already acquired by or consolidated with it under and by virtue of Chapter 186, Private and Special Laws of 1915, and acts amending and extending the same.

House 230: An Act relating to the dipping of alewives and shad in Dennys River, in Edmunds and Dennysville, in the county of Washington.

House 231: An Act to amend Section 51 of Chapter 33 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1917, and by Chapters 196 and 249 of the Public Laws of 1919, relating to the placing of bear traps.

House 232: An Act to incorporate the Great Pond Railway Company.

House 233: An Act amending Section 55 of Chapter 52 of the Revised Statutes, relating to payments of deposits upon liquidation of Savings Banks.

House 234: An Act to incorporate the Ashland Electric Light and Power Company.

Messages and Documents from Heads of Departments**DEPARTMENT OF STATE**

State of Maine

Augusta

To the Secretary of the Senate of the Eightieth Legislature of the State of Maine.

Pursuant to the joint order of the Senate and House of Representatives of the Eightieth Legislature, I have

the honor to herewith transmit 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 2d, 1921, to March 8th, 1921, both dates inclusive.

Respectfully submitted,

(Signed) FRANK W. BALL,
Secretary of State.

S. T. KIMBALL, of Rockland, employed to act as Legislative Counsel by R. & T. Cement Railroad. The purpose of employment is "Renewal of Charter." He is General Counsel for the Company. Notification of employment filed March 2, 1921.

WESTON M. HILTON, of Damariscotta, employed to act as Legislative Counsel by G. E. Gay and ninety others, voters and tax payers within the proposed water district of Damariscotta and Newcastle. The purpose of employment is "To remonstrate against the incorporation or passage of an Act to incorporate the Twin Village Water Company." Employed March 2, 1921. Employment ceases upon adjournment of present legislature. Notification of employment filed March 2, 1921.

WILLIAM S. LINNELL, of Portland, employed to act as Legislative Counsel and Legislative Agent by E. I. duPont deNemours & Company of Wilmington, Delaware and Portland, Maine, York Manufacturing Company of Saco and Fox Brothers of Fryeburg. The purpose of employment is "To act for and represent E. I. duPont deNemours & Company and York Manufacturing Company and Fox Brothers in all matters directly or indirectly affecting said companies that may be presented to the Legislature of 1921." Employed especially for this purpose February 28, 1921. Employment ceases upon final adjournment of Legislature of 1921. Notification of employment filed March 2, 1921.

BENJAMIN B. SANDERSON, of Portland, employed to act as Legislative Counsel and Legislative Agent by Brown Company of Portland and Kennebago Improvement Company of Portland. The purpose of employment is "To act for and represent Brown Company and Kennebago Improvement Company in matters affecting said companies which may be presented to Legislature of 1921, especially at hearing March 2, 1921 before Public Utilities Committee on Bill to enlarge powers of Oquossoc Light & Power Company and generally pertaining to said bill." Employed March 1, 1921. Employment ceases upon final adjournment of Legislature of 1921. Notification of employment filed March 2, 1921.

EDWARD W. WHEELER, of Brunswick, employed to act as Legislative Counsel by Inhabitants of the Town of Kennebunk, inhabitants of the Town of Kennebunkport, inhabitants of the Town of Wells. The purpose of employment is "To appear in behalf of said towns at a public hearing before the Judiciary Committee in support of House Bill No. 81 entitled 'An Act to incorporate the Kennebunk, Kennebunkport and Wells Water District.'" Employed January 27, 1921. Employment ceases after final hearing on said bill. Notification of employment filed March 3, 1921.

JAMES H. HUDSON, of Guilford, employed to act as Legislative Counsel and Legislative Agent by Elliottsville Plantation. The purpose of employment is "To obtain the passage of a resolve to enable the Land Agent of the State to sell and convey a public school lot in Elliottsville Plantation." Employed February 26, 1921. Employment ceases at the end of the session. Notification of employment filed March 3, 1921.

WM. H. MITCHELL, of Newport, employed to act as Legislative Counsel by Inhabitants of Town of Stetson. The purpose of employment is "In furtherance of an act to make valid and legal the

annual town meetings of Stetson for the years 1919 and 1920. Employed March 2, 1921. Employment ceases after final action on above, this session. Notification of employment filed March 3, 1921.

JAMES D. RICE, of Bangor, employed to act as Legislative Agent by Howland Pulp and Paper Corporation, Advance Bag and Paper Company Inc., both of Howland. The purpose of employment is "To act for said corporations in all matters arising out of proposed legislation during the present session." Date when employed is given as "Regular employment and attorney." Date when employment ceases is given as "Regular employment, present duties to cease with the session." Notification of employment filed March 3, 1921.

CHARLES J. HUTCHINGS, of Brewer, employed to act as Legislative Counsel and Agent by the City of Brewer. The purpose of employment is "To promote or oppose legislation by the legislature affecting the interest of the City of Brewer." Employed March 7, 1921. Employment ceases March 21, 1921. Notification of employment filed March 8, 1921.

RALPH W. CROCKETT, of Lewiston, employed to act as Legislative Counsel and Legislative Agent by Turner Centre System, Minot Avenue, Auburn, Coon Ice Cream Company, Inc., 14 Granite Street, Lewiston, Deering Ice Cream Company, 184 St. John Street, Portland and Simmons & Hammond Manufacturing Company, 329 Commercial Street, Portland. The purpose of employment is "To represent said employers in the matter of any proposed legislation affecting the ice cream industry and other industries connected therewith." Date when employed March 7, 1921. Employment ceases at end of legislative session. Notification of employment filed March 8, 1921.

ROBERT A. CONY, of Augusta, employed to act as Legislative Counsel and Legislative Agent by D. W. Pettengill, O. O. Stetson and

Charles H. Davis, all of Augusta. The purpose of employment is "To assist in passage of bill amending chapter 93 of the Public Laws of 1913 as amended by Chapter 2 of the Public Laws of 1915 relating to the retirement of veterans of the Civil War in the service of the state." Employed March 7, 1921. Employment ceases at end of 1921 session of Legislature. Notification of employment filed March 8, 1921.

A. S. LITTLEFIELD, of Rockland, employed to act as Legislative Counsel by Town of South Bristol. The purpose of employment is "To appear before road committee." Notification of employment filed March 8, 1921.

H. C. WILBUR, of Portland, who registered as a Legislative Agent and Counsel in the employ of the National Fertilizer Association of Washington, D. C., has notified the Secretary of State under the date of March 3, 1921 that his employment in this capacity has ceased.

Received and place on file, without reading, on motion by Mr. Thombs of Penobscot.

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

Millitary Affairs

By Mr. Garcelon of Androscoggin: 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.

By the same senator: An Act to amend Chapter 81 of the Public Laws of 1919, relating to a draft for the National Guard.

Ways and Bridges

By Mr. Baxter of Sagadahoc: An Act to amend Chapter 319 of the Public Laws of 1915, and acts amendatory thereof, providing for State and county aid in the construction of highway bridges.

Bills in First Reading

S. 100. An Act to amend chapter 134 of the Public Laws of 1834, as amended by Chapter 167 of the Public Laws of 1835, as amended by Section 11 of the city charter of the city of Bath, as amended by Chapter 135 of the Public Laws of 1895, relating to a municipal court in the city of Bath.

S. 102. An Act authorizing the Orono Pulp and Paper Company to erect and maintain booms and piers at and near Bunker landing on the Passadumkeag river.

Reports of Committees

Mr. Farrington from the committee on judiciary, on An Act to amend Section 23 of Chapter 78 of the Revised Statutes, relating to acknowledgment of deeds (Senate Doc. No. 50), reported the same ought to pass.

The report was accepted and the bill was given its first reading.

The same senator from the same committee, on An Act to prevent the manufacture and exhibition of motion picture films depicting or involving cruelty to or suffering of animals (Senate Doc. No. 52), report the same in a new draft under the title of "An Act to prevent the manufacture and exhibition of moving picture films involving in its preparation intentional and deliberate cruelty to animals," and that it ought to pass.

Mr. Gillin from the committee on judiciary, on An Act to repeal Sections 1 and 3 of Public Laws of 1917 relating to the foreclosure of mortgages on real estate (Senate Doc. No. 18), reported the same in a new draft under the title of "An Act to make unnecessary the filing of affidavits by mortgages in foreclosing real estate mortgages," and that it ought to pass.

Mr. Farrington from the committee on judiciary, on An Act to amend Section 17 of Chapter 12 of the Revised Statutes as amended by Chapter 299 of the Public Laws of 1917, relating to the recording of deeds (Senate Doc. No. 35), reported the same in a new draft under the title of "An Act to amend Section 17 of Chapter 12 of the Revised Statutes as amended by Chapter 121 of the Public Laws of 1917,

as amended by Chapter 299 of the Public Laws of 1917, relating to the recording of deeds," and that it ought to pass.

The reports were accepted and the bills tabled for printing under the joint rules.

Passed to Be Engrossed

S. 30. An Act to amend Section 98 of Chapter 82 of the Revised Statutes, relating to the exchange of justices of superior court.

H. 149. An Act to amend Section 8 of Chapter 13 of Revised Statutes relating to county law libraries.

H. 221. An Act for the better care of inmates of the State prison and Men's Reformatory suffering from tuberculosis.

H. 222. An Act to prohibit advertisements of cures or medicines relating to venereal diseases and certain sexual disorders.

H. 223: An Act relating to York county issuing bonds.

H. 224: An Act to amend Chapter 133 of Private Laws of 1881 entitled "An Act to incorporate the Mercantile Home for Aged Men Association" as amended by Chapter 267 of Private Laws of 1883, which changed the name to Home for Aged Men.

H. 227: An Act to authorize the town of Bristol to pay certain obligations incurred by its citizens in opposing the division of said town.

Passed to be Enacted

"An Act to amend Section 1 of Chapter 62 of the Revised Statutes, relating to corporations for literary, charitable, educational and other purposes. (Tabled on motion by Mr. Emery of Washington.)

"An Act authorizing the Maine General hospital to increase number of directors to twenty-four." (Tabled on motion by Mr. Emery of Washington.)

"An Act to amend and extend Chapter 40 of the Private and Special Laws of 1911, entitled 'An Act to authorize the improvement of Fall Brook in the towns of Bingham and Brighton.'"

"An Act requiring political advertisements to be signed."

"An Act to amend Section 76 of Chapter 82 of the Revised Statutes, as amended by Chapter 280 of the Public Laws of 1917 and by Chapter 192 of the Public Laws of 1919, relative to price of Maine Reports."

"An Act to authorize the construction of a weir in the tidewaters of Roque Harbor in the town of Jonesport."

"An Act to authorize the construction of a weir in the tidewaters of what was formerly Muscle Ridge Plantation in the county of Knox."

"An Act relating to the records of instruments affecting or conveying title to real estate in the county of Knox and now recorded in other counties."

"An Act to amend Section 14 of Chapter 2, of the Revised Statutes relating to notice of proceedings for relinquishment to the United States of the title to certain lands."

"An Act to amend Section 3 of Chapter 16 of the Revised Statutes relating to schoolhouse lots acquired by condemnation."

"An Act to validate the incorporation of Libby, McNeill and Libby and to amend its corporate purposes."

"An Act to authorize the City of Portland to pay a pension to Henrietta M. Miller."

"An Act to amend Chapter 134 of the Public Laws of 1919, relating to fishing in Kennebago Stream in the county of Franklin and in the county of Oxford."

"An Act relating to protection of deer in the town of York, in the county of York."

"An Act to amend Section 72 of Chapter 56 of the Revised Statutes, relating to the ringing of the engine bell or sounding of the whistle at grade crossings."

"An Act additional to Chapter 33 of the Revised Statutes, as amended, prohibiting hunting in certain territory in the town Fairfield, in the county of Somerset."

"An Act regulating the taking of clams in the town of Jonesboro in Washington county."

"An Act to amend an act entitled 'An Act to incorporate the Knox Woolen Company.'"

"An Act to amend Section 2, 7 and 13 of Chapter 180 of the Private and Special Laws of 1869, as amended by Sections 1, 2 and 3 of Chapter 5 of the Private and Special Laws of 1899, relating to annual meetings of Protestant Episcopal churches of the Diocese of Maine."

"An Act to amend Section 67 of Chapter 142 of the Revised Statutes, relating to inmates escaping from the Reformatory for Women."

"An Act to amend Sections 3, 4, 12 and 13 of Chapter 145 of the Public Laws of 1917, relating to the removal of obstructions at grade crossings."

"An Act to amend Section 14 of Chapter 16 of the Revised Statutes, as amended by Chapter 62 of the Public Laws of 1917, relating to the provisions for heating, lighting, ventilating and hygienic conditions in new or reconstructed school buildings."

"An Act to amend Chapter 349 of the Private and Special Laws of 1905, entitled 'An Act relating to pensioning members of the police department of the City of Bangor.'"

"An Act to amend Section 6 of Chapter 486 of the Private and Special Laws of 1885 as amended by Chapter 370 of the Private and Special Laws of 1909, relating to appointment of Chief of Police of Portland."

"An Act to amend sub-paragraph (a) of paragraph 11 of Section 59 of Chapter 16 of the Revised Statutes, as enacted and set forth by Section 7 of Chapter 188 of the Public Laws of 1917, relating to the duties of Superintendents of Schools."

"An Act to amend Section 1 of Chapter 61 of the Private and Special Laws of 1907, as amended by Chapter 210 of the Private and Special laws of 1909, relating to the lobster industry within two miles of the shore of Monhegan Island."

"An Act to amend Section 2 of

Chapter 50 of the Public Laws of 1917 relating to warning signs at grade crossings."

"An Act to authorize the American Realty Company to construct and maintain a dam across the St. John River in Township 9, Range 18, W. E. L. S., Somerset county, Maine, and to locate, erect and maintain piers and booms in said river, above said dam."

Finally Passed

"Resolve authorizing the State Land Agent to sell lot 93 in the town of St. Agatha in the County of Aroostook."

"Resolve authorizing the State Land Agent to sell certain lots in the Public Lot in Dennistown Plantation, in Somerset County."

"Resolve authorizing the Land Agent to sell public lot 85 in Moro Plantation, Aroostook County."

Passed to Be Enacted

(Emergency Measures)

"An Act to incorporate the Cumberland Center Water Company and to authorize that Company to take over the properties of the Cumberland Water Company."

This bill carrying the emergency clause required a two-thirds vote of the members of the Senate on its passage. Twenty-five senators voting in the affirmative and none in the negative, the bill was passed to be enacted.

"An Act to aid the town of Lisbon to supply the Inhabitants of said Town with Pure Water."

This bill carrying the emergency clause required a two-thirds vote of the members of the Senate on its passage. Twenty-five senators voting in the affirmative and none in the negative the bill was passed to be enacted.

"An Act to enable the City of Lewiston to sell water to the town of Lisbon."

This bill carrying the emergency clause required a two-thirds vote of the members of the Senate on its passage. Twenty-five senators voting in the affirmative and none in the negative the bill was passed to be enacted.

Orders of the Day

The PRESIDENT: The Chair lays before the Senate An Act to amend Section 1, Chapter 84, of the Revised Statutes, relating to appointment of clerks of the judicial courts, tabled by Senator Sprague and assigned for today. The pending question is the acceptance of Report B, ought not to pass.

Mr. SPRAGUE of Piscataquis: Mr. President, I have no motion or suggestion to make in regard to it.

Mr. THOMBS of Penobscot: Mr. President, I move that we accept Report B, ought not to pass.

Mr. THOMPSON of Knox: Mr. President, I second the motion.

A viva voce vote being taken, the Chair declared the report accepted.

The PRESIDENT: The Chair at this time will announce the appointment of the Senate conference committee on the poll tax matter, as follows: The senator from Androscoggin, Senator Parent, the senator from Penobscot, Senator Gillin, and the senator from Aroostook, Senator Tuttle.

Mr. SPRAGUE of Piscataquis: Mr. President, I have here a bill that I regard as possibly private legislation, and I move that the rules be suspended and that it be given a passage. It is an act to legalize a vote of the inhabitants of the town of Sangerville at the annual meeting, March 23, A. D. 1920.

I will say the town was unanimous in the passage of a vote to reimburse two or three of the selectmen in a certain town matter. Afterward it was discovered that that town meeting was illegal on account of some technical matter with which I am not familiar—it was feared that the vote was illegal. They were advised by somebody that the attorneys were not agreed as to whether this was private legislation or not, and came within this rule. For that reason, I understand, they are late. What I mean is I understand that is the reason why they were late in presenting this. I do not think any injustice can possibly be done to anybody to admit this and certainly an act of justice to these men will be

prevented unless this can be passed at this time. I hope my motion to suspend the rules and admit this bill will prevail.

Mr. FARRINGTON of Kennebec: Mr. President, do I understand that the bill is simply to make valid a vote under which certain money was to be paid to certain men?

The PRESIDENT: Will the Senator from Piscataquis answer the question of the senator from Kennebec?

Mr. SPRAGUE: That is as I understand it.

The PRESIDENT: The question is on the acceptance and reception at this time of this Act.

A viva voce vote being taken, the Chair declared the bill received.

The PRESIDENT: May the Chair inquire of the Senator from Piscataquis whether it was his motion and desire that the bill be given its first reading without reference to a committee?

Mr. SPRAGUE: I do not insist upon that.

Mr. THOMBS of Penobscot: Mr. President, I notice this morning that there has come to us from the House a matter of private and special Legislation, introduced there yesterday by unanimous consent of the House. As a matter of courtesy to the House I have not offered any objection. The matter now lies on the table in this Senate.

Now I do not need to remind the Senators that early in the session, earlier than is usual in Legislative sessions, we unanimously adopted a rule placing a time limit for the introduction of matters of private and special Legislation. As I remember it, the ultimate limit was February 17, and, Mr. President, we have gone along quite three weeks with the work of the Senate and until this morning we have not had a request to infringe upon that rule. I do not want to criticise the Senator from Piscataquis. I offer no criticism of the gentleman in the House who presented the matter yesterday. Undoubtedly these matters seem to them, and very likely are of considerable importance. But I believe that

in justice to ourselves and perhaps to many men who have had matters of private and special Legislation and have foregone the opportunity of presenting them, I believe that we should be very careful as to those matters which we now receive. And in making a motion, Mr. President, that this matter lie on the table, I do it for the purpose that I, and other Senators interested, may consider those matters and see finally whether we believe that it is wise to infringe upon the rule which we have adopted, and receive them and let them take their usual course.

I am not going to offer further objection except that I shall make a motion that the matter lie upon the table for the purpose that I have indicated. But I do believe, Mr. President, that it is proper to offer objection to these matters of private and special legislation hereafter received. I know the gentlemen in this Senate want to be fair, and you have said by a joint order that you will not receive matters of private and special legislation after a certain date. And to repeat, I know personally of men who have foregone the right of asking some member of this body to present matters of private and special legislation. If this action means anything I hope that the Senate will live up to it in the spirit in which they adopted this rule.

Mr. President, I move that the matter received now lie upon the table.

Mr. SPRAGUE: Mr. President, I simply want to ask a question for information. As I understand the matter, the Senator from Penobscot refers to a similar matter tabled yesterday? or was it tabled this morning?

The PRESIDENT: The Chair interprets the remarks of the Senator from Penobscot as applying to the act you have just introduced.

Mr. THOMBS: Mr. President, I referred to the act that came to us this morning, introduced in the House yesterday, which was tabled by the Senator from Somerset this morning. Now I think it is only fair—I do not know his attitude in regard to that act—I think it is only fair that the

matter now presented also lie upon the table.

Mr. SPRAGUE: I have no objection.

Mr. COBB: Mr. President, do I understand that tabling this matter kills it?

The PRESIDENT: The Chair does not so understand it.

Mr. THOMBS: Mr. President, may I make myself clear? Gentlemen of the Senate, I believe we have reached the point where we should determine what our action is going to be. Are we going to allow all matters in a spirit of fairness to be presented? That is one course that is open to us.

Mr. COBB: May I ask a question?

The PRESIDENT: Will the Senator from Penobscot consent to the interruption?

Mr. THOMBS: I will be interrupted.

Mr. COBB: Mr. President, I understand that a motion like this is not debatable, and if one person can get up and talk for a while, has the opposing side any opportunity to speak? I do not know whether it is just right and parliamentary or not.

The PRESIDENT: The Chair will say that the Senator from Penobscot made his motion at the end of his remarks. The Chair was about to place before the Senate the question of laying the document upon the table. A motion to lay on the table is not debatable.

The motion of the Senator from Penobscot is that the act presented by Senator Sprague lay upon the table.

A viva voce vote being taken, the motion was adopted and the bill was tabled.

Mr. ALLEN of York: Mr. President I move to take from the table the bill tabled by me this morning, An Act for the improvement of sanitary conditions in school building toilets.

The motion was agreed to.

Mr. ALLEN: Mr. President, I now move that we adopt House Amendment A.

The PRESIDENT: House Amendment A, the Chair will explain, makes

the funds usable for this purpose necessarily to come from the amount appropriated for school purposes and does not make an extra appropriation necessary.

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

Mr. ALLEN: Mr. President, may I now inquire if the bill is in its second reading?

The PRESIDENT: The bill is now ready for its first reading.

Mr. ALLEN: Mr. President, I move that it have its first reading at this time.

The motion was agreed to and the bill was given its first reading.

Mr. TUTTLE of Aroostook: Mr. President, I move to take from the table House Bill No. 205, An Act to amend Chapter 118 relating to fees of jurors, tabled by me yesterday.

The motion was agreed to.

Mr. TUTTLE: I yield the floor to Senator Sprague of Piscataquis.

Mr. SPRAGUE of Piscataquis: The pending question is—

The PRESIDENT: The acceptance of the report of the committee.

Mr. SPRAGUE: There are two reports?

The PRESIDENT: The report of the committee is that the same ought to pass.

Mr. SPRAGUE: In a new draft?

The PRESIDENT: There is no such provision made.

Mr. THOMBS of Penobscot: Mr. President, if the senator will indulge me just a moment, I would like to make a little explanation with respect to this matter which has occasioned so much discussion especially in the other end of the capitol building.

The PRESIDENT: May the Chair be allowed to interrupt the senator from Penobscot. Does the senator from Piscataquis, Senator Sprague, desire to yield?

Mr. SPRAGUE: Just for a word of explanation, as I understood the senator from Penobscot.

Mr. THOMBS: Mr. President and Fellow senators, the matter under discussion was a bill that came over from the last Legislature. It was one of the first bills that came to the committee on legal affairs. As chairman of the committee on legal affairs it has always been my desire to as expeditiously as possible work matters out from the committee, in that way trying to help in the general legislative proceedings. This matter was discussed in committee and there were various views expressed upon it. A matter coming from a preceding Legislature perhaps didn't have quite the standing that a new matter would have had, inasmuch as the preceding Legislature saw fit to refer it to this Legislature. As a member of the Legislature I was early in the session impressed with the policy that might be adopted by this Legislature with respect to recommending increases in salaries.

As you have already heard many times, there is, or there seems to be a feeling in the State of Maine against a general advance in salaries; and I believed that it was necessary and desirable for this Legislature as early in the session as it might reasonably do so to determine what its policy would be with respect to those matters, and I think upon my recommendation the committee agreed to report the matter back to this Legislature with the recommendation that it ought not to pass. Now, gentlemen, I want you to distinctly understand that that was not because we did not think there was some justice in the matter. I understand that three dollars a day pay to anybody now is considered as a mere pittance. I also want to remind you that jury service is not arduous at all. Under the statute—

Mr. SPRAGUE: Mr. President, I do not want to be captious, but I thought he was simply going to explain. I want to offer an amendment to that—if there is a redraft I want to amend that, and then this speech of the senator from Penobscot would be very appropriate perhaps against the amendment. But I have not got my amendment in yet.

Mr. THOMBS: Mr. President, since

the senator from Piscataquis has been so polite as to dignify my remarks by the term of "a speech" I am quite contented to forego any further remarks. Now, Mr. President, let me inform the senator from Piscataquis that the legal affairs committee have reconsidered this matter because they thought it was the sentiment of this Legislature to recommend such an increase, and we have unanimously recommended it, increasing the fees of jurors from three dollars to four dollars per day.

Mr. SPRAGUE: That is a new draft, isn't it? I want to be certain that it reads four dollars a day.

The President: The senator from Piscataquis is evidently in error in assuming that there is a new draft here.

Mr. SPRAGUE: Will the Chair please inform me what the bill says?

The PRESIDENT: Will the secretary please read the bill as reported by the committee.

The secretary read as follows:

"Be it enacted by the People of the State of Maine, as follows: Chapter 118, Section 8, of the Revised Statutes of the State of Maine, is hereby amended by striking out the word 'three' before the word 'dollars, in the fourth line of said section, and inserting in place thereof the word 'four,' so that said section as amended shall read as follows:

"Grand and traverse jurors, attending the supreme judicial court or superior courts, and jurors attending on any other session prescribed by law, shall be allowed four dollars a day for their attendance, and six cents a mile for their travel out and home, to be paid out of the county treasury."

The PRESIDENT: The question is on the acceptance of the report of the committee that it ought to pass.

Mr. SPRAGUE: Now I want to make an amendment to that.

The PRESIDENT: Will the Senator from Piscataquis permit the suggestion that the question on the adoption of the report should first be

placed before the Senate; then the amendment?

Mr. SPRAGUE: Certainly.

The PRESIDENT: The question is on the report of the committee that the bill ought to pass.

The report was accepted by a viva voce vote.

The PRESIDENT: The Senator from Piscataquis, Senator Sprague, now presents the following amendment: Strike out the word "four" in the third line of Section 1 and insert in place the word "five."

Mr. SPRAGUE: Mr. President, I do not intend to make a speech of any extent in regard to this matter. I am a believer in the old jury system that has come down through the centuries from the beginnings of our common law jurisprudence. I believe it is the best system although many eminent legal writers occasionally criticize it, and it is perhaps in its operation, in its machinery, subject to some criticism. I believe, Mr. President, that here in the State of Maine, it is only subject to the criticism that care is not taken—there is not care enough taken by the municipal officers perhaps in the selection of the panel. Now I believe that the first step toward getting better men on the panel—or, I will not say that exactly, but I mean the best men—toward getting the best men in your community to serve as jurors, which is so important to every one, to the entire community, is to make the pay decent.

I say that you take any county, my own county, for instance, you ask men to go there from other towns fifteen or twenty miles, or thirty miles distant. They have got to stop at the hotel, or at least a boarding-house. They cannot camp out when they get there. They have got to pay out about as much as the present pay is, and more than what the present pay is, and at four dollars a day it would not leave them over fifty cents a day. Now I believe that the pay of the jurors has from the very first been a farce. It is an absurdity. And if you want to get the best men in

your community to serve as jurors, I say, for pity's sake give them justice. I do not believe a word that was said by the Senators here who advocated raising the salaries of the judges of the Supreme Court—and I was one of them—I do not believe any one uttered a word in favor of the proposition that cannot be said to be in favor of this one. I say, if you want a good jury system, if you want to see the best men in your community serving on the panel, you must first give them fair, reasonable pay, and five dollars a day is not out of reason; it is not unjust. It is only fair and putting them nearly in line with carpenters, not anywhere near in line with plumbers, merely in line with ordinary skilled workmen. Now that is what this does. Five dollars a day is only a fair proposition. And it is just as important to my mind to regulate the pay of the jurors so that you will attract the best men in your community to serve on the panel as it is to attract the best lawyers to hold the court. I believe one is just as important as the other, and I hope this amendment will be adopted.

Mr. GILLIN of Penobscot: Mr. President and honorable members of the Senate, I simply wish to say that I thoroughly endorse every word that the learned senator from Piscataquis has said. I hope and trust that the members of this Senate will adopt that amendment.

I believe that attorneys who are continuously practising in the courts of the State and see the labors that jurors go through, and know the expenditures in our cities while living away from their business, that five dollars a day is not sufficient for such men as we are getting.

I need not say, gentlemen of this Senate, that time and time and time again jurors stop out all night long on civil and criminal cases.

I hope and trust that the Senate may adopt the amendment as presented.

Mr. COBB of Kennebec: Mr. President, it is not often that I agree with

so many distinguished gentlemen. I have always respected lawyers, but it seems to me I have never agreed with so many lawyers as I have during this session.

It seems to me there is one point that has not been brought out here. I do not wish to go on record as being extravagant; I am conservative, but I want a man to have all he deserves. I believe that these men, these jurymen, most of them are surely worth five dollars. Someone has said here today that jurymen do not have a very arduous duty to perform. I never had the honor to be on a jury, but I have had experience in being up all night many times, and I have heard of jurymen who had to stay up all night, and I think they earned their three or five or more dollars.

The one point I wish to bring out here is this, in regard to the work. You take a man from the various walks of life, away from his business, it may be a week or more, many times more, and that takes him away and breaks up his business whatever it is. It is worth a good deal more than five dollars a day, and I say for that reason, besides the fact of what it is really worth, that he should have that pay.

I have been told by our distinguished men from our distinguished profession that they have talked before jurymen and there were some men on the panel, no matter what they said, and no matter how much truth there was in their argument you could not make any impression on some jurors. Perhaps five dollars a day will exclude some of the men that the lawyers cannot impress and will give us men these lawyers can make an impression upon. It seems to me that when we go into our courts we want some men there who are willing to get at the truth and abide by the truth, and go to their juryroom and give a man a fair deal.

I say for one that five dollars a day is none too much.

Mr. BEMIS of Somerset: Mr. President, it may seem out of place in me, as a farmer and one who has served on the jury several times, to oppose

this increase to five dollars. Now I believe, gentlemen, that four dollars is a reasonable price, and as one who has served on the board of the selectmen in my town, we have never found any serious trouble in getting the very best men from my locality to serve as jurors at three dollars per day.

I believe that this increase to four dollars per day will satisfy the men who are to serve on juries hereafter, and it seems to me at this time a reasonable and fair increase in the pay of jurors.

Mr. THOMBS: Mr. President, at the risk of being ruled out of order again, I now desire to conclude the remarks which I have addressed to the Senate this morning. And first, in taking up the discussion where I laid it down, I desire to say that the Committee on Legal Affairs reported this matter back to the Legislature, believing that upon it this Legislature might determine what its policy would be during this session with respect to a general advance of salaries. Now, gentlemen, that was the principal reason in reporting it back in the manner in which it came. The Legal Affairs Committee would not have been offended, and are not of course at any action that these two bodies may take upon the report.

Now more directly in reply to the argument advanced on the amendment, Mr. President, I desire to call your attention, gentlemen of the Senate, to the manner in which we select jurymen. Any gentleman in this Senate who has had experience, similar experience as the gentleman who has just preceded me has had, knows that the jury list in the towns is made up by the selectmen. I think the selectmen in making up the jury list, knowing well the men in their own town, select those whom they believe are competent men and those who can best serve in that capacity. Now the next step in selecting the jurymen is to present this list at the annual meeting—and of course, gentlemen, I am talking of towns, because I am not familiar with the method of selecting jurymen from cities. In the town meeting the list of jurymen as made up by the selectmen, is read

in open town-meeting, and from an experience as a town officer for a number of years I do not remember any one single instance of a gentleman requesting that his name be taken from the jury list at that time, where his fellow townsmen did not honor his request. If there was any reason or for no reason at all if a man whose name was read said, "Gentlemen, I prefer that my name does not go into the jury box" it was taken from the list.

Now gentlemen, the second step of course you know is the drawing of jurors from time to time in season to attend upon the courts. Now there is a large number of names on the jury list and only a few to be selected, and under the statute, if I remember it correctly, no man can serve as a juror oftener than once in three years. So that, gentlemen, if you consider it from the point of service alone, I believe that my statement that it is not arduous is pretty well grounded. But the juryman has other rights, gentlemen, that every lawyer knows full well, and most of you as laymen do. If he is selected and goes to court and there is reason why he should not continue there, he may place his case before the justice presiding and everybody who has attended upon an opening day of court has noticed a number, from one to half a dozen, of the jurymen summoned in there, making known their excuse to the presiding justice; and I have yet to know of a justice being so unreasonable that any fair and reasonable request was refused. So you see, gentlemen, that the juryman has several avenues of escape from jury duty, if he so desires.

But, gentlemen, I believe that there is something behind jury service besides the mere matter of compensation. I quite agreed with the Senator from Piscataquis when he said he was a firm believer in jury duty. I am. It is the best system yet devised for settling civil and criminal matters. And, gentlemen, I believe that a juryman appreciates the importance of his part in judicial proceedings, and I further believe that the great majority of them called upon to give to their State a few days'

service, do not consider entirely the matter of compensation.

Why, I think they consider it rather as a public duty which they are called upon to discharge. There is not a man in any profession—the doctor is called upon to give in many instances of his time where he knows full well that he may not be compensated in dollars and cents; and if I do say it, gentlemen, I think that the legal profession in many, many instances give freely and gladly of their time where they know they are not going to be compensated. And the reverend clergyman in every town dozens and dozens of times in each year wends his way to some household to offer words of consolation or to perform some other happier ceremony, and his compensation, if anything, is a mere pittance. So, gentlemen, I believe that jurymen are not the only people who sacrifice something for the welfare of the State and community in which they live.

There is another phase of this matter, and if you will pardon a personal experience I will briefly call your attention to that. I have had many a time a gentleman in my town come to me and ask if I wouldn't see that his name was placed on the jury list and brought before the annual meeting. Gentlemen, those men were men who toil in the mill and the workshops, men who are not able to take a vacation at any season in the year, men with families, but who believed that if they could get a few days of change of work, that it would be something of a recreation to them, and they see that avenue and are glad to accept the service. Now, gentlemen, I do not want you to think for a moment that I have any personal quarrel with the gentleman who has presented this amendment.

I want to call your attention to the fact that there are other cases which should be remedied that to my mind are quite as important as this. I do not believe that there is an attorney in this room who during the last three or four years has had occasion to summon a witness to court who

has found that the witness' fees and travel that he paid his witness compensated him for the time and pay that he lost. Now gentlemen, I stand for fairness and squareness, and I believe that if you are going to honor the request of the jurymen, I believe that it is well worth our while to stay here a time longer and see if there are not other gentlemen and othr services in the State of Maine that should be further recom-pensed.

In closing, let me say to you, Mr. President and Senators, that this is not a personal matter with me. I am not the self-constituted guardiar of the treasury of the State of Maine. This Legislature before final ad-journment will have determined what its policy will be with respect to these hundred, aye, a thousand and one requests for raises in salaries. As an object lesson let me call your attention to the advertisement of committee hearings for tomorrow morning by the committee on Sal-aries and Fees. There is a line that extends the entire length of one page of the paper. There are very, very many requests from office holders in the State of Maine, and, gentlemen, if you will take time and go up to that committee hearing tomorrow, I venture to say that after the hearing is over, it will be exceedingly hard for you to determine what man's re-quest should be honored and what man's refused. I have no doubt that there are other men in the State of Maine that have legitimate reason and argument for being here.

This legislature finds itself in this position: It must as best it may take these various requests under consid-eration, and as I had occasion to say some days ago, it will be necessary to establish a policy granting an ad-vance all along the line, in which case you will go back to your homes to meet criticism or approbation as the people receive your acts. You may adopt the other extreme and say to these hundreds of men who have come here, No, your salary is ad-equate. We will turn the deaf ear to your requests. Or you may adopt a mean between those two, and you

may sort out the meritorious cases and grant to them such relief as you deem is wise. At the expense of re-peating, let me say to you, gentle-men, that this is not a personal mat-ter with me. You are now going on record and you are setting the pace that you must follow up if you are going to be consistent throughout this session.

Mr. President, I agree with the gen-tleman from Somerset when he says that he believes that this increase of one dollar per day will be received by jurymen generally as a recogni-tion of the desire of this Legislature to go on record as believing that they should have some relief; be-lieving that they have recognized the merit of their claim and that they are extending to them such re-lief as they believe that the State of Maine feels that they should have.

Mr. SPRAGUE: Mr. President, I hope the Senate will bear with one more word from me.

The Senator from Penobscot I think is trying to confuse this issue with the general question of raising salaries. If it had been a salary question here it would have gone before that very able and cautious committee on Salaries and Fees. They do not belong together, and do you suppose, Mr. President, that I am estopped because I vote to do justice to our jurymen and improve our jury system, do you suppose I am estopped from voting against a general raise of salaries? I do not believe any senator will take that view for a single moment, that there is anything inconsistent in thinking right in this matter, and doing right. I am not fearing criticism or seeking approbation. I want to do what I believe is right.

The senator has said one thing that suggests something I forgot when I spoke first. He speaks of men going to the selectmen—I have been a selectman of my town several times—going to the selectmen, im-plying them not to put their names on the list. Those are the very men we need most, but as a favor municipal officers will often keep their names off the list that is pre-sented to the town. We need all

classes; we need the hard-headed business men of our villages to serve on our juries, and I contend, that the best way to get them is to make their pay reasonable, decent and respectable.

If you want to get the best men you must do something that is fair. That is all I ask and it is all I have to say.

Mr. CLARK of Lincoln: Mr. President and fellow Senators, this is a subject that interests me considerably, and I have been much interested in the discussion of this question. It has been my privilege to serve several times in the municipal offices of my town, and to serve on a jury several times. I think it has been described, the selection of jurors, admirably well. Yet there is one thing you will agree with me that in the warrant the article calling for the list of jurors, is always read well along towards the last of the meeting, and many times many of the people are gone, and when the list is read I doubt if half the persons present realize whose names have been read. Later they are surprised that they have been drawn on the jury. When they go to the court and ask to be excused it has been my observation, as a rule, unless they had an extra good reason, illness in the family or very important business, that the judge will not excuse them. Occasionally you will find one or two excused, but nine times out of ten illness will be the reason.

I am one of those who do not believe in being extravagant. I believe jurors are not receiving not much more than half they should for their services. I believe that five dollars a day is only a fair wage. When we go to shire towns, and pay our bills, there is scarcely anything left. I believe that the municipal officers try to select the very best men for jurors, those they believe are qualified.

I wish to say right here that I favor this amendment. I believe jurors should receive five dollars per day and that it is only a fair wage.

Mr. MORRILL of Cumberland:

Mr. President, this thing has got pretty well pared down and I will not detain you but a moment.

We know that men change their minds, and I am glad to know that the Legal Affairs committee changed their mind in the right direction. What their object was I am not going to say, but I presume it was good. The results that will come from this I think are good. I want to call your attention to just one little thing. I may be personal. Sometime last spring I was in our court, not in our court but speaking to Judge Sanborn on a subject that detained us just a little while in his private office, after the jurors had been chosen. While I was there four men in a short time came in to be excused. One man says "You pay too much." That was a joke. Another man says "I have twenty cows and only one boy to help milk. Can't you send out a man to do my work, Judge." Another man from the town of Bridgton said "I don't want to serve. I don't get enough to pay my board in a reasonable place. Some people get their traveling expenses paid, their hotel bills paid, and it is unfair." The judge said "I can't help it." One man out in Gorham says "Let me swap jobs with you. You come out and milk my cows and let me take your place and I will divide your salary; you let me occupy your place and I will give you half the salary, and you come out and milk my cows." Of course, that was a joke in a way, but a good deal of fact in it just the same.

Now it seems to me under the conditions that five dollars a day, even, it will be as much as a man can do to break even and get a man to do his work, especially if he is a farmer or a laborer.

This is no increase in salary at all and has nothing to do with it. It is a question whether we will pay a man a small price for a day's work, and sometimes working at night. The Supreme Court judges can sleep while the jurors are deliberating and bring in the verdict the next morning. I am not arguing on the Supreme Court judges' question at all;

this is an entirely different thing. I have arrived at that age where my name is not put in the jury box. I do not know that there is an age limit, but my name has not been in the jury box for some time. It has been in the federal jury box, but not on the other, since I was seventy years old. So that if you increase it to four or five dollars it is not any money in my pocket, but the next man who comes after me ought to have a fair price for the labor which he is actually obliged to perform whether he wants to or not.

I hope it will not be less than five dollars a day.

Mr. ALLEN of York: Mr. President, I arise to a point of order.

The PRESIDENT: State your point of order.

Mr. ALLEN: Mr. President, I do not understand that the bill in question is in an amendable stage. I do not think it has had its first reading.

The PRESIDENT: The Chair understands that the bill has had its first reading and that it is in an amendable stage. The question is on the adoption or rejection of the amendment offered by the Senator from Piscataquis, Senator Sprague.

Mr. COBB: Mr. President, I call for the yeas and nays.

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

The PRESIDENT: There is one amendment. The amendment changes the price from four dollars as reported by the committee to five dol-

lars as incorporated in the amendment offered by the Senator from Piscataquis.

The secretary called the roll. Those voting yes were Messrs. Adams, Allen, Baxter, Clark, Cobb, Eaton, Emery, Farrington, Gillin, Morrill, Parent, Sprague, Thompson, Tuttle—14. Those voting no were Messrs. Bemis, Clement, Emerson, Folsom, Hall, Holt, Morrison, Putnam, Sargent, Spencer, Stevens, Thombs,—12. Absentees, Messrs. Babb, Garcelon, Gould—3.

Fourteen senators having voted in the affirmative and twelve in the negative the Chair declared the amendment adopted. The bill was given its first reading and second reading assigned for tomorrow.

During the roll call, before voting Mr. Morrill made the following inquiry of the President:

Mr. MORRILL: Voting yes means to increase the salary to what size?

The PRESIDENT: Five dollars.

Mr. TUTTLE of Aroostook: Mr. President, I move to take from the table the communication from the Secretary of State which was read in the Senate yesterday morning, relative to Senate Bill No. 162 of the Assembly of South Dakota.

The motion was agreed to, and on further motion by the same Senator the communication was referred to the committee on Agriculture.

On motion by Mr. Holt of Hancock, Adjourned until tomorrow morning at ten o'clock.