

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."

SENATE

Wednesday, March 30, 1921.

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

Prayer by Rev. E. M. H. Knapp of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: H. 86. An Act amendatory of and additional to Chapter 16 of the Private and Special Laws of 1820, and for the incorporation of the trustees of the Medical College of Maine.

In the House the bill was substituted for the report of the joint committees on judiciary and appropriations and financial affairs, ought not to pass, and the bill was then passed to be engrossed.

Mr. EMERY of Washington: Mr. President, I move that the bill be substituted for the report, in concurrence.

The motion was agreed to, and on further motion by the same senator under suspension of the rules the bill was read twice and passed to be engrossed.

Mr. FARRINGTON of Kennebec: Mr. President, is there not also an accompanying resolve?

The PRESIDENT: There is.

From the House: H. 87. Resolve in favor of the Medical School of Maine established by Chapter 16 of the Private and Special Laws of Maine, 1820, as amended.

In the House the resolve was substituted for the report of the committee, ought not to pass, and passed the resolve to be engrossed.

Mr. PARENT of Androscoggin: Mr. President, I yield to the senator from Washington, Senator Emery.

Mr. EMERY of Washington: Mr. President, I move that we substitute the resolve for the report of the committee.

The motion was agreed to, and on further motion by the same senator the resolve, under suspension of the

rules was read twice and passed to be engrossed.

The PRESIDENT: The Chair will state that through an inadvertence House Amendment A to the Medical School of Maine bill was not concurred in by the Senate.

On motion by Mr. Emery of Washington the action where H. D. No. 86 was passed to be engrossed was reconsidered, and on further motion by the same senator House Amendment A was adopted in concurrence, and the bill as amended was passed to be engrossed.

House Bills in First Reading

House 308: An Act to repeal Section 34 of Chapter 25 of the Revised Statutes requiring an annual appropriation of three hundred thousand dollars for State aid construction.

House 405: An Act to amend Section 14 of Chapter 34 of the Revised Statutes, increasing the annual appropriation for scientific investigations in animal husbandry.

House 406: An Act to amend Sections 3 and 9 of Chapter 35 of the Revised Statutes, increasing the amount paid by the State for cattle condemned.

House 410: An Act to regulate the use of motor-driven and animal-drawn vehicles on highways.

House 411: An Act to amend Section 12 of Chapter 36 of the Revised Statutes, as amended by Chapters 126 and 237 of the Public Laws of 1919, relating to the sale of clams, oysters and scallops.

From the House: An Act to amend Section 3 of Chapter 136 of the Revised Statutes, relating to the sale of milk.

In the Senate, on motion by Mr. Folsom of Somerset, indefinitely postponed in concurrence with the House.

From the House: H. 305. Resolve appointing a committee of investigation to procure plans and estimates for a State library building.

(House Amendment B adopted in concurrence and the resolve as amended passed to be engrossed.)

**Communication from the Office of
Secretary of State**

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 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 23, 1921, to March 29, 1921, both dates inclusive.

Respectfully submitted,

(Signed) H. A. SHOREY, JR.,
Deputy Secretary of State.

The List

EDWARD F. MERRILL, of Skowhegan, employed to act as Legislative Counsel and Legislative Agent by Central Maine Power Company of Waterville. The purpose of employment is: To appear and act for the Company in relation to any measure pending before the legislature and its committees and especially in relation to the Resolve for a constitutional amendment dealing with water powers and their taxation." Employed March 22, 1921. Employment ceases at adjournment of the Legislature. Notification of employment filed March 23, 1921.

THOS. LEIGH, of Augusta, employed to act as Legislative Counsel and Legislative Agent by McPhee & Fernandez of Old Town. The purpose of employment is "To oppose an Act to Amend Section 113 of Chapter 24 of the Revised Statutes, Relating to Regulation of Advertising Signs and oppose amendment of constitution relative thereto." Employed March 22, 1921. Employment ceases when above matters are disposed of by the Legislature. Notification of employment filed March 23, 1921.

EDWARD C. REYNOLDS, of South Portland, employed to act as Legislative Counsel and Legislative Agent by New England Insurance Exchange of Boston, Mass. The purpose of employment is "Committee Hearings." Employed March 24, 1921. Employment ceases at end of present Legislature. Notification of employment filed March 24, 1921.

FRANK E. SOUTHARD, of Augusta, employed to act as Legislative Counsel by the Puritan Advertising Company of Portland. The purpose of employment is "To look after interests of Puritan Advertising Company so far as legislation with respect to advertising may affect it." Employed March 24, 1921. Employment ceases at end of session. Notification of employment filed March 24, 1921.

CYRUS N. BLANCHARD, of Wilton, employed to act as Legislative Counsel and Legislative Agent by John J. Nissen of Portland. The purpose of employment is "To act as counsel in relation to all matters affecting his interests as a baker." Employed March 24, 1921. Employment ceases at end of Legislative session. Notification of employment filed March 25, 1921.

WALTER M. SANBORN, of Augusta, employed to act as Legislative Counsel by Webber & Hewett and Sunbeam Bakery, both of Augusta. The purpose of employment is "To appear in furtherance of a bill creating a standard for loaves of bread offered for sale." Employed March 24, 1921. Employment ceases March 24, 1921. Notification of employment filed March 26, 1921. Placed on file on motion by Mr. Thombs of Penobscot.

The following resolve was received and on motion by Mr. Gillin of Penobscot, the rules were suspended and the resolve was given its two readings and passed to be engrossed without reference to a committee:

Resolve in favor of Sarah W. Pike for services as stenographer to the committee on judiciary.

Mr. Sprague of Piscataquis, pre-

sented the following resolve, and under suspension of the rules the same was read twice and was passed to be engrossed without reference to a committee:

Resolve in favor of the clerk, stenographer and messenger to the committee on inland fisheries and game.

Bills in First Reading

S. 169. An Act to amend Paragraph 9 of Section 6 of Chapter 10 of the Revised Statutes, as amended by Chapter 105 of the Public Laws of 1919, relating to exemption from taxation of the estates of War Veterans.

S. 170. Resolve appropriating money to aid in the screening of certain lakes and ponds.

S. 171. Resolve authorizing the payment of certain deficiencies.

Reports of Committees

Mr. Putnam from the Committee on Inland Fisheries and Game, on Remonstrances of V. C. Plummer, F. H. Smith, W. H. Rice, Vernon Haskell, E. M. DeMeyers, E. S. Stewart and others against the passage of a bill permitting Sunday hunting in Hancock County, reported that the same be placed on file.

The same senator from the same Committee, on resolve in favor of screening Long Pond in Kennebec and Lincoln Counties, reported that the same be placed on file, as the subject matter has been incorporated in another resolve reported by the Committee.

Mr. Cobb from the Committee on Military Affairs, on Resolve in favor of Jessie W. Hall of Rockland for expenses incurred by her as aid in the service of the U. S. in France, reported that the same ought not to pass.

The same senator from the same committee, on "Memorial to Congress protesting against any increase in military and naval armaments by the United States and urging Congress to take action towards bringing about a reduction of armaments by the principal nations of the world (Senate Doc. No. 28), reported that the same is inexpedient at the present time.

Mr. Emerson, from the committee on appropriations and financial affairs, on resolve appropriating money for establishing a ferry between the city of Old Town and Indian Island, reported the same ought not to pass.

The reports were accepted and sent down for concurrence.

Mr. Emerson from the committee on appropriations and financial affairs, on Resolve in favor of the Public Utilities Commission to take care of expenses provided for under Chapter 117, Section 31, Chapter 55, Section 1, and Chapter 24, Sections 34, 38 of the Revised Statutes, reported that the same ought to pass.

The same senator from the same committee on Resolve to purchase 500 copies of the "Public Letters of John Fairfield," reported the same in a new draft under the same title, and that it ought to pass.

The same senator from the same committee, on Resolve appropriating money for the retracing and defining of the lines of the public lots, reported that the same ought to pass.

The same senator from the same committee, on Resolve appropriating money for the purpose of obtaining information in regard to wild lands for the purposes of taxation, reported the same in a new draft under the same title, and that it ought to pass.

The same senator from the same committee, on Resolve in favor of the superintendent of public buildings for salary and wages and for maintenance and improvement, reported that the same ought to pass.

Mr. Sprague from the committee on inland fisheries and game, on An Act for the better protection of ducks and geese in the waters of Merry-meeting bay and its tributaries, reported the same in a new draft under the title "An Act for the better protection of ducks and geese in the waters of Merrymeeting bay and tributaries thereof in the counties of Kennebec and Androscoggin, except the Kennebec river within one mile of the waters of Merrymeeting bay," and that it ought to pass.

Mr. Gillin from the committee on judiciary, on An Act to provide for the removal of property from

lands intended to be flowed and the assessment of damages caused thereby (Senate Doc. No. 27), reported the same in a new draft under title of "An Act to provide for the removal of property from lands intended to be flowed and the assessment of damages caused thereby, when such property, if flowed, will constitute a menace to persons or property," and that it ought to pass.

Mr. Thompson from the committee on legal affairs, on An Act to amend Section 19 of Chapter 80 of the Revised Statutes relative to proceedings where husband or wife refuses to join in conveyances, reported the same in a new draft under title of "An Act to amend Section 1 of Chapter 76 of Paragraph 4 of said section of the Revised Statutes relating to the sales of real estate by license of court," and that it ought to pass.

Mr. Emerson from the same committee on the following Resolves:

Resolve in favor of the Children's Aid Society for maintenance.

Resolve in favor of Eastern Maine Orphans' Home, Bangor.

Resolve providing for the care of orphaned, neglected, and dependent children at the Girl's Orphanage, Lewiston.

Resolve providing for the care of orphaned, dependent and neglected children at the Healy Asylum, Lewiston.

Resolve in favor of St. Elizabeth R. C. Asylum and Holy Innocents Home, Portland, Maine.

Resolve in favor of Children's Heart Work Society of Portland.

Resolve in favor of Maine Children's Home Society of Augusta, for maintenance.

Resolve providing for the care of orphaned, dependent and neglected children by the York County Children's Aid Society in Saco.

Resolve in favor of the Augusta General Hospital.

Resolve granting aid to the Bar Harbor Medical and Surgical Hospital.

Resolve in favor of Lath City Hospital.

Resolve providing for the care, support and medical or surgical

treatment of dependent persons in Calais Hospital.

Resolve providing for hospital treatment at the Central Maine General Hospital in Lewiston for persons who are in need of the same and are unable to pay for it.

Resolve in favor of Charles A. Dean Hospital at Greenville Junction.

Resolve in favor of the Children's Hospital at Portland.

Resolve providing for hospital treatment at the Eastern Maine General Hospital in Bangor for persons who are in need of the same and are unable to pay for it.

Resolve in favor of Gardiner General Hospital.

Resolve providing for hospital treatment at the Knox County General Hospital in Rockland for persons who are in need of the same and are unable to pay for it.

Resolve in favor of Madigan Memorial Hospital.

Resolve in favor of the Maine Eye and Ear Infirmary, Portland, Maine, for the care, support and medical or surgical treatment of indigent persons for the six months period ending June 30, 1921.

Resolve in favor of the Maine Eye and Ear Infirmary, Portland, Maine, for the care, support and medical or surgical treatment of indigent persons for the fiscal years 1922-1923.

Resolve in favor of the Maine General Hospital.

Resolve in favor of the Northern Maine General Hospital, Eagle Lake, Maine.

Resolve in favor of the Old Town Hospital, Old Town, for the care, support and medical or surgical treatment of indigent persons.

Resolve in favor of the Presque Isle General Hospital.

Resolve providing for medical and surgical treatment and care of indigent persons by Rumford Hospital Association at Rumford.

Resolve providing for hospital treatment at the St. Mary's General Hospital in Lewiston for persons who are in need of the same and are unable to pay for it.

Resolve providing for hospital treatment by the Trull Hospital Aid

Association at the Trull Hospital in Biddeford.

Resolve in favor of Waldo County General Hospital for maintenance.

Resolve providing for hospital treatment at the Webber Hospital in Biddeford for persons who are in need of the same and are unable to pay for it.

Resolve appropriating money for the York Hospital.

Resolve appropriating money for the Good Samaritan Home Association, of Bangor, Maine, for the care, medical and surgical treatment of maternity patients and their children, the resources of whom and of whose responsible relatives are insufficient to pay for the same.

Resolve in favor of the temporary home for Women and Children for maintenance.

Resolve in favor of the Home for Aged Women in Belfast.

Resolve in favor of Home for Aged Women, located at Rockland, Knox County.

Resolve providing for assistance to the deaf, by the Maine Mission for the Deaf.

Resolve in favor of the Maine Institution for the Blind, Portland.

Resolve providing for sanatorium treatment by the Bangor Anti-Tuberculosis Association in Bangor for persons who are in need of the same and are unable to pay for it, reported the same in a new draft under title of "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," and that it ought to pass.

Mr. Adams from the committee on Ways and Bridges on An Act authorizing Elliottsville Plantation to build and maintain its roads and bridges, and to raise money for the same, reported that the same ought to pass.

Mr. Stevens from the same committee, on An Act to authorize the State Highway Commission to take over for construction and maintenance all roads on Indian Township, reported that the same ought to pass.

Mr. Sprague from the committee on

Library, and Mr. Folsom from the committee on Salaries and Fees, on An Act to consolidate the Library Laws, reported the same in a new draft under the same title and that it ought to pass.

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

Final Reports

The following committees presented their final reports which were accepted:

Manufactures.

State Lands and Forest preservation.

Passed to Be Engrossed

H. 355. An Act to incorporate the South Portland High School District.

H. 359. An Act to regulate boxing exhibitions within the state. (Tabled pending passage to be engrossed on motion by Mr. Thompson of Knox.)

H. 380. An Act authorizing appointment of Assistant Assessors when public exigency requires.

H. 382. Resolve in favor of Cary Hospital, Caribou, Aroostook County, to aid in construction of a hospital.

H. 383. An Act to amend Section 6 and Section 14 of Chapter 59 of the Revised Statutes of 1916, in relation to the appointment of steamboat inspectors.

H. 384. Resolve in favor of Catherine Nelligan of Brewer.

H. 385. Resolve increasing the State Pension of Vinnie E. Saunders of Trescott.

H. 386. Resolve in favor of Meldon Nealley.

H. 387. Resolve in favor of Nasson Institute.

H. 389. Resolve appropriating money to pay for preparation of Maine Book.

H. 391. An Act additional to Chapter 33 of the Revised Statutes as amended, prohibiting fishing in the tributaries to Lake Annabessacook, in the County of Kennebec.

H. 392. An Act to amend Section 20 of Chapter 68 of the Revised Statutes, relating to administration without bond.

H. 393. An Act to amend Section 85 of Chapter 82 of the Revised Statutes relating to the terms of Superior Court for the county of Kennebec.

H. 394. An Act for the better protection of clams within the limits of the towns of Yarmouth, North Yarmouth and Cumberland.

H. 395. An Act to control the establishment of sanatoriums and hospitals for infectious and contagious diseases within populous districts of cities and towns.

H. 396. An Act to amend the charter of the Kennebec Water District.

H. 397. An Act to amend the charter of the Kennebec Water District.

H. 398. An Act authorizing the town of Bar Harbor to lay out and maintain paths within its limits.

H. 401. Resolve in favor of Bert Allard for damages caused by highway work.

Passed to Be Enacted

An Act to amend Section 18 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 196 of the Public Laws of 1919, relating to the protection of fish.

An Act to amend Section 12 of Chapter 148 of the Revised Statutes as amended by Chapter 300 of the Public Laws of 1917, relating to pensions for the blind.

An Act to amend Chapter 293 of the Public Laws of 1917, relating to the powers of the commission of sea and shore fisheries.

An Act to extend the charter of Boothbay Harbor Water District.

An Act to establish the Fiscal Year of the state.

An Act to amend Section 22 of Chapter 5 of the Revised Statutes, relating to the compensation of boards of registration.

An Act to amend Section 35 of Chapter 44 of the Revised Statutes, relating to licenses for lightning rod agents.

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.

An Act to amend Chapter 37 of the **Private and Special Laws of 1917**, entitled "An Act to provide a police commission for the City of Lewiston and to promote the efficiency of the

police department thereof," as amended.

An Act to amend Paragraph V of Section 55 of Chapter 53 of the Revised Statutes, relating to insurance on glass.

An Act to amend Section 8 of Chapter 325 of the Private and Special Laws of 1897, as amended by Chapter 198 of the Private and Special Laws of 1917, increasing the salary of the recorder of the municipal court of Waterville.

An Act to amend Section 26 of Chapter 117 of the Revised Statutes, relating to the salary of the adjutant general.

An Act to amend Section 33 of Chapter 88 of the Revised Statutes, relating to the giving of counsel by a municipal or police judge.

An Act to amend Section 17 of Chapter 12 of the Revised Statutes as amended by Chapters 121 and 299 of the Public Laws of 1917, relating to the recording of deeds.

(Tabled pending passage to be enacted on motion by Mr. Farrington of Kennebec.)

An Act to incorporate the Telephone Workers' Credit Union of Maine.

An Act for the preservation, perpetuation and increase of the forests of the State of Maine.

An Act authorizing towns to elect certain municipal officers by secret ballot.

An Act to amend Section 2 of Chapter 34 of the Revised Statutes relating to duties of the commissioner of agriculture.

An Act to incorporate the Dixfield Water District.

An Act to amend Section 70 of Chapter 8 of the Revised Statutes, relating to forest fire fighters in the Maine Forestry District.

An Act to amend Section 36 of Chapter 53 of the Revised Statutes, relating to Mutual Fire Insurance Companies.

An Act to protect the bee industry of the State of Maine.

An Act to repeal Chapter 18 of the resolves of 1917 relating to animal industry.

An Act additional to Chapter 33 of the Revised Statutes, as amended, re-

lating to night fishing in certain waters in Kennebec County.

An Act to amend Section 35 of Chapter 11 of the Revised Statutes, requiring monthly settlements by tax collectors.

An Act relating to the Licensing of Maternity Hospitals.

An Act to amend Section one of Chapter 305 of the Private and Special Laws of 1909, regulating the taking of alewives in the town of Surry.

An Act to amend Section 5 of Chapter 117 of the Revised Statutes as amended by Chapter 170 of the Public Laws of 1917, relating to the salaries of Justices of the Supreme Judicial Court.

An Act to amend Section one of Chapter 34 of the Revised Statutes, providing for the appointment of a Commissioner of Agriculture to fill a vacancy.

An Act to amend Section 74 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 196 of the Public Laws of 1919, relating to night hunting of skunks and raccoons.

An Act to incorporate the York County Bar Association.

An Act to establish the Western Washington Municipal Court. (Tabled pending passage to be enacted on motion by Mr. Putnam of Washington.)

An Act to amend Section 55 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917, and by Chapter 62 of the Public Laws of 1919, relating to the protection of game birds. (Tabled pending passage to be enacted on motion by Mr. Thombs of Penobscot.)

An Act relating to life insurance for the minors and the surrender of such insurance. (Tabled pending passage to be enacted on motion by Mr. Thompson of Knox.)

An Act to amend Chapter 256 of the Public Laws of 1919, relating to profiteering.

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

An Act to amend Section 16 of Chapter 129 of the Revised Statutes making same applicable to the Re-

formatory for Women, Reformatory for Men, State School for Girls and State School for Boys.

An Act to amend Section 86 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917 and by Chapter 142 of the Public Laws of 1919, relating to the disposition of money collected under the provisions of the Inland Fish and Game Laws.

An Act relating to the Pennamaquam Power Company.

An Act to amend Section 64 of Chapter 11 of the Revised Statutes, relating to collection of poll taxes.

An Act to enable the towns of Dixfield and Peru, in the County of Oxford, to free the Dixfield and Peru Toll Bridge to Public Travel.

An Act to amend Chapter 91 of the Private and Special Laws of 1919, relating to the use of trawls and nets within certain waters.

An Act to create the Belgrade Lakes Village Corporation.

An Act to amend Section 10 of Chapter 46 of the Revised Statutes as amended by Chapter 74 of the Public Laws of 1919, relating to the weight of coal.

Finally Passed

Resolve in favor of Austin W. Jones Company, of Veazie, Maine, reimbursing it for property destroyed by fire.

Resolve in favor of Alfred Williams Anthony for services and expenses as police commissioner for the city of Lewiston.

Resolve to appropriate money for the purchase of History of the Town of Williamsburg. (Tabled pending final passage on motion by Mr. Thombs of Penobscot.)

Resolve providing for the improvement of the Maine State Prison at Thomaston.

Resolve in favor of Francois X. Marcotte for services and expenses as police commissioner for the City of Lewiston.

Resolve in favor of Manzie I. Rogers for building highways in the town of Searsport.

Resolve repealing resolve for the maintenance of the Blaine House.

Resolve in favor of C. H. Thompson.

of Calais for board and lodging of Mary Socktoma, a member of the Passamaquoddy Tribe of Indians, during her illness.

Resolve in favor of Dr. J. Willis Marion of Calais for medical services to Frank Frances, a member of the Passamaquoddy Tribe of Indians, now deceased.

Resolve in favor of R. Lyle Hodgins for damages sustained in building the State Hospital at Bangor.

Resolve in favor of Ralph W. Crockett, for services and expenses as police commissioner for the City of Lewiston.

Resolve extending the provisions of Chapter 163 of the Resolves of 1919 relating to the collateral inheritance tax and Probate Laws of the State of Maine.

Resolve in favor of Stephen Blaisdell for materials furnished in the construction of the Central School Building for the Maine State School for Girls.

Resolve providing for the purchase of reports of the Centennial Celebration of the Maine State Bar Association.

Resolve reimbursing the St. Mary's General Hospital of Lewiston for services rendered in caring for certain patients during the calendar year 1919.

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

Passed to Be Enacted

(Emergency Measure)

An Act amendatory of and additional to Chapter 9 of the Revised Statutes, relating to the assessment and payment of excise taxes.

This act carrying the emergency clause required the two-thirds vote 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.

Finally Passed

(Emergency Measure)

Resolve in favor of the Maine State Prison for maintenance and current expenses.

This resolve carrying the emergency clause required the two-thirds

vote of the Senate on its passage. Twenty-four senators voting in the affirmative and none in the negative the resolve was finally passed.

Orders of the Day

Mr. EATON of Oxford: Mr. President, I move to take from the table S. D. 115, An Act to abolish the board of public works of the city of Lewiston and to provide for a highway commission.

The motion was agreed to and the Senator yielded the floor to the Senator from Androscoggin, Senator Parent.

Mr. PARENT of Androscoggin: Mr. President, I move that we non-concur with the House in the adoption of House Amendment "A."

The motion was agreed to.

Mr. EATON of Oxford: Mr. President I move that we take from the table S. D. 116, An Act to promote the efficiency of the fire department of the city of Lewiston.

The motion was agreed to and the Senator from Oxford yielded to the Senator from Androscoggin, Senator Parent.

Mr. PARENT of Androscoggin: Mr. President, I move that we non-concur with the House in the adoption of House Amendment "A."

The motion was agreed to.

Mr. EATON of Oxford: Mr. President, I move to take from the table S. D. 117 An Act to amend the charter of the city of Lewiston and to provide for a city auditor.

The motion was agreed to and the Senator from Oxford yielded to the Senator from Androscoggin, Senator Parent.

Mr. PARENT of Androscoggin: Mr. President, I move that we non-concur with the House in the adoption of House Amendment "A."

The motion was agreed to.

Mr. GARCELON of Androscoggin: Mr. President, I move that we take from the table S. D. 37, Resolve proposing an amendment to the Constitution relative to advertising signs.

The motion was agreed to.

The PRESIDENT: The Chair will state that this matter was referred to

the committee on judiciary, who filed a majority report "ought not to pass" signed by Messrs. Gillin and Parent on the part of the Senate and by Messrs. Buzzell, Wing, Cole and Murchie on the part of the House; minority report, "ought to pass" signed by Senator Farrington on the part of the Senate, and by Messrs. Gardiner, Hinckley and Murray on the part of the House.

Mr. GARCELON: Mr. President, I move that the minority report, ought to pass, be accepted.

This is a resolve proposing an amendment to the constitution of this State. The amendment proposed reads as follows:

"Advertising on public ways, in public places and on private property within public view, may be regulated and restricted by law."

This matter, I feel very safe in saying, has never previously come before a Maine Legislature. Most of you are doubtless wondering just what the question is about, and why an amendment to the constitution seems necessary.

Have you, Mr. President, or you, Mr. Senator, ever been riding along Maine's beautiful scenic highways, enjoying the thrill of motion, the exhilaration of Maine country air, and the rapid succession of the delightful varieties of Maine scenery,—hills and valley, rivers, brooks and lakes, fields and meadows,—the eyes and mind and soul entranced and soothed by the beauties of Nature, never so generously spread on every hand before tired city men and women as here in the old Pine Tree State,—have you ever been riding along the highway, glad for the moment to escape from all thoughts of city and city affairs, and then seen loom before your eyes—for you couldn't possibly help seeing it—it was made to be seen—a large billboard, or a whole series of billboards, that engaged your entire attention, in vivid colors and perhaps crude pictures extolling the merits of cigarettes or soaps or suspenders? Or else the side of an old barn with huge letters advising you to try some particular brand of sarsaparilla for that tired feeling? Or, instead, trees and fences which apparently exist

chiefly for the purpose of informing unsophisticated travelers where to go for "gent's" clothing when they reach town?

But perhaps, gentlemen, you are practical business men who enjoy that sort of thing. Perhaps you take delight in the keen business instinct that seeks to thrust notice of its wares into the faces and attention of all persons, everywhere, at every opportunity. Perhaps you yourselves rely upon the information thus obtained to determine what shirts you will wear and what tobacco you will chew. Perhaps you feel that although it may be true, as has been so often quoted, that "God made the country, and man made the town," that man has done a pretty good job in making the town and should be given every opportunity to improve upon the country.

All right, then, gentlemen, let's go back to the city and see what we find there. Here is a beautiful residence, in perfect taste, built at considerable expense. It is in an attractive residential section, and the family in it should be entirely happy. But across the street is a vacant lot; and on the vacant lot is a billboard. And all day long, every day, the people who live in this beautiful residence have a baked beans advertisement staring them in the face. But that isn't all. The billboard may stay there for the next ten or twenty years; and the value of their property is therefore materially depreciated because of that billboard. The owner of that vacant lot maintains that he has a perfect right, under the laws and constitution of the State, to use his property in this instance as he pleases. And so he has, at present, a perfect legal right; but his using it as he pleases causes a great injury to his neighbor, many times greater doubtless than the benefit he himself receives for the use, or rather misuse, of his property as a location for that billboard. The billboard also, of course, causes a loss to the city in taxes because of the depreciation of that other property.

Mr. President, we are proud of Maine. We call her, and rightly, "the playground of the Nation." Our sum-

mer visitors come, many of them from far away, to our woods and farms, our streams and rivers, our lakes and shores; and not a few just to motor through Maine. We appreciate their coming, and we value their presence. They come from the large cities. To them the charm of Maine lies in its unspoiled natural simplicity. They come to get away from the cities and all that suggests cities. They enjoy Maine; they love Maine; and they spend here each year a vast amount of money just to pass the vacation weeks amid her simple rural charms. How much do you suppose they would care to motor through Maine if they had to ride—as we all may have to sometime, unless something is done—between a high board fence on either hand, glimpses of our beautiful scenery and lovely vistas being obtainable only by looking over or between or beneath catchy reading matter about malted milk or chewing gum?

Mr. President, I have no objection to advertising. I know that advertising is necessary. I believe in advertising, in its place. But I do not believe that Maine scenery is the proper place. There are other means and places, much more suitable. If people read the advertisements in newspapers or magazines, it is because they choose to do so. Personally I will confess that when I pick up a magazine I almost invariably read the advertisements first. They are usually instructive, well written and well illustrated, artistic and in good taste, and I enjoy them. But I do not enjoy having these huge, and often ugly, permanent handbills thrust before my eyes at every turn, and I do not believe that they improve the appearance of the State to any great degree, or add materially to property values, even including the property on which they stand.

Now what is the remedy? What, gentlemen, can we do about it? In Europe they do some things better than we do here in America. In the various countries of Europe they have drastic laws regulating and restricting outdoor advertising signs.

But they do not have constitutions as we do here which prevent such exercise of legislation over private property. Yet even in this country there are things that may be abated as public nuisances under the police power of the State. Noises and odors, if big enough and bad enough, may be so abated. But there are things that may offend the sense of sight just as poignantly. The courts, however, have not yet held that esthetics is within the police power. Therefore, without this proposed amendment, we as a Legislature may pass laws in regard to billboards on private property only if they concern the police power as at present defined,—that is, the public health, morals or safety. For instance, billboards may affect the public health by shutting off, in cities, light and air; or by the space in the rear being used as a dumping-ground. They may affect the public morals by displaying improper advertisements. And they may affect the public safety by being so poorly constructed as, especially in the case of roof signs, to be likely to blow over and injure someone; or by being built of inflammable materials and so increasing the fire risk; or by affording a shelter for criminals and criminal practices; or by being located near highway intersections and railroad crossings. We have a section in our Revised Statutes which forbids their being so located in the case last mentioned.

So, gentlemen, we can now pass laws restricting billboards only if they come under one of these heads,—that is, in cases affecting the public health, morals or safety. Such cases, with the exception of signs near highway intersections and railroad crossings, I believe to be very rare in Maine. At least, I have heard no complaint about any. What I wish, however, for the Maine Legislature is not merely the power, which it now has, to pass legislation against specific cases—rare in Maine—of billboards affecting injuriously the public health, morals or safety. I wish it to have powers more broad. I wish it to have the power which will allow it to pass legislation which

will regulate and restrict, in proper cases, the construction of billboards along our scenic highways, and in our cities where they lessen materially the values of surrounding property.

If this constitutional amendment which I propose should be passed here and adopted by the people, it would of course have no immediate effect upon billboards. It would not change the status of one of them. The amendment would simply give succeeding legislatures the power to pass such legislation as might seem proper to them. We do not need to fear that under this power they would do any injustice. We do not need to fear that they would be any less careful of property rights, in proper cases, than are we. However much, gentlemen, we may be loath to admit it, other legislatures will come, other senators will sit in these self-same seats, and the business of government will go on as usual. But if this amendment is adopted they will have power in this instance which we do not have. They will be able to abolish ugly and unsightly structures, which we cannot do.

But it is objected by some that there is no demand for this amendment. "No demand," they say glibly, and throw it into their mental wastebasket. It is true, Mr. President, that at the hearing before the committee I happened to be the only one to speak in behalf of this resolve. It is true that there were no persons or interests behind me to induce me to prepare or introduce it. It is true that the papers of the State have had neither headlines nor editorials upon this matter, and therefore the people over the State as well are almost entirely ignorant of its very existence. The members of this body have not been deluged with form letters innumerable urging its passage. No genial and expert lobbyists have enlisted your sympathies in its behalf. I myself have asked no Senator to vote for it; in fact, I have not even mentioned it, except at the committee hearing. There has been absolutely no publicity in this matter. I have sought none, being quite content to rest the case entirely upon

its own merits, trusting to the good judgment of the Legislature. Whether there is a so-called "demand" for this or not, there certainly is a need—and that should be sufficient reason for us to submit the matter to the people. If the demand does not exist overwhelmingly, it will be very easy to determine that fact when the votes are counted.

But the demand does exist, Mr. President. People in Maine have good taste and good judgment. And they are all affected, because they all have eyes—that is, all except the blind. I trust that we members of this body may not be too blind to do something about it. The people in Maine are interested, even though they have made no pilgrimages to Augusta to seek for relief. It is not a program solely of idealists. Hard-headed business men have spoken to me on the street, both here and at home, saying that they heartily approve of this measure. Women's clubs are taking up the matter and endorsing it. Gentlemen, billboards in Maine are still in their infancy. The situation, I admit, is not yet acute. But as time goes on and they multiply—as multiply they will—then as the nuisance increases, the demand to regulate and restrict will increase correspondingly. But why wait longer to do that which is inevitable, when the longer we wait the greater the difficulty?

This is a progressive measure. In this movement Massachusetts is the pioneer. She leads the way. At her Constitutional Convention held in 1917 and 1918 precisely this same amendment to her own constitution was adopted, and was subsequently adopted by the people. If we too adopt this, we but follow in her footsteps. But we shall have the satisfaction of knowing that after Massachusetts alone, we with our proud motto of "Dirigo" lead all the other states.

It is a progressive measure, Mr. President; also a somewhat novel one. But we should not be alarmed at mere novelty. The world moves; times change, and we change with the times. What today is radical and revolutionary, is conservative and

commonplace tomorrow. At the last session of the Legislature, for instance, I labored nearly all winter with the committee to give a favorable report to my proposed constitutional resolve in regard to absent voting. But the committee was obdurate; in their minds the proposition was altogether too radical and dangerous for Maine. This session it goes through the Legislature without a word of opposition. I may be pardoned perhaps if I enjoy a quiet smile now and then when I overhear some who opposed it so vigorously two years ago, now busily stating to sympathetic listeners that the absent voting measure is the only progressive legislation passed so far this year. Yes, Mr. President, the world moves; and this amendment will come just as surely as comes the spring each year. The only question is, Will it come early or late? Let us pass this resolve this year, and thus help to refute the widely-published assertion made by a former member of this body just before the beginning of this session. This is a progressive measure; and I for my part believe that this Legislature is progressive.

Mr. GILLIN of Penobscot: Mr. President, and honorable members of the Senate: I do not propose to waste a moment of your time. The learned Senator has gone into this at some length. I am one of the signers of the majority report who think that such legislation at the present time is inexpedient. I am also of the opinion that the drafters of our constitution would think it a strange amendment to tack onto it, how persons should use their private property and place signboards thereon. The gentleman has spoken of the beauty and the grandeur of your State. There was a time, gentlemen, when its sea-lashed coast and its granite hills and its splendid rivers and its matchless area had no billboards or signs stuck up upon them that any one could find fault with, but that was a time when the area of your State was entirely in the possession of the Indians. Civilization, gentlemen, is marching forward, and I think that people riding along the beautiful roads of the State of Maine

can find no fault with the business interests of this State if they advertise on their own property what they have for sale. If you go down through the streets of Augusta here you will find signs hanging out all the way, and I do not know of any place in the State of Maine that I have ever ridden through, and doubt if there is any distinguished Senator here who has seen any billboards that would frighten a horse or take away from him for a moment the sense of the surrounding beauties, the aroma of the air, the matchless splendor of the hills and the sparkling of the waters just because there was a billboard.

The gentleman has said that Europe is ahead of us in these things. I will admit it. I will guarantee there isn't a single board in Russia. They are shot to pieces. And there are very few business men there that could put up such things.

I do not feel, Mr. President and gentlemen of the Senate, that at this time it is necessary to send out to the people a billboard resolution to amend the constitution of the people of the State of Maine, and I do not believe it is progressive legislation in any sense of the word. The territory of the State of Maine has 31,500 square miles. It only lacks 385 miles of being as large as all the other New England States together. You, gentlemen, riding along the marshes of your coast, where there is no beautiful scenery, if you happen to see a signboard that tells you where to go to a garage to get oil for your automobile do not want a constitutional amendment to prevent those people using their private property for that purpose. And I believe, submitting it to you as I ought, not expecting it would come up this morning, gentlemen, that the framers of your constitution never dreamed that an amendment to the constitution which they drafted would come up for the people to vote upon to prohibit billboards on the wayside. And I do not think it is legislation that at the present time ought to be engrafted on your statute books. I think by an examination of the law pertaining to these things that you will find you have

got all the law now that you ought to have. I have no interest in the matter other than to attempt to sustain the majority report of the committee, and I move, Mr. President, that the majority report of the committee, if it is in order, have a passage, and not the minority.

The PRESIDENT: There are two reports, the majority report, ought not to pass, and the minority report, ought to pass. The Senator from Androscoggin, Senator Garcelon, moves that the minority report, ought to pass, be accepted.

A viva voce vote being doubted, Mr. Garcelon of Androscoggin called for a division and the same was had.

Eight voting in the affirmative and 18 in opposition, the motion was lost.

Mr. GILLIN: Mr. President, I now move that the majority report of the committee be accepted.

The motion was agreed to.

On motion by Mr. Gillin of Penobscot, the rules were suspended, and the following order was presented out of order:

Ordered, that the Governor be requested to return Bill, An Act to amend Chapter 436 of the Private and Special Laws of 1834, entitled "An Act to incorporate the City of Bangor, and acts amendatory thereof or additional thereto;" also Bill, An Act to provide for the return and cleansing of ice cream and sherbert containers, for the further consideration of the Senate.

The motion was agreed to, and on further motion by the same Senator, the Acts were tabled.

Mr. THOMBS of Penobscot: Mr. President, I move that we take from the table S. D. 138, An Act to amend the first two paragraphs of Section 38 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 37 of the Public Laws of 1919, relating to the protection of deer.

The motion was agreed to, and on further motion by the same Senator the bill was given its second reading and passed to be engrossed.

Mr. THOMBS of Penobscot: Mr. President, I move that we take from the table Senate Document 126, An Act

to amend Section 10 of Chapter 117, of the Revised Statutes, as amended by Chapter 31 of the Public Laws of 1919, relating to salaries of reporters of the supreme judicial court.

The motion was agreed to, and on further motion by the same senator the vote was reconsidered whereby this bill was passed to be engrossed.

The same senator then offered Senate Amendment A to Senate Document 126, and moved its adoption.

Senate Amendment A to Senate Document No. 126.

Amend title of Senate Document No. 126 by adding after the words "Revised Statutes" the words "as amended by Chapter 216 of the Public Laws of 1917, and"

Also amend the enacting clause of Senate Document No. 126 by adding after the words "Revised Statutes," in the second line thereof, the words "as amended by Chapter 216 of the Public Laws of 1917, and"

Senate Amendment A was adopted and the bill as amended was passed to be engrossed.

Mr. THOMBS of Penobscot: Mr. President, I move that we take from the table the resolve in favor of the town of Prentiss.

The motion was agreed to.

Mr. THOMBS: Mr. President, is not the report of the committee ought to pass in new draft?

The PRESIDENT: That is correct.

Mr. THOMBS: Mr. President, I move the substitution of the original resolve for the report of the committee.

The PRESIDENT: The Chair will state that the original resolve appropriated \$1825.25 to be paid to the town of Prentiss. The new draft appropriates \$790.50.

Mr. THOMPSON of Knox: Mr. President, the amount of \$790, or whatever it is there, is the amount of the resolve in new draft, the report of the committee after hearing.

I think there were two committee hearings on it. I know there were. At the first hearing I was not present, as I was engaged in some other committee. As the result of the second

hearing, the committee talked it over in executive session and decided that the amount reported in a resolve in new draft was sufficiently large to pay for the damages that were suffered. It is the same story that has been rehearsed before in the Senate. It was the deliberate judgment of the committee that that amount was nearer the amount that the law contemplated should be allowed to any party. Hence we reported as we did.

Mr. THOMBS: Mr. President and fellow senators, in order that you may vote intelligently upon this matter I feel that it is incumbent upon me to make a plain statement of the facts as I understand them.

I think you will agree with me that it is not often I attack a committee report. I never do unless I feel that I am as conversant with the facts as is the committee itself. It so happens that in this particular case I have that justification for asking the substitution that I have.

Gentlemen of the Senate, let me introduce to you the little town of Prentiss away up in the northern part of Penobscot county; a little backwoods settlement, if you please, and I am informed this morning by the State assessors and the latest returns of the census, that if you should go up there you would find living in 1920, 373 people; in 1910, they had 472, and in 1900, 502. So, gentlemen, as far as population goes you are introduced to a town that is gradually wasting away. Its valuation, as returned to the State assessors for the year 1920 is \$212,805. I do not believe that there is a senator within the sound of my voice who lives within a town that is so little in valuation and so few in population.

Gentlemen, further let me say this town, as I said, in the backwoods, a town that is surrounded by boundless forests, and that is one reason, as will appear later, why this particular matter merits consideration and mention.

At the beginning of this session one of the selectmen of the town of Prentiss came to Lincoln and interviewed me regarding this claim that the town

of Prentiss had against the State of Maine. He told me that in 1919, that calendar year, the selectmen of the town of Prentiss had paid out from the town treasury, as they believed they were authorized by law so to do, the sum of \$1,805 and some cents in payment of sheep, neat stock and fowl that had been destroyed by wild animals in that year. And I found on talking with him that they had in the regular way made a request for repayment from the Governor and Council. And I found that payment had been refused by that department. I questioned him further about it, and he said they had written a number of letters to the department but they had not received very much satisfaction. Now I told him that I thought the best thing to do under the circumstances was for me, when I came to Augusta, to take the matter up with the committee on the Governor's Council that first passes upon these claims. I did so very early in the session, and those gentlemen inform me that it was a large claim, and I admit that, that it was a large claim, and that they, on account of its largeness, they were somewhat suspicious of its correctness, and their authority to make reimbursement. I went over the matter very carefully with them, and I do not need to weary you with details, but it finally resulted in this: they said the appropriation for the payment of such claims, that is, the dog tax money, was gone and they could not pay the claim now; if they wanted to. As we could not get our money now they said they felt there was some merit in the claim and they believed the best thing for us to do was to take it to the Legislature before the committee on claims, where you can have a hearing and if the committee believes the town is entitled to reimbursement they can make a resolve to that effect.

Now, gentlemen, the first thing I want to do is I want to remove, if I may, from your minds any suspicion as to the correctness and justice of this claim. I am more fortunate than the rest of you gentlemen in this particular, because I happen to know all of the people who are concerned in

this matter. That is, I happen to know the selectmen and several of the larger claimants who were paid. So personally, from the start, I have not had any doubt about the matter. I said to my friends from Prentiss "This is not a matter I can handle for you before the committee. I am prohibited by the rules of the Senate from appearing as an attorney for any person, and you must get some one to represent you, or represent yourselves there." Upon my advice they went and got an attorney, and as the Senator from Knox has told you they came down here and had their hearing. At that hearing there appeared the selectmen of the year 1919, when these bills were paid up, contracted. There also appeared one or more of the larger claimants. And there appeared the chairman of the board of selectmen for the present year.

Now, gentlemen, I want to remind you again of the process which the selectmen of towns are obliged to go through in the payment of these claims for domestic animals killed. In the first place, the claimant when he has reason to believe or believes, knows, that he has lost animals or fowl, he then, within seven days is supposed to give written notice to the selectmen, and the selectmen are then supposed to investigate the matter and satisfy themselves as to the justice of the claim, and if satisfied they O. K. it and pay him by order on the town treasury.

Let me say right here to you gentlemen that that system was followed out by the board of selectmen having in charge the administration of the town's affairs for that year. Let me further remind you that every dollar that this little town is here asking you for from the State of Maine, has already been advanced and paid out. And I want to further remind you that for a town of that size with a 37-mill rate, the sum of \$1800, or the difference between the resolve of about \$800 as recommended and as asked for—a thousand dollars is a considerable sum to those people. A thousand dollars in this Legislature does not create any comment; it is small change. A thousand dollars in the city of Portland does not amount to

much, or in Bangor, or in Augusta, or among the thriving towns where you gentlemen live. But a thousand dollars of tax money taken from the people up there does mean a great deal to them. Right there let me remind you what I have already said, that the entire valuation of the town is only \$212,000.

Now, gentlemen, on the merits of this matter I have here in my hands the original receipts that were signed by the claimants in the presence of the selectmen before they got their town order for payment. That is the first step. Now if you are going to accept the advice of this committee on claims and say to these people that you shall not have but \$800, you are going to say, first, that these people who have signed these receipts have been dishonest, and I challenge the chairman of the committee on claims or anybody else, to produce any proof of their dishonesty.

Mr. President, the second step in the procedure in this matter is for the selectmen of the town to make up upon the forms provided by the State auditor a list of claims paid, the number of animals, the names of the claimants, residences, the date of complaint, the number of animals killed and the kind of animals killed, the names of the owners of dogs if killed by dogs, the date paid upon, the man claimed to be the owner and the amount paid by the town. Those forms are provided and sent out every year to the selectmen of towns, giving in detail a statement of their doings in respect to these matters. And I want to call your attention particularly to the fact that there is a statement to this effect: "We the undersigned, the municipal officers of the town hereby certify that said town has paid such claims for sheep and other domestic animals herein described, which said sums are the amounts estimated by us and proven to our satisfaction to have been done by dogs or wild animals, and we were informed of said damage within seven days after."

These claims must be signed by a majority of the municipal officers.

Now, fellow Senators, this little

town of Prentiss, among its other people, happens to be fortunate that it has among its citizens a gentleman by the name of Pitt E. Averill. Mr. Averill is known to many of you gentlemen who sit in this Senate, because in 1915 and 1917 he represented the Patten class from the county of Penobscot in the lower branch of this Legislature. A genial, kindly gentleman, always, and, fellow Senators, I want to say to you from an acquaintance of 15 years with Mr. Averill, that I believe I am safe in stating it when I say that I believe as a selectman of the town of Prentiss he acted honestly, fairly and justly between the claimants, the town and the State.

Gentlemen, he enjoys an enviable reputation in Penobscot county, a hard working man, a man who has raised a fine family, and in his later years has seen them grown up into good boys and girls, a citizen who is not only honored by his town, but has been honored by the voters of his class, and is honored and respected always wherever he is known.

Now, gentlemen of this Senate, if you are going to say to this town that "You are going to take less than half of what the resolve calls for," you are going to say that Mr. Averill is not worthy of the confidence that has been reposed in him by his fellow townsmen.

There is something more to this matter, gentlemen. The State department having in charge this matter, when they found fault with it and were suspicious of it, they caused an investigation to be made, as was right and proper, and they sent up there a man whom I assume is skilled in the detection and ferreting out of crime, wrong doing, because he was then a licensed detective acting under the direction of the attorney general. They sent him up to this town to investigate and find out about this claim before they O. K.'d it. This gentleman, and I am going to read to you—because I want to be perfectly fair about the matter in its entirety,—his report, and I am going to make a little comment on it and then leave it to you as to whether this report is favorable to the town of Prentiss or otherwise.

He reports to the deputy attorney general: "On my return from Machias to Bangor, I found the papers in the sheep and fowl killing charges emanating from the town of Prentiss, and immediately made Kingman my destination as the nearest Maine Central terminal, arrived at Kingman, Saturday at sunset." You see that he is a very exact man.

"Sunday, I hired Cleo Smith of Kingman and made the trip to Prentiss, interviewing H. T. Boynton, one of the members of present board of selectmen. Just as a preliminary let me say that Boynton feels that former boards have been slow in properly viewing the remains of the fowl claimed to have been killed, but thinks the sheep end of the problem was properly viewed by some one member of the board."

That is one thing the detective reports back, he says that in one respect the board has done its duty. I want to say to you gentlemen upon such a report as that is it not a fair inference to assume if public officials are doing their duty in one respect, is it not fair to assume they are doing their duty in other respects?

"The new board of selectmen is as follows: S. E. Worcester, chairman; H. T. Boynton and C. W. Coffin. Your agent took the charges as indicated by the \$1800 account and went over the story with these two members of the board, and while they both feel that the bill is very large, they also claim that the people to whom credits are given are above suspicion."

This is from the paid agent of the State of Maine.

"Mr. Boynton went over with me the sheep killing and when it came to the McLaughlin charge for a calf killed by bears, he was skeptical, but I made a personal trip to McLaughlin's and he told me that he had put in a charge for sheep killed other than the one of September 1st., for part of his sheep were pastured in the town of Carroll, and he would be bothered too much in an attempt to collect. In relation to the calf killed several neighbors saw the bear and that he and Henry Standley fol-

lowed the bear tracks to his lair and there saw parts of the carcass of the calf and the ground was covered with excrement, indicating that bruin had gorged himself to the extent of a physic."

In that particular instance this sleuth was satisfied of the killing of the calf by the bear.

"It was a theory of Mr. Boynton that bears did not trouble cattle or their young, but I am fully satisfied after talking with the parties that McLaughlin lost his calf as indicated."

"I talked with several parties, including the deputy sheriff, and he was of the opinion that the fowl story was foul, from a point of view that no method could be devised that would make the losses to the State above suspicion. The suggestion that the total number of fowl killed in one night, taking the account of A. R. Thompson, would be small, and that no great number of hens would be carried off by foxes, but that this bill covered a long period from hatching time to year old fowl."

"I cannot see what can be done in this matter, but if left to the ingenuity of the auditor, he will devise some scheme where there will be better audit on the part of the selectmen, which will take the hen killing problem out of the line of suspicion where undoubtedly it exists, aside from those who have received the benefit of the law."

"One disinterested party told me that if the bills were held up to the extent of a scare, the selectmen in the light that the State would not pay such enormous charges without better proof, would hesitate to give orders or checks to cover the claim. He thought it better to have the bills presented and sent to the State auditor for approval, but these parties do not read the statute as to the present legal rights of the claimant."

"Messrs. Boynton and Worcester are anxious to have the claim paid, and gave me assurance that any claim presented under their administration of town affairs would meet close scrutiny in every detail. I might add that they both feel that a larger

bounty should be offered by the State for the capture and killing of bears, for the average sportsman would not bother with the small bounty as now offered."

"Mr. Boynton suggested that a caustic letter touching on the fowl situation be written to the selectmen to be posted in the office giving them some authority to direct action on the payment, such as a demand for better proof than the word of the victim of the loss. It looks to me as if it was a case of shifting the burden to Augusta instead of whipping the claimant into line from the selectmen's office."

Then he goes on to state something about matters he investigated at Machias and Kingman.

"In going back to the selectmen of the town of Prentiss, I am convinced that they will demand better proof in the future on the fowl situation but they have no way of remedying the condition covering bills already paid by former boards which take in the 1919 account against the State. Your agent wishes he might—" Mark this—"Your agent wishes he might have found evidence of absolute fraud, but is not warranted in casting any cloud on this bill from present information, other than it is a mighty slack way of doing business in allowing these people to render a bill at any time during the year."

Gentlemen of the Senate, what do you think of a report like that from a State detective who says that he "Wishes he might have found evidence of absolute fraud?" Is a report like that worth the paper it is written on? It is not to me, but glory be! His letter stands there and is a justification of the honorable gentleman whose name I have mentioned to you, and is I believe a solid foundation upon which you can take your stand in voting to pay this town every dollar paid out.

"Every application for re-imbusement should swear to his claim before some magistrate,"—that is not required by law,—for if fraud was contemplated that might deter claimants from falsely registering their de-

mands. I am returning your papers.
Respectfully submitted,

FRED A. TARBOX,
Special Agent."

Now, gentlemen, that is the report that is turned back into the State here. Now then, this man on the ground, this man skilled in the detection of crime, going there as biased as he evidently was, if he could find nothing more to say about this claim than to say it was "foul," I say that his report should not have very much weight.

After the committee had made its report I wrote to the selectmen of Prentiss and told them about the committee report and asked them if they were willing to accept it. I have in my hand a letter received this morning, dated Prentiss, March 29, 1921, and by the way, let me say that they held their town meeting on last Monday, at which time this matter was taken up with the voters. "Honorable George W. Thombs, Augusta, Maine.

Friend Thombs:

In reply to your letter would say that the town voted not to accept anything less than our claim. It is an honest bill and one that the State should pay. The town is very much in need of it. They did not pay any claim for sheep or poultry the past year, and as this claim is large and was paid by the town in good faith, it should be paid.

Yours truly,
PITT E. AVERILL,

Chairman of the Selectmen."

Now, gentlemen, this strange conduct of affairs with this town has resulted in a situation up there where the selectmen refuse to pay any claim presented. It is unfortunate, and in my opinion it is illegal, for they are acting at variance with the statute in such cases made and provided.

Now, gentlemen, I have tried to present to you this matter fairly and candidly, and I have no quarrel with the committee on claims. I am wrong so often that sometimes I feel as though I am never right. Possibly that may happen to some others.

I want to say to you gentlemen and remind you again that the

money has been paid out, money that was clean from these people, and it is impossible to have it returned to the town. It simply means that unless the State steps in and reimburses them that they have got to assess upon their citizens and their property an extra thousand dollars to pay the bill which they believe they were justified in paying, and aye, not only justified but they believe, and I think correctly believe, that they were obliged to pay under the laws of the State of Maine.

I had occasion to remark a few days ago that I had no sympathy with this law, and we have had previously some discussion in regard to it, and the committee on claims quarrels some with claimants, but I have yet to hear in this Legislature from them or from anybody else, any proposition to repeal this law, and place it and the towns and the State in a position where there might not be controversy over these matters.

Gentlemen of the Senate, not for myself, for I am not interested except as a representative from Penobscot county, but as a friend of some of the people living in an adjoining town, but with absolutely no other interest, I ask you to substitute the original resolve for the report of this committee, believing as I do that your act will only be fair and just and meritorious.

Mr. EMERY of Washington: Mr. President and gentlemen of the Senate: I feel that in justice to the committee on Claims some statement should be made as to the reason we made this recommendation. The claim came to us as the largest that had yet been presented by any town. I am frank to say that it came to us with a slight cloud of suspicion, partly on account of its size; but the committee in hearing the claim set that aside and acted, or tried to act with an entirely open mind. As the eloquent Senator from Penobscot has stated, there was quite a full representation from the town of Prentiss, who were closely questioned by the committee on Claims, and the testimony brought out this fact that in the case of animals, sheep

and cattle and their young proper investigation had been made by the town authorities in each case, the remains had been visited and inspected and all the processes required by law complied with. With respect to poultry killed, however, this was not done. In only two cases, I think, for very small amounts, testimony showed that any investigation was made at all. We felt that the interests of the State in this matter, the law being as it is, demanded that we refuse the claim for poultry on the ground that the claims were not properly investigated. In doing this, gentlemen of the Senate, we were casting, or desiring to cast at least, no aspersion or no suspicions on the good people of the town of Prentiss. But if claims are to be adjusted on the basis that all who apply are honest—and most of them are of course, and the question, the possibility that some may be mistaken, is to be set aside, and all claimants are to be treated as though their claim must be allowed, gentlemen, you are opening the doors of the State treasury very, very wide indeed.

There were, concerning this claim, some things which we felt we ought to take into consideration. The town of Prentiss is a small town, has only a few people, I think one hundred and four or five polls, and 52 claims were put in from that town. The testimony of the selectmen showed that for the past ten years they had been paying in claims for animals and poultry killed averaging in excess of \$1000 a year. In the case of the poultry killed I believe the figures show that the poultry killed in that town by wild animals aggregated three-fourths of the poultry in town, and still the year preceding that, and for ten years preceding that, similar claims had been coming into the State for poultry having been killed. It was an excessive mortality, Mr. President and members of the Senate, and while we do not wish to call into question the integrity of anybody, we feel justified in viewing the poultry part of this claim with some suspicion, especially in view of the fact that the testimony of the interested parties themselves showed

that these particular claims had not been investigated. When the committee on Claims took that matter under consideration, some members of the committee opposed paying anything at all. We talked the matter over, however, and we agreed to give them recompense for such claims as had been properly investigated, and the amount in the report we have recommended covers that claim, Mr. President. Now I have no personal interest in this matter, gentlemen of the Senate. I think no member of the committee on Claims has any personal feeling in the matter at all. I regret only that I must oppose the Senator from Penobscot.

In justice to the committee I felt this statement of facts was necessary, and I want to say, gentlemen of the Senate, that we members of the committee on claims have tried our best to do our duty as we have seen it, and we make this recommendation to you, feeling after hearing all the testimony—and we went into this case very thoroughly—that we have made a just report. Nevertheless, if after hearing the presentation of the case, the very able presentation made by the Senator from Penobscot, you vote to allow the claim, we shall feel perhaps that we will not feel very badly about it, but we will feel that perhaps justice has not been completely done in the matter.

Mr. THOMPSON of Knox: Mr. President, in the observations of the Senator from Penobscot there seems to have been certain insinuations which perhaps I do not quite understand. If I understood them as being any personal reflection on the committee, he is welcome to them. I will only say in behalf of the committee that the committee have tried to act with the utmost fairness on the evidence before them. A committee in acting on such matters as that acts judicially and is entitled to hear the testimony and to draw such inferences as may seem reasonable from the facts, not only the facts themselves but the consequences that may flow from them. Now in this matter the Senator from Penobscot jumps too quickly at his conclusions, as it seems to me, and it seems to me also that there is a lit-

tle of what Judge Peters has called in a certain legal opinion "unconscious admission." Let me read to you a sentence from the letter of Mr. Tarbox which he read in our hearing, but on which he did not comment so extensively as he did on a later sentence.

This is it: "In going back to the selectmen of the town of Prentiss, I am convinced that they will demand better proof in the future on the fowl situation." There you have it, gentlemen, right there "they will demand better proof." Isn't that an admission on the part of this State detective that these people who are now putting in this claim did not make themselves good under the law as required by our State?

Another suggestion that he makes. He told us and I think I have his figures here—and if I am wrong he will correct me—I understand him to say that the valuation as returned for the present year is \$212,905—for the year 1920. In 1910 I have it \$147,000; 1900, \$112,000. So you see that commencing back in the year 1900 the valuation of the little town of Prentiss, which he describes up there in the woods, has gone from \$112,000 to \$212,000—\$100,000 in that many years—pretty good, I submit, for a little town. At the same time he has pictured to you the dwindling of the population. Has it occurred to you, Senators, that while this population has been dwindling the town has been getting rich from a comparative point of view? While the population has gone down, the valuation in 20 years has gone up. It has gone up \$100,000. Now why? Do you wonder that a town would increase in valuation when it brings in a resolve directing the State to pay it \$1800? Do you wonder a little town will grow rich quick even though it loses its population? I don't put that argument up to you, but it is there just the same. As I say, it is what Judge Peters once saw fit to call an "unconscious admission."

Now on the valuation of this town. If this business is kept up through the State, you will find that the State will have bills to pay up to the amount of \$600,000 every year, and, incidentally, gentlemen, that will help to

solve the traffic question. The railroad question will not trouble us so much as it did if the State of Maine buys its own poultry, and if the people of Bangor, or Carroll, or the little town of Prentiss up there want to swap money for poultry, that gives them an opportunity to do it and gives an excellent opportunity to escape the high payment of freight which now obtains upon our railroads. We find from an official investigation that in the year for which this claim is put in there were 1728 fowl and the number killed was 1367. They killed all the fowl in town except 361.

Now the committee there find that there were 35 sheep killed, 18 lambs and one calf. They allow for them the sum of \$790 which we were satisfied was paid according to law. I take exception to another form of argument suggested by the senator from Penobscot when he held out his hand there, and in that hand he held receipts showing that the money had been paid. Very true. That the committee do not dispute. And I say that is an unfair inference on the integrity and fair dealing of the committee to show them, to draw that conclusion, which I understood him to make. We do not dispute they paid the money. But it is not a sufficient answer that the State should respond in damages and payment simply because they paid the money. They must pay it according to law, and the fact that a man pays it is not sufficient; he must go a step further and show that it was paid in accordance with the law.

I think the statement made by Senator Emery of the committee is ample justification for the action of the committee in that respect. Now the argument that therefore because this is paid by one it must be reimbursed by the other, I say is unfair. Any town or any individual may pay and say—"Because I paid it, I paid it in good faith, therefore I should be reimbursed." Now every lawyer knows that good faith is not enough. A trustee in the handling of funds may exercise good faith and still it is held by our court that it is not sufficient that he act in good faith, he must act with

good judgment as well. And so I say that in a case like this, where the selectmen are in a certain sense trustees of the people's money and ask to be paid out of the State treasury, they must not only act in good faith but exercise good judgment. And this, I say, is one of the things the committee found fault with. It is not enough to say I have done it in good faith. It is not everyone who says "Lord, Lord," who enters into the kingdom of heaven. He must do what the law requires. The committee were not satisfied, and I think Senator Emery bears me out in that conclusion, that they have not done what the law said they should do. I want to say further that we are satisfied that we dealt fairly and liberally in the matter of these animals that were killed as alleged by wild animals. We were satisfied that that thing was done, that the proper investigation was made. Now we took that matter as a whole. We acted upon it, as I say, judicially in accordance with the good intention of the parties and in accordance with the requirements of the law. We arrived at the result which we did, and if, as the senator suggests, we disagreed in some things in the matter of the executive sessions of our committee, we talked them over in good faith and tried to arrive at results. And I do not know as it is very reprehensible on the part of the committee if they seek discussion. I do not know that it is a reproach. We have felt in our committee that we were acting for the interests of the State, that free discussion in a committee of the matters under consideration were proper methods of arriving at results. We are not here with a string around our necks to go through certain formalities. We are here with a purpose. We have tried to perform that purpose, and I am sorry that any Senator goes so far as to say that the committee in its wranglings, and for that reason perhaps unwarranted, bring reports in here, perhaps as the result of those wranglings. We have had differences. We talked them over. We parted in good friendship after having talked the ins and outs of the questions all

over. I understand that is what we are there for. I do not understand that we should be reproached if we don't go just according to Hoyle, or arrive at results through certain parliamentary rules. I am sure that the committee has acted in a way that they thought was for the interests of the State, giving each party a fair opportunity to be heard.

Now if the Senate sees fit on account of what has happened here to take this from the hands of the committee, I have no objection to their doing it. I have simply done my part and have tried to do it fairly. Now there is another inference put out here. He says "your agent wishes he might have found some evidence of absolute fraud but is not warranted in casting any cloud on this bill from present information other than that it is a mighty slack way of doing business." That is what we say. Simply because there is an absence of fraud it does not follow that we accuse them. There is no such accusation there. We submit the inference is unfair that by denying this bill in the way we did, and to the extent we did, we have found the other party guilty of fraud.

No such inference follows. And I say that so far as the standing of the gentleman who represented the Patten district in the House two years ago is impugned by the findings of that committee and that we are really attacking him, I confess that I do not see the point. I do not think the logical result follows that is suggested by the Senator from Penobscot from the action taken by the committee. Senator Emery says, if I understand him, that there was no testimony of any consequence, and that only as to a very small amount, as to the manner in which the poultry here sought to be paid for was killed. Now we will put it another way. You may put the word of Senator Emery against the word of the gentleman who represented the Patten district in the House two years ago. I do not think either one follows, so far as that feature of it is concerned. As I say, if the Senate wants to vote under these circumstances to pay this bill, I am content.

Mr. COBB of Kennebec: Mr. President, I wish to say that I have the greatest respect for this committee, and I believe their work has been faithful. It may be that they do not feel the way that the State may feel in this matter, or the way I feel. And while I have respect for this committee, I also have respect for the citizenship of Maine.

I wish to say also that I am sick of this bill. The honorable gentlemen and senator who spoke before me, said that they itemized the cattle, sheep and those things and that they should be paid, but that the hens,—that property, that has not ever been taxed, that is quite a sore hen for me. As far as I can understand the selectmen of that town have done very similar to what the selectmen in the other towns have done, when they come to a small item as regards hens, so that I feel the selectmen were not amiss in doing what they did.

Now, gentlemen, the inhabitants of this State, have this problem, and we have a law that does protect them in regard to this property. Are they going to raise this property if we do not protect them? As long as we have such a law I say that these bills should be paid.

They say there is a suspicion, but, gentlemen, there may have been such a thing as to whether or not all those hens were destroyed, and I do not know and I cannot find where there has been evidence enough to show that they were destroyed. I say that if they were destroyed the law says they shall be paid, and I say we should pay them. It seems to me a great mistake in the people of Maine of they do not pay when property is destroyed. I shall vote for the bill.

Mr. BEMIS of Somerset: Mr. President, I come from a farming county, and I am a farmer myself, and there are people in my own town who are making a profitable living out of the poultry business, and I assure you that I have been much enlightened since I came here to this Legislature to learn that a hen or a chicken is a domestic animal, and I must say that

I am not in sympathy with this State paying for chickens and hens destroyed by hen-hawks, rats or any other animal of the kind. Now I think we are abusing the law which was intended to protect the sheep industry of the State. We have extended it to the poultry industry which I believe is all wrong. It is my judgment that the members of this committee acted in justice not only to the farmers of the State of Maine, but to the State of Maine itself.

Mr. THOMBS: Mr. President, I trust the gentlemen of the Senate will pardon me if I take just two or three minutes more. In reply to the gentleman from Somerset who has last spoken, I have simply to remind you and this gentleman that the statute law and the rulings of the attorney general's department, and the common practice in this State for several years past, have authorized the payment for poultry destroyed. So far as he finds fault with the law, I will go with him. But when he says, if he intends to say, that the State shall now, having paid in the past these claims, but now having discovered how obnoxious the law is, shall now refuse to pay those which have accumulated, then I part company with him there. I say the fair way for the State to do is to amend or repeal this law, settle up the claims accrued as justice dictates, see that no man or community is injured.

The honorable Senator from Knox need not be alarmed that I am criticising him or finding any fault with him. He is my friend. And I did not knowingly say one word about any wrangling in the committee, and I would not if I had known it. Gentlemen of the Senate, some claim in this Legislature has got to be the largest, and is it any argument or a fair argument to say that that the largest claim, because it is the largest should be discriminated against.

Just one observation more, gentlemen. Are you going to follow the recommendation of a committee which says that we believe in a part of this matter the municipal officers of the town have acted justly and legally, and in another part of it that

is occurring day by day along with the good part of it, as they say—that they then have two natures and that one day they are righteous and on the next day they are public servants not to be trusted. I want to say that I think that gentleman does impugn the honorable gentleman who was a member of the board of selectmen, in that way. I have offered his statement written in his own hand within a day or two in which he says they are honest claims. Gentlemen of the Senate, can a man be honest on Tuesday and an incompetent and dishonest official on Wednesday? It is possible, but is it probable? Are you going to quarrel with the selectmen if they—I am going to quarrel with this committee if they want to rest this case upon the manner of investigation. They have not detailed for you nor for me the evidence presented. They give us the benefit of their conclusions. I have laid before you every scrap of evidence that I have been able to collect regarding it that you may draw your conclusions and not accept mine.

How ridiculous the proposition is if we carry it out to its logical conclusion. The widow living on a back farm, with a little flock of poultry as her chief means of sustenance, loses two hens and she goes out and she finds the feathers and she finds some fresh blood and she believes Mr. Sly Fox has paid her poultry yard a visit. Now as to the law she has seven days in which to make a claim. Maybe she can get to the selectmen's office without walking and maybe she can't, but she has got seven days any way in which to make this claim. I want to ask you, gentlemen, if after the lapse of seven days in this climate of Maine, with its winds, its rains, its fogs, its snows, if you as a selectman of a town would expect to find anything to indicate in a poultry yard that seven days before a hen had been killed? It is ridiculous. More than that, if they want to hold the selectmen up to doing their strict, exact duty in a matter of that kind, it would require the visit of two of those selectmen to that spot—two hens killed, worth perhaps two

dollars or three dollars, and it means that two selectmen harness up their teams and go out for five or six miles and investigate—they are going to use up a half a day of the town's time for which the town has got to pay them. Then you have got a cost to somebody, and it falls upon the citizens of the town, you have got a cost for investigation that exceeds the original cost of the poultry destroyed. Gentlemen, it is a ridiculous proposition. There isn't any question about it. I want to repeat again, I think the law is absolutely worthless. But I want to appeal to you as fairminded men and as agents of the State of Maine that before the law is changed you take a just and honest attitude toward these claims which have been contracted under the present law as interpreted by the department and by selectmen of the State generally.

Mr. FARRINGTON of Kennebec: Mr. President, I rise to a point of inquiry. As I understand the report is for all except the hens killed, and I would like to have the information, if it is possible, as to whether or not the selectmen made any particular investigation on the point of whether these hens were killed or not?

The PRESIDENT: Can the senator from Knox, Senator Thompson, answer the inquiry of the senator from Kennebec, Senator Farrington?

Mr. THOMPSON: I think Senator Emery can answer that question better than I can.

The PRESIDENT: Will the senator from Washington, Senator Emery, please answer the inquiry of the senator from Kennebec.

Mr. EMERY: Mr. President, as I remember the testimony and I made rather full note on it, there was no such evidence given. The evidence shows that investigation had been made and the law complied with in the case of cattle, but not so in the case of poultry, and that is the point on which we rested our decisions, Mr. President.

Mr. COBB: Mr. President, I rise for information. In these other claims in regard to hens has there always been evidence that the select-

men went out to investigate when hens were lost or killed? I would like to know about that.

Mr. MORRILL of Cumberland: Mr. President, I want to inquire if the committee turned down the killing of the hens, or the loss of the hens was turned down entirely?

The PRESIDENT: Will the senator from Washington kindly reply?

Mr. EMERY: Mr. President, I will say to the senator that we did not accept the fact that the hens were killed as having been proved. There was no evidence that we could find to show that they had been killed. The selectmen specifically testified that they had not investigated those cases.

Mr. MORRILL: Then did you not allow any loss on account of the hens?

Mr. EMERY: No sir, we did not.

Mr. MORRILL: We have already allowed in this Senate one bill for four or five hundred dollars for hens killed. It seems to me that we are making flesh of one and fish of the other. And it seems to me that this situation seems to be the result of a mighty foolish law that is on the books. I thought that the Agricultural Committee would draft a bill to put an end to this poultry business, but they have not done it, and if they do not the next House and Senate will be dealing with this sort of thing more than we are now.

Mr. EMERY: Mr. President, in response to the remarks from the Senator from Cumberland, I would say that the case referred to was adjudged on a different basis. In that case the claim was denied on the ground, which the Senate later overruled, that hens were not domestic animals. In this case that is not the question. The question is whether the Legislature is justified in paying its claim, a claim where there is no evidence that it was properly investigated. If the Legislature wishes to rule that these claims need not be investigated we shall rest on your judgment, but in that case you will open the doors very wide indeed for every kind of claim that may be submitted for poultry or cattle or whatever may be brought in.

Mr. BABB of Cumberland: Mr. President, I am another farmer who raises hens and live in a neighborhood where hens are raised. On our farms if we wish to keep our cattle in their places we put fences around them and look out for them. We who raise hens or poultry put fences around them also and keep them in their place. In my town where I live, and in the county I think you will find there have been very few claims come in for poultry, and it is because they have been protected.

It looks to me as though there has been gross negligence of those who make the claims for poultry killed by wild animals. Put fences around them and care for them and I think these claims will stop. Perhaps the eggs were set in an incubator, so many of them not having come out, and perhaps wild animals attacked them there. I wonder if you have thought about things like that?

Mr. THOMBS: Mr. President, if I remember the rules of the Senate correctly I have to have permission to speak a third time.

The PRESIDENT: In the absence of objection you may speak again.

Mr. THOMBS: Mr. President, I think Senators will not be influenced in their decision in this matter on account of other claims. The committee on Claims is amply able, as committees in the future will be, to deal with claims presented.

In answer to the Senator from Kennebec and his inquiry, I want to call his attention again to the letter of the detective which I read, which was before the committee and used by them as evidence, as I understand, and I want to remind him that this paid agent of the State of Maine under his signature said he did not find any cause for fraud.

Mr. GILLIN of Penobscot: Mr. President, I wish to read to the Senate Section 112 of Chapter 4 of the Revised Statutes: "When any city, town or plantation shall have paid damages to the owners of sheep, lambs, or other domestic animals, as provided in Section 110, for losses caused by dogs, and the amount of such damages cannot be collected from the owners or keepers of said

dogs, or the dog or dogs causing such losses cannot be identified, or shall have paid such damages for losses caused by wild animals, the mayor of such city, or the municipal officers of said town or plantation, shall forward to the State auditor a statement of facts in each case, showing the amount so paid, and the State shall re-imburse such city, town or plantation to the amount of such damage from the fund received by said State under Section 103, and so much as may be necessary is hereby appropriated to pay the same."

Mr. President and gentlemen of the Senate, it has been my duty as counsel in numerous cases to insist on having cases tried out under Section 110, where the selectmen of the town choose one man, the claimant another, and those two a third. And in just such cases, case after case, as my Brother Thombs has presented before this fair committee on Claims, the towns I have represented have been re-imbursed, and they have been re-imbursed for fowl, and they called them domestic animals under this Statute. If you allow one town to collect, and we are forced to do it, we are forced to fight it through, and the town in this instance has got to pay.

I say that I am well acquainted with the chairman of that board of selectmen of the town of Prentiss. He is a man who is known from one end of the county of Penobscot to the other, and is also known throughout your State. He occupies a very important position of trust and not only in his town. His town has paid these claims. If you do not want fowl to be called domestic animals, if you do not want that done, amend your statute. I have argued and take the same position that the distinguished Senator from Knox, Senator Thompson, takes, that the statute ought not to cover and they ought not to say it covers fowl. But the men who make the award against you have the right under the statute, and the selectmen are helpless and the towns have to pay the bills. I think they should be re-imbursed.

Mr. FARRINGTON: Mr. President, I did not intend to go into this con-

troversy. I have known and sat in the House with the gentleman who is the representative of the selectmen of the town of Prentiss, and a finer man never lived in all the world. In my attitude and the way I shall vote on this thing I am not reflecting on his integrity nor am I for one moment thinking that there is any fraud in the thing. It comes right down to this thing, Mr. President and fellow Senators: The selectmen of the town, I think, have got a little careless when the hen bills came along. They do not investigate as they should and the Senator from Penobscot, Senator Gilling, I know does not mean that the State of Maine should pay a claim that has been improperly paid by the selectmen of a town, where they have failed to make the proper investigation. It seems to me that the case before us should be decided simply on the point as to whether or not they did make proper investigation of the killing of these hens. If they did I believe the resolve should be paid. If they did not, I believe the report of the committee ought to stand.

The PRESIDENT: Is there further discussion? If not, the Chair will state the question. The original resolve appropriated \$1805.25 to be paid the town of Prentiss. The committee on claims reported a new draft under the same title and that it ought to pass. This new draft provides for the appropriation and payment of \$790.50. The Senator from Penobscot, Senator Thombs moves that the original resolve be substituted for the report of the committee. It is obviously unnecessary for the Chair to state that those voting affirmatively vote for the payment of the \$1805.25. If the first proposition be defeated the question will then come before the Senate on the other matter.

A viva voce vote being taken and the Chair being in doubt, a rising vote was had. Ten voting affirmatively and 14 in opposition, the motion to substitute the original resolve for the report of the committee was lost.

The PRESIDENT: The question is now on the acceptance of the report of the committee.

Mr EMERY: Mr. President, I move that the report of the committee be accepted.

The motion was agreed to.

The PRESIDENT: The Chair at this time lays before the Senate a matter especially assigned for this morning, the majority report of committee on redistricting the State, and will recognize the Senator from York, Senator Spencer.

Mr. SPENCER of York: Mr. President, I move the indefinite postponement of the resolve and the accompanying apportionment under it.

The PRESIDENT: The pending question is on the acceptance of the report of the committee. The Chair suggests that we deal with that in some way. The Chair will state for the information of the Senator, the report may be accepted and the resolve then disposed of. The Chair feels that some action should be taken with reference to the report of the committee, that it be accepted or not.

Mr. SPENCER: Mr. President, do I understand that I have the privilege of speaking on it at this time?

The PRESIDENT: Yes, it is debatable.

Mr. SPENCER: Mr. President, as a member of the redistricting committee who did not sign the report to submit this proposition to the Senate, I feel that it is incumbent upon me to say something with reference to it. I believe this is a momentous hour and I believe that this resolve is vicious. I want, however, to appeal only to your judgment, not to your feelings.

This resolve is identical with one which was presented at a Senate conference last week, and it was introduced at this time to obtain official recognition. I hope that it obtains such recognition as I believe it merits.

It is intended under this resolve to increase the membership of the Senate in Maine to 39. I have no doubt, if this resolve is successful, that there will be another resolve introduced into the Legislature at this time to increase the membership in the House of Representatives. However, that may be, I feel that this is an expenditure of the

State's money for an object which is unnecessary. It will add about \$5000 to the expenses of maintaining the Legislature.

This is a peculiar resolve. It purports to be based upon population as one of its fundamental bases. It also claims it is only based on one fixed basis. But under the resolve the bases of apportionment according to population are all different. The two extreme cases are the apportionment of Cumberland 31,094, the apportionment of Lincoln 7980. Is this under population at all? I had a case in the library which discusses this matter much more fully than the American & English Encyclopaedia of Law, but someone has borrowed it and I am unable to procure it at this time. However, I will read from this authority what is known as the Wisconsin act of 1891 and its construction under the decision of the court. "The Wisconsin Act of 1891, creating Senate districts varying in population from 38,690 to 68,604, and Assembly districts varying from 6823 to 38,801, the numerical unit of representation by the census of 1890 being 51,117 in the Senate, and 16,868 in the Assembly, was held to be in violation of the constitutional provision that the apportionment should be 'according to the number of inhabitants.'"

Now those are the identical words, "apportioned according to the number of inhabitants," which are used in this resolve. Counties as such have no vested rights in State senatorships. They are simply parts, and subordinate parts of the State sovereignty; they are simply the machinery of the State. A county is not as important in many instances as a city in matters of population and valuation. The present constitution provides for apportionment according to districts and does not recognize counties wholly but incidentally speaks of the apportionment as to be made according to county lines as nearly as may be. I believe that no senator here will take any issue with me on this proposition that a State senator, be he elected from York, from Oxford, from Cumberland, or any other county in this State, is a State official; that he represents the

whole State, not his county alone, and on that proposition, gentlemen, I am willing to stand or fall on any issue that comes before the Legislature at this time.

The present constitution was made by able statesmen and among them I have noted five chief justices of the supreme court of Maine, and 16 associate justices. I believe that the constitution of Maine was founded in wisdom and experience. I believe that it has stood the test of time. For 100 years the State has advanced, its population has more than doubled, and its valuation now exceeds more than one-half billion dollars.

I do not think that this is any time, in the closing hours of a Legislature now congested with the business of the State, to consider any change in the organic law of the State.

I must go on record against this proposition because I believe it to be arbitrary, dictatorial, confiscatory and discriminatory. It violates a fundamental principle of our form of republican government in that the principle of equal representation exists for the benefit of the State and not the individual alone. I shall have to go on record against it because it centralizes great powers in small areas. I shall have to go on record against it because it puts the enactment of all legislation in this State in the hands of the minority. If you want any proof of that, add together the populations of the 10 smallest counties in this State and you will get 273,890, and to that population under this resolve will be given 20 out of 39 senators. I believe that the results of this resolve, if passed, will be far-reaching. I cannot see the end. I believe, however, that we may safely assume that some of them would be selfishness, unrest, anarchy, revolution. I believe that the constitution of the United States under Article 4, Section 4, is controverted by any such resolve as this, insofar as it guarantees to every state in the Union a republican form of government and not an oligarchy,—I believe that this resolve would violate the 14th amendment of the constitution, although I have failed to find any construction

that has ever been placed upon this feature. I believe further, and under that 14th amendment, that it belongs to the same stripe as class legislation and special privilege. And finally, gentlemen, I want to go on record, with Hancock and Adams and Washington, on this fundamental principle of equal representation insofar as it may be consistently consummated by all human effort.

Now, gentlemen, I want to call your attention to the resolve itself.

(Chart displayed.)

Gentlemen, I want to refer you particularly to the bases of apportionment in this resolve which may be designated as population, a fixed number, and maximum and minimum limits. And I shall prove positively that no human ingenuity can apportion this State under it.

In the year 1920 the census gives for Maine a population of 768,014. If we divide that population by 39, which is the proposed number of State senators under this resolve, we get 19,692 or approximately 20,000. If we apply that standard to the County of Aroostook instead of getting three as under the resolve we get four. If you apply that standard to Penobscot instead of getting three you will also get four. Now if you add you will get 41, according to the population; you only get 39 under the resolve. In short, the apportionment under the fixed number, the population, and the maximum and minimum limits which are proposed is a mathematical absurdity and is therefore impossible. If the framers of this method of apportionment cannot apportion under it, I hope that it will be consigned to the scrap heap of human inconsistencies in order that future generations may not question our sanity.

Mr. President, I now renew my motion that the two resolves be indefinitely postponed.

Mr. SPRAGUE of Piscataquis: Mr. President, I have no doubt every member in this Senate knows just how he is going to vote. I think that any talk or discussion is futile because this matter has been considered not only in the committees but by two conferences of the Senate and by the

members of this Legislature a great deal of the time this winter.

The reason why your committee have presented this resolve at this time is because a majority of that committee believed that if redistricting of counties was to go on, under the present system, if the representation in the Senate was to remain upon the present basis, that your Senate would soon be out of balance and out of fair and just proportion as a whole State, as between the interests of the different sections of this State. As I understand it, Mr. President, I do not think there is any disagreement on the proposition that our form of government, our National government and our State, is founded upon a system of checks and balances. Now the Senate, a smaller body, has always been supposed to be a little more deliberative, a little more a balance-wheel, perhaps, than the more popular assembly, the House of Representatives as we call it in our State. When that body is unbalanced, it is certainly a dangerous condition to be drifting into in my opinion.

Now your population is increasing in the counties of Cumberland and Androscoggin, where the two largest cities of your State are, more than in any other part of the State. The only county that is increasing in anything near the proportion is the county of Aroostook. Now if we keep on, if we go on in this way, soon three counties in the southwestern part of this State will be in a condition and will have the power in the State Senate to dictate to the State of Maine what her policies shall be in regard to the settlement of her different interests which come before the Legislature. I ask you if that is a safe proposition?

I believe that this plan of ours fixes it so that it would be impossible for it to ever be unbalanced, because if Aroostook and Penobscot should happen to get ahead of the others, each county having two, they never would be in any danger from unfairness—I do not mean to express myself exactly that way—they would never be in danger of results of an unfair balance of power in the Senate. Now that to

my mind, to the mind of a majority of our committee, was becoming, as the population increases, a serious matter in the State. We should, redistricting it according to the increase in population under the Constitution as it is now—should give Cumberland five Senators—it is my impression five, at this time.

Now this is not anything new in the history of the government of Maine. Why, they talk as though this was an entirely new experiment. But the same principle, the same idea for the same purpose that the majority of this committee had in mind was to engraft into your Constitution, first saying that for the first 20 years, I think, certain number of years, the city of Portland—I will not undertake to quote the Constitution without reading it, but you know what I mean—after a certain period the city of Portland should be limited to seven representatives—indirectly—they say that no town of a certain number of inhabitants or more should have more than seven representatives. That principle is laid down in the Constitution of Maine to begin with. Applying it to the selection of representatives in the Legislature, our forefathers recognized the fact that whenever legislative power became unbalanced and out of order there was danger for the people. That is why that was done and was lived up to. Now in making up any apportionment at this time you have got to violate the spirit of that up in Cumberland county, for this reason: in selecting the number of representatives for Cumberland, you have got to give that county as a whole, including the great city of Portland, a very large increase. She will have, as I recall it, an increase of 15 representatives under this apportionment. There is no way in the world to avoid that. We do not want to. We shall not try to avoid it. There is no way to avoid it under our constitution. But, I say you are violating this principle, the spirit of it, when you do it by following out the constitution as it is today. These are the reasons why we want to submit this to the people, and I should feel myself better to put it so that the representa-

tives of Maine in this Senate should have an opportunity to vote upon it. If the Legislature votes not to accept of this, not to submit this to the people, why the Legislature cannot be blamed for whatever apportionment may be made.

I do not know that I care to say anything more about it at this time. I do not think it is necessary.

The PRESIDENT: The Chair will state in order that the matter may be perfectly clear to us, we are considering Senate Bills Nos. 161 and 162, accompanied by a report of a majority of the committee that these resolves ought to pass. Senator Spencer moves that both resolves be indefinitely postponed.

A viva voce vote being had and the Chair being in doubt a rising vote was taken and 16 voting affirmatively and 13 in opposition the motion to indefinitely postpone prevailed.

The PRESIDENT: The Chair will state at this time that there has been recalled from the Governor by order of the Senate An Act to amend Section 3, Chapter 144 of the Revised Statutes, as amended by Chapter 245 of the Public Laws of 1919, relating to the time of commitment to State School for Girls and State School for Boys.

Mr. SPRAGUE of Piscataquis: Mr. President, I move that we suspend the rules and reconsider the vote by which this act was passed to be enacted and passed to be engrossed.

The motion was agreed to, and on further motion by the same Senator, Senate Amendment "A" was adopted, changing the title to the act, and on further motion by the same Senator, the bill as amended was passed to be engrossed.

Mr. ADAMS of Kennebec: Mr. President, I move we take from the table An Act relating to fish hatcheries and feeding stations for fish.

The motion was agreed to and on further motion by the same Senator, the bill was referred to the committee on inland fish and game.

Mr. FOLSOM of Somerset: Mr. President I move to take from the table An Act relating to non-resident fishing license fees.

The motion was agreed to and the Senator yielded to the Senator from Piscataquis, Senator Sprague.

Mr. SPRAGUE of Piscataquis: Mr. President, this was an entirely new matter, was it?

The PRESIDENT: It was introduced on Monday, the Chair is informed.

Mr. SPRAGUE: It is not a matter that had already been acted upon?

The PRESIDENT: Does the senator from Piscataquis desire to have it read?

Mr. SPRAGUE: Yes, Mr. President.

(The resolve was read by the Secretary.)

Mr. SPRAGUE: That certainly should be referred to the committee on inland fish and game. I make that motion.

The motion was agreed to and the Resolve was so referred.

The PRESIDENT: The Chair desires to announce an additional paper from the House, which the Secretary will kindly read owing to its importance. This, the Chair will state has been introduced this morning with unanimous consent of the House under suspension of the rules, has received its several readings and passed to be engrossed, and now will be presented out of order in spite of the rule which now obtains against the reception.

(The Secretary then read an Act entitled "An Act to ratify, confirm and make valid the execution of bonds issued under the provisions of Chapter 264 of the Public Laws of 1919, known as the Maine Military Service Loan.")

On motion by Mr. Eaton, under suspension of the rules, the Act was given its second reading and passed to be engrossed.

Mr. FARRINGTON of Kennebec: Mr. President, I move to take from

the table S. D. 155, An Act to amend Chapter 132 of the Public Laws of 1919, entitled "An Act to create the Maine Water Power Commission." I do this at the request of the senator from Penobscot, Senator Gillin, who is not in the room.

The motion was agreed to, and on further motion by the same senator the bill was given its second reading and passed to be engrossed.

Mr. EATON of Washington: Mr. President, I move we take from the table An Act relating to clerk hire for office of register of deeds at South Paris, tabled by me March 23.

The motion was agreed to, and on further motion by the same senator, the report of the committee that the bill ought not to pass was accepted.

Mr. SARGENT of Hancock: Mr. President, I vote to take from the table S. D. 119, An Act to amend Chapter 8 of the Revised Statutes as amended by Chapters 111 and 168 of the Public

Laws of 1919, requiring a permit for the burning of blueberry land adjacent to forest growth.

The motion was agreed to, and on further motion by the same senator the bill was given its second reading and passed to be engrossed.

Mr. SPRAGUE of Piscataquis: Mr. President, I move to take from the table an order relative to a joint recess committee on distribution of State school funds.

The motion was agreed to and the senator yielded to the senator from York, Senator Allen.

Mr. ALLEN of York: Mr. President, this matter having been cleared up to the satisfaction of the committee on education, I now move that the resolve be indefinitely postponed.

The motion was agreed to.

On motion by Mr. Morison of Penobscot,

Adjourned until tomorrow morning at nine o'clock.