

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Tuesday, April 5, 1921.

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

Prayer by Rev. Paul S. Phalen of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: An Act increasing the salary of the judge of the municipal court of the city of Gardiner.

(On motion by Mr. Cobb of Kennebec, the rule requiring printing was suspended and the bill was given its first reading.)

The same senator then offered Senate Amendment A.

Mr. COBB: Mr. President, I have an amendment which I have to offer. I will say that in a recent meeting of the delegation it was decided after deliberation to offer this Senate Amendment A. The amendment increases the salary of the judge from one thousand dollars to twelve hundred dollars.

The secretary read the amendment.

Senate Amendment A was then adopted, and under suspension of the rules, on further motion by the same senator the bill was passed to be engrossed, in concurrence.

From the House: An Act to amend Chapter 246 of the Private and Special Laws of 1909, relating to the salary of the judge of the Farmington municipal court.

Passed to be engrossed in the House.

On motion by Mr. Hall of Franklin, the rule requiring printing was suspended, and the bill was given its first reading.

On further motion by the same senator, under suspension of the rules, the bill was read the second time and was passed to be engrossed, in concurrence.

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

This bill was passed to be engrossed by the Senate, which rejected House Amendment A. The House now insists upon its former action and asks for a committee of conference.

On motion by Mr. Morrill of Cumberland, the Senate insisted upon its former action and joined the committee of conference.

The Chair appointed upon such committee on the part of the Senate, as this matter related solely to the county of Cumberland, Messrs. Morrill of Cumberland, Eaton of Oxford and Baxter of Sagadahoc.

From the House: 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.

This bill was passed to be engrossed in the Senate.

The House adopted House Amendment A, for the purpose of correcting a clerical error.

On motion by Mr. Allen of York, the vote whereby this bill was passed to be engrossed was reconsidered. On further motion by the same senator, House Amendment A was adopted in concurrence, and the bill as amended was passed to be engrossed.

The following remonstrances were received and

Placed on File

By Mr. Morison of Penobscot, Remonstrance of W. J. Stewart and 41 others of Corinth against the passage of "An Act regulating the sale of liquor in Maine."

Mr. Spencer of York: Remonstrance against passage of the bill regulating the sale of liquor in Maine, by Mrs. Nellie L. Kimball and 327 others.

Orders

On motion by Mr. Emery of Washington, it was

Ordered, that the secretary of the

Senate be requested to return to the Senate from the files, reports of the committee on towns on An Act to divide the town of South Thomaston.

On motion by Mr. Baxter of Sagadahoc, the rules were suspended and that senator presented, out of order, the report of a committee with accompanying order:

The joint recess committee appointed by the President of the Senate and Speaker of the House of Representatives of the 79th Legislature to investigate and report upon the consolidation of the banking laws of the State, beg leave to report that on account of the chaotic condition of the securities market, they have not deemed a report at this session expedient, and respectfully recommend that a committee be appointed with authority to investigate the same subject matter and report to the 81st Legislature, and to that end recommend the passage of the following order.

(Signed)

Messrs. BAXTER
EATON of the Senate

Messrs. FAGAN
MURCHIE of the House

The report was accepted.

The accompanying order was read by the secretary:

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

The order was given a passage and the Chair thereupon appointed the former members of the committee, Senators Baxter and Eaton, tentatively, subject to the acceptance of the order and its passage by the House.

Bills in First Reading

S. 164. An Act to amend Section 19 of Chapter 5 of the Revised Statutes, as amended by Chapter 69 of the Pub-

lic Laws of 1917, relating to sessions of Boards of Registration.

(On motion by Mr. Emerson of Aroostook, the rules were suspended, the bill given its second reading and passed to be engrossed.)

S. 211. An Act to amend Section 27, sub-section sixth of Chapter 52 of the Revised Statutes, relating to investments by Savings Banks in Railroad Equipment Obligations.

(On motion by Mr. Thompson of Knox, the rules were suspended, the bill given its second reading and passed to be engrossed.)

S. 212. An Act prohibiting Public Games and Amusements on Memorial Day.

(On motion by Mr. Morrill of Cumberland, tabled.)

S. 213. An Act to regulate certain internal affairs of the Passamaquoddy Tribe of Indians.

(On motion by Mr. Putnam of Washington, the rules were suspended, the bill given its second reading and passed to be engrossed.)

Reports of Committees

Mr. Thompson from the Committee on Library, on An Act to provide for the preservation of archaeological objects and sites, and for the appointment of a commission of archaeology, reported that the same be referred to the next Legislature.

Mr. Babb from the Committee on Military Affairs, on Memorial to Congress, urging that November eleventh be designated as Thanksgiving day. (Senate Doc. No. 129), reported that the same ought not to pass.

The same senator from the same Committee, on An Act to amend Section 8 of Chapter 259 of the Public Laws of 1917, relating to the appointment of aides-de-camp on the staff of the Commander-in-Chief, reported that the same ought not to pass, as the subject matter is covered by another bill reported by the same Committee.

The reports were accepted and sent down for concurrence.

Majority report from the Committee on Military Affairs, on An Act to

amend Chapter 81 of the Public Laws of 1919, relating to a draft for the National Guard, reported that the same ought not to pass.

(Signed), BABB,
GARDINER,
EASTMAN,
LOWE,
GRANVILLE,
DAIGLE.

Minority report from the same Committee on the same bill, that the same ought to pass.

(Signed), GARCELON,
COBB,
WEATHERBEE.

On motion by Mr. Garcelon of Androscoggin, tabled pending acceptance of either report.

Mr. Garcelon from the Committee on Military Affairs, on Resolve for a Marker for Maine Soldiers at Valley Forge, reported that the same ought to pass.

Mr. Babb from the same Committee, on An Act to amend Section one and five of Chapter 169 of the Public Laws of 1919, relating to the support of dependents of soldiers, sailors and marines, reported that the same ought to pass.

Mr. Garcelon from the same Committee, on Resolve, to grant bonuses to the soldiers of the Spanish War, reported the same in new draft under title of "An Act to provide for the payment of a bonus to Maine Soldiers and Sailors in the War with Spain," together with a "Resolve proposing an amendment to article 9 of the constitution to provide for a bond issue for the purpose of paying a bonus to Maine Soldiers and Sailors in the War with Spain," and that they ought to pass.

Mr. Garcelon from the Committee on Re-districting the State, on the matter of re-apportionment of State Senators, reported a "Resolve dividing the State into Senatorial Districts," and that it ought to pass.

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

The same senator from the same Committee, on matter of reapportionment of Representatives to Con-

gress reported "An Act to apportion Representatives to Congress," and that it ought to pass.

On motion by Mr. Sprague of Piscataquis, tabled pending acceptance of the report.

The following committees submitted their final reports which were accepted.

Military Affairs, Redistricting the State

On motion by Mr. Morrill of Cumberland, under suspension of the rules, S. D. 212, An Act prohibiting public games and amusements on Memorial Day, was taken from the table.

(The bill was read by the secretary.)

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

Passed to be Engrossed

An Act to amend Chapter 188 of the Private and Special Laws of 1915, entitled "An Act to confer additional rights and powers upon the East Branch Improvement Company, a corporation incorporated by a special act of the Legislature, approved March 19, 1903."

Resolve dividing the State into executive councillor districts.

An Act to provide a labor lien on manufactured lumber.

S. 203. An Act to amend Section 2 of Chapter 69 of the Revised Statutes, relating to inheritance taxes.

S. 204. An Act to amend Sections 2 and 3 of Chapter 111 of the Revised Statutes, relating to the salaries and services of jurors.

S. 207. An Act to amend Chapter 319 of the Public Laws of 1915, and acts amendatory thereof, providing for State and county aid in the construction of county bridges.

S. 208. Resolve in favor of the Augusta State Hospital for furniture and other equipment.

S. 209. Resolve in favor of the Augusta State Hospital for maintenance during the years nineteen hundred

and twenty-one, nineteen hundred and twenty-two and nineteen hundred and twenty-three.

S. 210. An Act to increase salaries of certain county officers and amount of money allowed for clerk hire in certain county offices.

H. 213. An Act to amend Section 14, Paragraph 1 of Chapter 10 of the Revised Statutes, relating to the taxation of personal property.

H. 414. An Act to provide additional funds for the maintenance of State and State aid highways.

(On motion by Mr. Baxter of Sagadahoc, tabled.)

H. 422. An Act to amend Section 85 of Chapter 2 of the Revised Statutes, relating to the State contingent fund.

(On motion by Mr. Emerson of Aroostook, tabled pending acceptance of the report.)

H. 452. An Act to regulate religious worship in the public schools.

Mr. FARRINGTON of Kennebec: Mr. President, the Constitution of the State of Maine says that "All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no one shall be hurt, molested or restrained in his person, liberty or estate for worshipping God in the manner and season most agreeable to the dictates of his own conscience, nor for his religious professions or sentiments, etc.

I do not believe that the State of Maine is yet ready to pass any regulatory law in regard to religious worship in the schools of the State. I hope I may not be misunderstood in this. I think the bill should not pass, and I move that it be indefinitely postponed.

Mr. SPRAGUE of Piscataquis: Mr. President, I fully agree with Senator Farrington, but would like to hear that bill read. I have not had time to examine it.

The secretary read the bill:

"An Act to Regulate Religious Worship in the Public Schools. Be it enacted by the People of the State of Maine, as follows: The Lord's

Prayer shall be recited in unison and a portion of the Bible shall be read daily in the public schools, without written note or oral comment; but a pupil whose parent or guardian informs the teacher in writing that he has conscientious scruples against it, shall not be required to read from any particular version, or to take any personal part in the reading. The school committee shall not purchase or use school books in the public schools calculated to favor the tenets of any particular religious sect."

The motion to indefinitely postpone was adopted by a viva voce vote.

H. 453. An Act to amend Section 24, Chapter 219 Public Laws of 1917, and Section 10 and 75 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917 and Section 26 of Chapter 219 of the Public Laws of 1917 as amended by Chapter 244 of the Public Laws of 1917 and Chapter 196 of the Public Laws of 1919 and Section 81 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 196 of the Public Laws of 1919 and Section 51 of Chapter 219 of the Public Laws of 1917, as amended by Chapters 196 and 249 of the Public Laws of 1919, and Sections 27 and 59 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917 and by Chapter 196 of the Public Laws of 1919 and Section 46 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 133 of the Public Laws of 1919, relating to Inland Fisheries and Game.

Passed to be Enacted

An Act to amend Section 17 of Chapter 12 of the Revised Statutes as amended by Chapters 121 and 291 of the Public Laws of 1917, relating to the recording of deeds.

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.

An Act additional to Section 11 of Chapter 128 of the Revised Statutes, relating to the use of fare boxes and

fare registers on street cars and the mutilation of coin used in the payment of fares.

An Act to amend Section 51 of Chapter 4 of the Revised Statutes, as amended by Chapter 59 of the Public Laws of 1917 and by Chapter 97 of the Public Laws of 1919, relating to the payment by the State of the burial expenses of honorably discharged soldiers and sailors.

An Act to amend the corporate purposes of the Eastport Hotel Company.

An Act to amend Section 3 of Chapter 235 of the Private and Special Laws of 1911, relating to a police commission in the city of Biddeford.

An Act relating to adoption.

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

An Act to incorporate the Town of Drew.

An Act to amend the Charter of the Kennebec Water District.

An Act to amend Chapter 118, Section 2 of the Revised Statutes, relating to the fees of trial justices.

An Act to amend Chapter 119 of the Private and Special Laws of 1899, and provide for the compensation of the Recorder of the Municipal Court of the City of Saco.

An Act to amend Chapter 118, Section 20 of the Revised Statutes, relating to the Fees of Town Clerks.

An Act additional to Chapter 33 of the Revised Statutes, as amended, relating to Ice Fishing in China Lake, including that portion of said lake known as Mud Pond.

(On motion by Mr. Putnam of Washington, tabled, pending passage to be enacted.)

Finally Passed

(Emergency Measure)

Resolve, amending Section 17 of Article 9 of the Constitution so as to permit the use of the proceeds of State Highway bonds for the construction of State Aid Highways.

This resolve carrying the emergency clause required the two-thirds vote of the members of the Senate upon its final passage. Twenty-five

senators voting in the affirmative and none in the negative the resolve was finally passed.

Resolve, in favor of several academies, institutions, seminaries and colleges for maintenance, repairs and improvements.

Orders of the Day

The PRESIDENT: The Chair lays before the Senate matters specially assigned for today. First, An Act relating to salary of secretary of State, tabled by Senator Parent, being an Act to amend Section 15 of Chapter 117 of the Revised Statutes, the report of the Committee on Salaries and Fees being that the same ought not to pass.

Mr. PARENT of Androscoggin: Mr. President this matter was tabled by me by reason of other matters pending which might affect the duties of this office. They have not yet been acted upon. I do not wish to block up our docket or delay matters here. It is a matter that can be very quickly disposed of, and I ask that this lie on the table, be retabled and assigned specially for tomorrow morning.

The matter was agreed to.

The PRESIDENT: The Chair now lays before the Senate H. D. 142, Resolve in favor of Northern Oxford Fish and Game Association, tabled by Senator Sprague. The question is on the adoption of Senate Amendment "A." The Secretary will please read the same that it may be perfectly intelligent to the Senate.

(The Secretary read Senate Amendment "A.")

Mr. SPRAGUE of Piscataquis: Mr. President, I oppose the adoption of that amendment at this time. This is a very important matter. The facts are simply these: It will cripple that department very much to take that out of the funds, but if that law stands, then it may be done.

Now we have a hearing this afternoon at two o'clock to repeal that law that passed through here this winter—it was three or four weeks on its passage here on everybody's desk and they knew all about it, but

we have had a bill presented to repeal that very law raising the fees from two to five dollars, the fees of non-resident fishermen. So I ask to have this tabled until tomorrow morning on account of that other matter.

Mr. THOMBS of Penobscot: Mr. President I do not care to discuss the matter of tabling it. I would like to know, the title suggests to me as to whether or not the Northern Oxford Fish and Game Association, whether this is now a State owned fish hatchery?

The PRESIDENT: Can the Senator from Piscataquis, Senator Sprague, answer the question of the Senator from Penobscot?

Mr. SPRAGUE: It is not, but it co-operates with the State, Mr. President, and in harmony with the State in every way and the State is perfectly willing to aid it, the department is perfectly willing to aid it and think it is for the benefit of the State to do that, but it is opposed and the department cannot permit its funds to be crippled any more than it has already by this Legislature.

The motion was agreed to and the matter was specially assigned for tomorrow morning.

The PRESIDENT: The Chair will state that agreeably to the order of the Senator from Washington, Senator Emery, the secretary has returned to the Senate An Act to divide the town of South Thomaston.

Mr. FARRINGTON of Kennebec: Mr. President, I move that the Senate suspend the rules and reconsider the vote by which it accepted the majority vote "ought not to pass" on an Act to divide the town of South Thomaston.

The motion was agreed to.

Mr. FARRINGTON: Mr. President, I move that we accept the minority report, and I yield the floor to the senator from Knox, Senator Thompson.

Mr. THOMPSON of Knox: Mr. President, I do not know that I have been able to marshal any facts, unless they perhaps be marshalled differently—from what I presented the

other day. I feel, however, that owing to the circumstances and the suddenness of it—I may be allowed to say a few words.

This propoganda which was put out the other day, and which I had not had opportunity to look over, I wish to allude to again, and perhaps I may discover some things here which I was unable to consider the other day, and some things of necessity may be a re-statement in substances of what I said, I think Friday of last week.

Now it is stated here in this propoganda that the population in 1910 was 1438, and that has been substantially the population of the town since it was divorced from the town of Thomaston in 1848 until the year 1920, when it fell to 947. A study of the census figures will show that it fell from 1438 to 947 within the last 10 years. During these last 10 years the policy to which I alluded the other day seems to have been pursued. It is a misleading policy. It is a policy which shows that the municipal officers of the town of South Thomaston have in that respect so conducted affairs as to operate as a discouragement to any man who seeks or wishes to do business within its borders.

Now these people who are here objecting to division are small taxpayers, while these who are seeking division are large taxpayers. These two young men they have referred to here by "men," practically the two young men and some other young men with them are the ones who are carrying on the fishing business. Their property is open to the sunlight and the rain, and to the eyes of the assessors, and it escapes not taxation. They pay a tax of over \$200 on their business; while in the other part of the town these people who had mortgages to the amount of over \$30,000 are escaping taxation, taking advantage under the law as they have a perfect right to do. It is for their interest to do as they are doing, for they have an opportunity to escape taxation under the law. By a division of the town then there is a chance for the assessors to inquire and see if there is not other property which these men are now secreting,

which can be made the subject of taxation. That is the real motive for their opposition to the division.

Now in the matter of roads they have made considerable talk here. They say there are 34½ miles of road. That length of roads, as I understand the situation, was made by some automobilist, an automobilist, as I get it, from those who oppose division, made by an automobile running on a soft tire. Of course the wheel makes more revolutions and shows more miles by running on a soft tire than it does on a full one. On the other hand, those who are seeking division, made a measurement on a government chart and showed four miles less. So that the distance in roads is not truly reflected in the statement here of 34½ miles. It was stated down in the highway department that the measure on the chart was as correct as the other one, so you can see, senators, for yourselves, which one is likely to be the true measure and which one is likely to be the erroneous one.

You can wiggle waggle to one side of the road and the other and you can get more revolutions with a flat wheel than as if you go straight ahead on a hard wheel, and the more revolutions you get the more mileage you get.

Now on these roads here which they state so much about, they refer to the fact—I saw it somewhere, that those in the old part of the town were mud roads. I do not know but what they are mud roads in all parts of the town so far as my experience in riding in that town in a machine is concerned. I will say, however, that in the western part of the town, from Thomaston to St. George, there is a State road which is of very little expense to the town of South Thomaston. It is a thoroughfare. The other thoroughfare in the town of South Thomaston consists in the road from the Keag to Rockland, and the larger part of it passes through the proposed new terminal, so that in case of a division the burden of maintaining the thoroughfare for the South Thomaston people will be supported by the proposed division and not by the old town of South Thomaston.

The markets which these men seek in carrying on their business are the Boston or the Western markets. They are five miles from the station or the steamboat landing at Rockland, and it is necessary oftentimes in the transportation of their fish, scallops and lobsters and fresh fish, to have good roads. The existence and the profit of their business depends upon the ease and comfort and the speed which they can make to reach the express offices where their shipments are made. Now the condition of the roads is such that it is impossible for them to make any reasonable amount of speed. They can get there, to be sure, but they must crawl. They cannot be up to the times. They cannot keep up with fair competition, if they are to maintain the present roads as they are.

I do not know whether I mentioned it the other day or not, but there was a woman died a few years ago who formerly lived in South Thomaston by the name of Monroe. She gave the income of \$4000 for the benefit of the roads in South Thomaston. The income of that is—if it was four per cent, it would be \$160—I think the report here says that they got \$170. Of course in case of a division the new town would lose under the terms of that will the benefit of the income of this trust fund. There are other trust funds also for the benefit of the old town so that the total amount of the trust funds amounts to about \$200. So that so far as the keeping of the roads is concerned the town of South Thomaston is not going to suffer to the extent that they would have you understand by this propaganda in case of a division. They conceal the fact of these trust funds which are retained to the benefit of South Thomaston, and will be retained still more in case of a division.

I think I had some occasion to say the other day something about the resources of the town as stated in the last annual report. They have \$1996.94 uncollected taxes and tax deeds to the amount of \$1264.63. I had curiosity enough to delve into that a little bit, not very much but a little, and found that the tax deeds

in some instances were included in the uncollected taxes, so that we have double reckoning among the assets here. Now I speak of that to show the unreliability of the statement and the objection that any reasonable man has who is trying to see his town get along fairly, to the unsophisticated way in which the assets of the town are put before its voters.

Something has been said about schools. In the statement of these municipal officers there was an unexpended balance 1919 common schools of \$1600.02, and they received from the State \$1800. Now is it possible that these town officers down there are using the State's money? That report looks very much as though they did. They have only used \$200 of it according to their own statement. On another page of the report is an expense put out here by E. A. Rowell, service to school board \$12, and on the unpaid taxes for 1920, the year just closed, this same man has an unpaid taxes of \$18.70. In other words, while they have a claim against this man Mr. Rowell of \$18.70, they turned round and paid him the full amount, instead of collecting of him \$6.70.

Now they have put out some propaganda here about the schools. —I think I referred to some of that the other day, this, mind you, gentlemen, by their own officer who gives utterance to these expressions: "The surest way for the town to continue to lose population is to allow its schools and equipment to fall behind the times. The best business investment which it can make is in modern school plants, structures to which the pupils and the townspeople can point with pride and around which can be built a school spirit and a town spirit that will make people do things for the public good."

Recollecting that this Legislature has just passed a law which requires a greater scrutiny of outhouses where our pupils attend the public schools, I call to your attention the following observation made in writing by their superintendent of

schools, this superintendent of their own choosing:

"The schoolhouses and toilets are in a most unsatisfactory condition. The grammar school building is the best of any in town. None of the others are suitable for school purposes in their present state of repairs. The toilets are in worse condition than the school rooms. I have not entered any one of them that is in fit condition for use." So he goes on in the same line, showing the conditions of the schoolhouses there. And these people who are seeking division here are young men who have families coming up, children who will need education.

It says about 75 per cent. of the people of Ingraham's Hill and 95 per cent. of Ash Point village are opposed to the division. The owners of Crescent Beach House and Pavilion and many cottage lots are also opposed to a division. This Crescent Beach house property is within the limits of the proposed town of Owl's Head. Those who are opposed to the division who have property there are the ones that have a mortgage on this property. That is the secret of that opposition. It was stated by this gentleman here as a member of the school board at the hearing, as I recall it, that there was considerable difference, several hundred dollars, between the town books and the town reports and he was unable to explain it, and in a town of that size a matter of several hundred dollars in one year amounts to considerable, and it is a just and righteous reason why these people should be sustained in their efforts.

Now in the matter of town division of town offices in the past. In the last 20 years out of 60 possible selectmen from the town this section of the town has had only 12, as I recall it. The difference which I spoke of in the last eight years amounts to \$832 —the difference between the published report and the actual figures as shown by the town books. Now Senators, I have been unable to go into this answer in detail after detail, but I submit that when this matter is studied and answered which I have

not had opportunity to do fully, that it not only makes out a strong case, but an exceedingly strong one. The report of this committee, as I have said, was originally six to four in favor of division. And the fellows here who have escaped taxation have been able to be here practically all winter and keep their case before the Legislature, while the others had their money and their fortune to earn at home. Now it is stated here that about 75 per cent. of the people of Ingraham's Hill and 95 per cent. of Ash Point Village are opposed to the division. That is not true. Some of them signed two petitions, charging a misrepresentation was made to them, and so reckon it one way or the other, just as you please.

Now, I think I have wearied the Senate sufficiently on this question. But in my judgment, knowing as I do many of the things set out, with the reason which I have given for some of them are personally known to me, and the report of the committee being a divided one, it is entirely proper for this Senate to consider all these things and the circumstances that have been going on here in this Legislature for this winter, and I am certainly in favor. Mr. President, of the substitution of the minority report which earlier in the session as reported in the House was a majority report.

Mr. SPENCER of York: Mr. President, I simply want to go on record as I formerly did against the division of this town. I have seen nothing up to the present time which would induce me to change my former decision. Under the circumstances I have nothing more to say.

The PRESIDENT: The bill is an act to divide the town of South Thomaston and the question is on the motion that the report of the minority ought to pass, be accepted.

A viva voce vote being doubted, a division was called for, and 15 voting in the affirmative and five in opposition, the motion prevailed, and the minority report was accepted.

On motion by Mr. Farrington, the rules were suspended and the bill was

given its two several readings and passed to be engrossed.

Mr. THOMBS of Penobscot: Mr. President, I move we take from the table House Document 73, An Act to re-enact Section 24 of Chapter 69 of the Revised Statutes, relating to when no succession tax shall be assessed on the stock, bonds and evidences of debt of Maine corporations.

The motion was agreed to, and the senator then yielded to his colleague, Senator Gillin.

The PRESIDENT: The Chair will state that the majority report on this bill, ought to pass, from the committee on judiciary was signed by Senator Parent, Representatives Gardiner, Cole, Wing and Maher. The minority report of the same committee, ought not to pass, is signed by Senator Gillin.

Mr. GILLIN of Penobscot: Mr. President and honorable members of the Senate, I have no further interest in this measure than any other of the senators here, but I believe it my duty and my plain duty to lay this matter before the Senate from my viewpoint of the measure which I deem a very important one.

As you will note from the reading of House Document No. 73 it is An Act to repeal the present existing law relative to succession taxes on Maine corporations. And, gentlemen, I beg leave to submit to you some figures which speak for themselves, pertaining to this matter. I will do it as briefly as I possibly can.

"An Act to re-enact Section 24 of Chapter 69 of the Revised Statutes, relating to when no succession tax shall be assessed"—mark you, Mr. President and members of the Senate, this is to re-enact the above statutory law that has been repealed. I call your attention to the amount that was received into the treasury of the State of Maine during the time that the repeal law was on the Statute books of the State. I want to take you back to the year 1911. In 1911 the total receipts from non-resident estates was \$15,714.01. In

1912 it was \$14,692.90. In 1913 it was \$10,636.32. In 1914 it was \$6,668.57.

Mark you, gentlemen, the decrease, as I go along: In 1915 it was \$5,420.58. In 1916 it was \$2,812.46. In 1917 it was \$4,141.59.

Now, Mr. President and gentlemen of the Senate, you have got the income from the non-resident taxes for those years. In 1917 that tax was repealed, and the present existing law, now on your statute books, was placed on your statute books in 1917. You remember that in 1916 we only got about \$3,000, and in 1917 only \$4,100.

Now let us see after that law was repealed what happened to the treasury of the State of Maine. We received in 1918, the year after it was repealed, \$59,914.43. We received in 1919, after it was repealed, \$85,520. We received in 1920, \$165,136.35. It has been as you will note, a continual increase.

Some argument will be made—some argument was made, before the Judiciary Committee that if we repealed this law we would get more non-resident corporations in, and would get more money into the treasury of the State of Maine. I say it is not so. In the three months that this 80th Legislature has been in session we have had 111 corporations formed in the State of Maine, and among them, Mr. President and gentlemen of this Senate, are the following non-resident corporations: One for \$1,100,000 for which the State received from its organization \$120. Its franchise tax for the year is \$125.

The Alpha Mines, a \$2,000,000 corporation, we received from its organization \$130, and the franchise tax per year is \$125.

The Franco-American Oil Co., a \$600,000 corporation, we received from its organization \$70, and its franchise tax per year is \$75.

The Sunshine Success, Inc., a \$500,000 corporation, we received \$60 for the organization and the franchise tax is \$50 per year.

The Lamb-Fish Harwood Co., a \$1,000,000 corporation, we received

\$110 for its organization, and the franchise tax is \$75 per year.

The Gulf States Petroleum Corp., a \$500,000 corporation, we received \$60 from its organization and the franchise tax is \$50 per year.

The Central States Petroleum Co., a \$750,000 corporation, we received \$90 from its organization and the franchise tax is \$75 per year.

The Angel International Corp., a \$5,000,000 corporation, and we received \$510 from its organization and the franchise tax is \$275 per year.

The New Orleans Stock Yard, a \$350,000 corporation, we received \$60 from its organization and the franchise tax is \$50 per year.

The Fruit-Nut Cereals, Inc., another \$5,000,000 corporation, and into the treasury was paid \$510 from its organization and the yearly franchise is \$275.

The Boston-Kansas Oil Co., a \$3,000,000 corporation, paid \$310 for its organization and the yearly franchise tax is \$175.

The Sarasin Six Wheel Bull-Jine Truck Mfg. Co., a \$500,000 corporation, and the State receives \$60 from its organization and the yearly franchise tax of \$50.

These, Mr. President and gentlemen of the Senate, are all foreign, non-resident corporations, and every single one of those corporations know the law that is on your statute books. When we come to another measure which is a twin brother of this, I purpose to say to this Senate that there is no man in the State of Maine, on or off the bench, or in New England who knows more about the sections of the statutes to which this applies—and I will offer volumes in the circuit court of appeals of the United States, where cases were brought in my name, and in the name of Judge Dunn, to protect the statute of which I will subsequently speak.

The cry and the argument before the Judiciary committee was this and this alone—there was not a man who argued before the committee who attempted to say if you repeal this law that it brought in an in-

crease every single year until you got \$165,000 in 1920, where in 1916 under the law then that they will put you back under, in that year you only got \$2,000,000.

This measure, gentlemen, that is now before this Senate, and it is not the first time that it has been before a Legislature of the State of Maine; it was before the Legislature of the State of Maine in 1919 in the exact form in which it is in now, and it passed the House, and it passed the Senate and was put up to the Governor, the then Governor of the State. It was put up to the Governor and he vetoed it, stating that in 1920 they might get \$85,000 in the treasury of the State of Maine, but instead of getting \$85,000 the State of Maine got \$165,000. And in the three months that we have been in session here there has been paid into the State of Maine in the month of January \$18,626.38. In the month of February we received \$20,752.09. And for part of this month of March there has been \$9,000,000 paid in.

Here is the point, here is the kernel of wheat in the bushel of chaff, there is not any question but that you will have paid into your treasury during this year at least \$200,000. And there is not any lawyer who will get on his feet to speak in favor of the passage of this act and the repeal of this old law, who can tell to you from whence there will come a single dollar, except that they say they will bring more foreign corporations into the State.

Gentlemen, we have brought foreign corporations into the State of Maine. Why are they here? Why is this great number of corporations here? Why was this great five-million dollar corporation incorporated here in the State of Maine? I will tell you why. It is because they want to put the brand of the Maine statute on it, the statute drawn by a young lawyer more than 60 years ago and who subsequently to this was a chief justice to the State of Maine, whose legal opinions in the books are literary and legal gems. I speak of Chief Justice Emery; and it was further perfected by a young man, subsequently a chief justice, and put

into form. I speak of Chief Justice Savage, that great lawyer whose mind was a reservoir of common sense and great principles of law, and he perfected this statute. This measure affects it and affects it vitally.

Let me ask the men who ask you to repeal the present existing law, why is it that this great five million dollar corporation, and these other two million dollar corporations, and the other million dollar and these other corporations, come into the State of Maine? I will tell you why. It is to put upon them the brand of the statutes of the State of Maine.

In the case of Gillin vs. Dunn, in the 93rd volume of the Maine Reports, there is an interpretation of this statute. Gillin and Dunn vs. Sawyer, and the opinion was by Chief Justice Emery, and in the case in the circuit court of appeals of the United States there is another opinion interpreting this statute, under which thousands of dollars are brought back into the State of Maine by the assignees of a defunct corporation.

Do you want, gentlemen, to take the laws of Delaware, repealing this succession tax, and engraft another one that I shall subsequently speak upon, and put it upon the statute books? Let me state to you, and let me state to the lawyers, and there are two members of this Judiciary committee here, and I know they will say, if they heard it as I heard it,—a great and distinguished lawyer before our committee, when I asked him the question, What was the reason for this measure? He said it was to let the corporations come in so that the lawyers could do business here as well as they could in other states.

I am perfectly willing—there is no man living who has a higher appreciation of the splendid members of the profession than I have; they may be right, and I may be wrong, and it is with the greatest deference and respect and hesitancy that I oppose my single voice against the eight members of the Judiciary committee.

Any lawyer here may know more

about these things than I do, but I felt it my plain and bounden duty to give you the reasons why I could not and did not agree with them. Do you think we will get the foreign corporations in here? Don't these five million dollar corporations—and I had to get the records from the office, where you can get them—does not this five million dollar corporation that is paid \$510 to come into our State, and has to pay \$275 per year franchise tax, does not this corporation know what your succession tax law is?

Will not the men who argue against this measure please tell the Senate how many dollars and cents will be put into the treasury if you repeal this law that put into the treasury \$165,000 in 1917, and go back to the law that brought in 1916 \$2,812.46, and in 1917 brought in about \$4,000?

From the time you got \$4000 under that law you have run up to \$165,000, and in the two months I have spoken about you have got \$18,260.38, and \$20,752.09.

Now, gentlemen or the Senate, I submit those figures to you. And now I wish to read to you also the veto message of Governor Milliken against an identical measure, like the one they are now trying to put through the 80th Legislature. How many of you gentlemen knew anything about this? Here we are in the same condition that you are, Mr. President and gentlemen of the Senate, we are a busy committee, and we rely upon the minority and majority reports of the committees, on the one hand and on the other, to have explanations made to us from the committees. And is it not my duty, no matter how you vote, to place these figures before you, as business men and as lawyers, is it not my duty to do it? I felt, gentlemen, it was my duty, for with great reluctance and hesitancy I put my name on that minority report, against every other member, except Mr. Farrington, who did not sign either report, showing his fairness, showing that he wanted to deliberate upon it. And whatever stand he

takes, gentlemen, will be from his honest convictions.

Here is the veto message of Governor Milliken in 1919:

"To the Honorable House of Representatives:

I have carefully examined House Document No. 140, 'An Act to re-enact'—note the same language, gentlemen of the Senate—'Section 24 of Chapter 69 of the Revised Statutes, relating to when no succession tax shall be assessed on the stock, bonds and evidences of debt of Maine corporations' and respectfully return the same herewith without my approval."

Now note why he did not approve it: "This bill would cause an annual loss in revenue from inheritance taxes amounting to from \$75,000 to \$100,000. Gentlemen, I am aware that this loss would be partially offset by a prospective increase in the number of out of the State corporations which might incorporate under the Maine law."

Let me state there that the Governor built better than he knew, because he got that very year \$165,000, which was saved for the State of Maine.

"I cannot believe, however, that we are justified in modifying a taxation policy otherwise fair and reasonable for the sake of inducing the organization under the Maine laws of corporations which have no intention of doing business in Maine."

But, Mr. President and gentlemen of the Senate, let them put against these five million dollar corporations that come into our State and put upon themselves the brand of our State of Maine laws.—There is not a lawyer, from the Atlantic to the Pacific, who does not read the Federal Reporter, who is not familiar with the case of Gillin and Dunn,—Mr. Dunn who is now a justice of our courts—against Lemuel R. Howes.

What brought these corporations in here? They are coming in here because they can say to the man who is buying stock in these corporations "There is a decision in the

highest court of the land, as well as in the Maine courts, which says that when you buy a certificate of stock under this great piece of statutory law," recognized by the greatest courts in the land in cases, gentlemen, where I was plaintiff, and which I tried against the best lawyers there are in New England, in the great city of Boston, and those cases I will lay before this Senate at the proper time. And I say to you that with \$5,000,000 corporations, and \$1,000,000 corporations, with this tax upon your statute book, crossing the borders of your State, one, two, three, four, five, six, seven—thirteen of these great corporations already organized since this 80th Legislature sat here to make laws for the people, are they afraid of your succession tax? Are they coming into your State and getting lawyers to organize their corporations? Of course they are, and they are doing it knowing what the Maine laws are. They know that your tax law has not been repealed, and 111 corporations, gentlemen, have been organized since this Legislature met.

New York, Massachusetts, have already resumed taxation on personal property of non-residents. Other states which had abandoned it are considering resuming it. So that the great State of Massachusetts, in which this case was tried which I referred to, that has gone back and has adopted the law of Maine on the succession tax. And the great State of New York has gone back and is under our law.

If other states have laws that send down into Delaware or any other places corporations so that they may be organized there, it is not for the business people of the State of Maine to turn backward, to go back to a law that was on our statute books and under which in 1916 and 1917 we only got approximately \$6,000. While in 1920 we got \$165,000, and during the present months we have got \$20,000 in January, and \$19,000 in February, and more than \$10,000 in part of March. That will surely put into your treasury at least \$200,000 during the coming year under the existing law.

In conclusion, gentlemen of the Senate, I don't wish to waste your time, and I don't intend to—in conclusion let me put a plain question up to you, it is your business in the interest of the people of the State of Maine. What amount did the State of Maine get before this wise law was placed upon your statute book in 1917? I read it to you. Your income was \$15,714 in 1911, and down to \$2,812 in 1916, and down to \$4,141.59 in 1917. Now what does this measure do? It asks you to go back under that law. No man will deny that. It asks you to repeal the existing law and go back under the law that brought that revenue into the treasury of your State.

Now what is the law that you have repealed brought into the State? The year it was repealed it brought in \$85,500. How does that compare with 1917 when you only got \$4,140? Take 1918—I didn't read that—you got \$58,914.43 where the year before you got \$4,141. How does that strike you?

I repeat, in 1919, you got \$85,520, and in 1920, after Governor Milliken vetoed this measure, you got \$165,000, although he thought you would not get more than \$85,000.

Lawyers and business men of the Senate, I submit to you the reason why I move that the minority report of this committee, on this great important measure, be accepted.

Mr. FOLSOM of Somerset: Mr. President, members of the Senate: When this matter was first brought to my attention it appeared to me, and still does appear to me, to be a purely business proposition. And in considering it I tried to inform myself from the judgment not only of the eight members of the committee, which signed the majority report, but from those attorneys who are very familiar with the operation of our laws relating to incorporation and also with the revenues produced under the present law; and it appears to me that while it is quite possible that we may derive a larger amount of revenue during the present year under the present law than we would if we reinact the old law, I feel that the decrease in the inheritance tax law will be so much that eventually our

income from this source of revenue will be reduced to a very small amount.

I just want a few moments of your time, because it is evident that this matter having been carefully considered by a very able committee from which has issued these two reports, there must be two sides to this question.

Now in 1910, Maine organized 654 corporations; last year she organized 485, of which at least two-thirds were Maine corporations. So that from those corporations organized in 1920 we shall derive but very little benefit from the operation of the present law. Being Maine corporations they would be subject to our taxes and this question is not involved in that proposition. Now the decrease in the total number of corporations was 169. In 1916 the State of Delaware organized 2,549 corporations, in 1920, 5,784, a gain of 3,235. And let me say right here that the years of 1919 and 1920 were large years so to speak, in the organization of corporations over the country, during the great business prosperity of the country. In 1916 the total revenue from corporations in this State was \$289,519.33, and in 1920, \$326,698.29, a gain of about \$37,000. At the same time the State of Delaware in 1916 received \$356,000.00, in 1920 \$1,693,000, a gain of \$1,340,000.

Our corporation fees increased over 1919 \$2,600, while Delaware's increased \$277,000.

For the period from 1910 to 1917 Maine's average income from corporations was \$277,842.78 per year, Delaware's average being \$214,257.89 per year; Maine's average being the larger.

From 1917 to 1920, inclusive, Maine's average was \$292,644.92, while that of Delaware was \$1,006,581.22.

New Jersey's total for the period ending June 30, 1920, was nearly three times that for the period ending June 30, 1919.

New York organized 3,321 more corporations in 1920 than in 1916.

In 1917 New Hampshire organized 184 corporations, and in 1920, 301.

In other words, an examination of the records of all the states shows a decided increase in corporations for 1920 over the earlier years. Maine shows a falling off due solely to the failure of non-residents to incorporate here.

Right here I wish to read a letter recently written to a gentleman who is engaged in the work of forming corporations in which he says this—from a gentleman who resides out of the State:

"I have been a stockholder in your company for some time past and although always entirely satisfied with its enterprise and good management, have disposed of my holdings therein upon discovering that the company is organized under the laws of the State of Maine.

Although you may perhaps deem me intrusive, I conclude to state my reasons for such action. The provisions of the laws of the State just mentioned, so far as they relate to the settlement of estates of non-residents, are highly unjust and inequitable, as they involve endless delays and much expense as well as unjust requirements in regard to the corpus of the estate, all of which, in my opinion, makes the holding of securities of a corporation organized under the laws practically prohibitive."

The fact that her total fees have been kept up has been due to substantial increases of capital of existing cut-of-the-State corporations in order to pay stock dividends, that form of dividend being quite generally resorted to during the last few years in order to escape the income tax.

Now the honorable senator makes the point that there has been no loss in corporations for the first three months of this year, the contention being that for the first three months of this year we have incorporated a large number of corporations; there were 106 incorporated in the first three months—we seem to differ a little in figures, but that is immaterial—and multiplying that by four would give approximately 424, nearly as many as we got last year (485). The fact is,

however, that during the same period last year there were organized 176 and hence that during the first three months of this year we have lost in incorporations 70 companies. The first three or four months of the year are the best incorporation months. At the present rate we will not incorporate 300 companies this year. Not only has there been a loss in number, but there has been a corresponding loss in revenue, the receipts from corporations so far this year being approximately \$6000 less than for the same period of last year.

Moreover, during this period, while we have been organizing only 106 corporations, we have lost 68 by excuse or dissolution. If we deduct the corporations which have ceased to do business without being dissolved or excused, there would be scarcely any gain whatsoever.

I admit the correctness of the figures quoted by the honorable senator, but the effect of the repeal of this statute which we now wish to re-enact is going to appear more largely in the very near future, because, as indicated by the letter which I just read those people who live out of the State, owning stock in corporations incorporated in this State but having no property in this State, those people, I say, are beginning to learn now as estates owning such stocks are being settled, are beginning to learn the true situation here, and therefore you will naturally see a rapid falling off in the number of corporations in this State. We are almost down to nothing now.

In marked contrast to the number of corporations received by Maine is the fact that Delaware incorporated during the month of January, 1921, 400 corporations, 133 of which were capitalized at \$1,000,000 or more, and that an even larger number was organized in February, viz. 415 of which 107 were capitalized at \$1,000,000 or more. Now, as to the contention that inheritance taxes have increased for the first three months of this year over last year: While it is true that the Attorney General's department received \$18,260.38 for inheritances in

January as against \$8,950.08 for the same period of last year, and \$20,752.09 for February, 1921, as against \$3,814.03 for February of last year, it is likewise true that there was received during the month of March this year only \$9,093.36 as against \$29,814.20 for March of last year.

The receipt of inheritance taxes is purely a matter of chance. The large amount of receipts in January is accounted for by the fact that the estate of James McLean happened to pay in that month a tax of \$12,319.24. In February there were five fairly large estates which made their payments.

This element of chance is further illustrated by the fact that in March of this year we received from local inheritances \$10,990.68, whereas in March of last year there was received \$149,184.82,—more than a third of the total receipts for the year.

The inheritances must inevitably fall off because the big corporations which pay inheritance taxes are, under the existing laws, leaving the State. For example, The Torrington Company, Nipissing Mines Company, La Rose Consolidated Mines, T. H. Symington Company and many others.

There is probably not a state in the Union which has a larger percentage of A1 corporations than the State of Maine. A list of a few representative Maine corporations doing business entirely out of the State might be given you, but it is a long list and I do not know as it has any large bearing upon this discussion because there are very few of them with which you are familiar. Moreover, it is the very best companies that the present vicious inheritance tax is driving from the State and keeping out of the State. It does not hit the "bad" companies, because the stock of such companies never reaches a value which renders it subject to any inheritance tax. That is, if it is a bona fide company doing business, a large business, it will naturally have a large amount of property. The smaller companies are organized on a chance gamble and we get the franchise tax for a year or two and that is the end of it.

The policy to deprive the State of a large source of revenue which comes absolutely from without the State,—no part of which is paid by her citizens,—with the result that the loss of this fund will have to be made up by an increased tax on our own citizens, seems to me to be a very poor one.

Mr. FARRINGTON of Kennebec: Mr. President, it had not been my intention to say a word on this matter, but owing to the fact that I did not sign either report at the time that the report was made, I feel that I should state my present position to the Senate, so that there may be no misunderstanding as far as I am concerned.

The law under which the State is operating at the present time places an inheritance tax on non-resident estates where there was stock in a corporation organized within the State of Maine. The law which it is desired to reinact would make it impossible to assess any inheritance tax on non-resident estates holding stock in Maine corporations unless there were \$1000 actual value of taxable property. Now in the first place I do not believe that there is any good reason why we should tax non-resident estates on stock held in Maine corporations where there is no property within the State. They come here to organize and then people who own stock, out of the State, in these corporations in the State die, and having a law on our books by which we can do so we proceed to enforce collection of a tax. I do not think it is defensible in theory any way, any such tax, and I will submit to the good judgment and the practical reason of the members of the Senate if such a tax is really a good tax and a just tax in the beginning.

Now the reason why I did not sign any of those reports at the time was because I was not sure in my mind which would mean the greater revenue for the State of Maine, and I was placing it entirely in my mind on the question of revenue, leaving out what I believe is a fundamentally bad law.

Since the report was sent in I have had coming to me from men who

know what they are talking about the fact that corporations, large corporations, too, are not coming into the State of Maine because of the existence of this law; that corporations which would otherwise come into the State are not coming because of the condition of what we call a non par value act, which is on the books today and to change which is proposed by this Legislature and the bill relating to which is on the table now on motion by the Senator from Penobscot, Senator Gillin. One of the resident Maine corporations, whose attorney is one of the best known attorneys in the State of Maine, one in whom everybody has confidence, when it came to reorganizing that corporation—and it was a big corporation—went out of the State of Maine to organize it because he didn't like the condition of this so-called non par value act. I am somewhat out of order in referring to this but it is one of the reasons why corporations are not coming here, and I believe from what has been told me that we are losing every day big corporations that would come here if it were not for the presence of this particular law on our books. More than that, men who understand the conditions and who know about this corporation business, tell me that corporations already within the State are preparing to go out of the State, and to take from the revenues what would come from them, simply because of the existence of this law on our statute books. So that from my present advice, not being a corporation organizer myself in my practice the same as some of the men interested are, I believe that we are losing business, that we are losing corporations, and that the balance is in favor of reinacting the old law and the repeal of the present law.

It is purely a question of guesswork, I will admit that, and that is why within my own mind I could not make up my mind to sign that report in the first instance, but with the reports coming in that the big corporations are refusing to come and the big ones in Maine are going out of Maine, I prefer to err on the side of bringing the business of these

corporations back if possible, rather than to vote the other way and perhaps absolutely wipe out to a very great degree, any way wipe out the income that we already have. Undoubtedly, Mr. President, we shall have some loss of revenue at first, but my feeling from what I have been able to gather since this report was put in, is that we stand a greater chance of losing what we have got, and I shall have to vote, much as I dislike to do so, against my fellow Senator from Penobscot.

Mr. GILLIN: Mr. President, I am astonished to hear a distinguished lawyer whose legal learning I admire stand up before a Senate, a part of a tribunal of justice of the people, and ask you to vote upon hearsay evidence as to opinions as against facts. Not that his argument is not proper and not that it is not perfectly legitimate, not that I would not make it under like circumstances—that is not what I object to at all, but he says to this Senate that even corporations in the State of Maine are leaving. Did he listen to the record? I am presenting facts to the Senate. I am not presenting to you what lawyers told me that want this measure to go through. I am not reading letters to the members of this Senate from lawyers outside of the Senate. I am presenting against the argument of the distinguished Senator from Kennebec, Senator Farrington, and against the distinguished Senator who preceded him, not the opinions of any lawyer on this proposition—I am presenting to you thirteen non-resident corporations organized in the State while we have sat here within the last three months. I have read their names. Two of them are five million dollar corporations. Did the splendid laws upon the statute book of the State of Maine, that they seek to repeal by this law, stop those men from coming into your State? Do they have weight with the business men of this Senate as against the letters of outside corporation lawyers? Is there any Senator who will get on his feet to deny that I hold in my hand record evidence that corporations with five

million dollars each, and corporations with a million dollars and corporations with \$650,000 have already paid into the treasury of the State of Maine \$2090 during the two months you have sat here and \$1400 in a franchise tax that you are going to get this year, making almost \$4000 of great foreign corporations? Why read this list? Why tell what people tell us outside of this Senate? I challenge any man to meet evidence with evidence.

And now another point. Let them come into the state of Delaware, when the great state of Massachusetts and New York are following the wise law upon their statute books. How long would any lawyer in a court of justice get up and read letters before a court within your State? Will any of the distinguished Senators who argue, say that they would be allowed to do it? I do not say it is not proper to do it but it is hot air—it is—I do not mean from the Senators, I mean from the letters outside—let me explain that, and it is not evidence before a court and I say it ought not to be evidence against this court.

I do not think that as against the record evidence you should take the outside evidence which could not be introduced in court—against the actual evidence. I simply submit this to you—I say to you, Mr. President, and gentlemen of the Senate, that the distinguished Senator's argument has shook me some, so has Senator Farrington's, but I appeal to both of those gentlemen if I state it fairly, that I have a right to show the record evidence against what I call letters which were written in to you. And which would appeal to Senator Farrington and to the distinguished Senator who opened the debate the most? If you two were sitting on that, I appeal to both of you, if you two Senators were sitting listening to two men arguing, which I said unthinkingly was simply hot air—I didn't mean that—I wish to apologize to the Senate and to the President and I hope you will understand me, I meant the evidence outside—I know my brother Senators under-

stand what I meant—now if I came up against these men who have argued and have shown you letters written by other people that you are driving not only non-resident corporations out of the State, but that you are driving resident corporations out of your State, and I stated to Senator Folsom and Senator Farrington, Here is something that is the record, here is something that is tangible, here is the record evidence, I think it would have great weight with both of those distinguished Senators, both of them distinguished lawyers. I know it would. So that I say that I cannot accept so far as I am individually concerned the theory or the argument that you may if you repeal this law get something as good as it is. We know what we have got.

Now I would like to ask the distinguished Senators, all of the distinguished Senators that listen to this debate, What do you think about the fact of these five million dollar corporations coming into your State since you have been here and organizing under the law, when they argue that we are driving State of Maine corporations out? What do you think about that? There are thirteen of them. And both of these five million dollar corporations have put into your State treasury \$510 for their organization, and they have got to pay you a franchise tax each year of \$275. Now then, my position is this, that against theory, against what people say which in any court is merely hearsay evidence and is ruled out, which no lawyer here would go into a court and tell what somebody else said,—I say that as against hearsay evidence and as against theories, that I have produced before you from the records of the attorney general's office the fact that thirteen great corporations, foreign corporations, knowing what your laws are, have organized in your State, and I say that that should have more weight with the lawyers and with the business men of this Senate than what somebody writes and what somebody says.

Now in closing, Mr. President, let me say that I have the greatest re-

spect for the distinguished Senators who have taken the opposition. I have the greatest respect for their opinion. I will be frank and fair with you, their opinions may outweigh mine. But do you not think it was my duty to put this matter before you in order that you might do as you saw fit? I wish to say to Senator Farrington, I wish to say to Senator Folsom, as I have already stated, that I hastily spoke and intending to say hearsay evidence I used the words "hot air." Through the President I beg your pardon and I beg the pardon of every Senator who heard me use the words.

Mr. FOLSOM: Mr. President and gentlemen of the Senate, I just wish to reply very briefly. I admit that all the facts stated by the honorable senator were taken from the record. I also call his attention to the fact that the figures I used were taken from the record and the record was that the State received \$6,000 more revenue from this source in the first three months of last year than was received the first three months of this year.

I also wish to inform the Senate that the writer of the letter which I read to you was not a man engaged in forming corporations. He is an investor, and as an investor was criticizing the operation of our law.

Mr. PARENT of Androscoggin: Mr. President and fellow Senators, I shall not take but just a moment of the Senate's time in this matter. No matter, since I became a member of the judiciary committee, was more thoroughly threshed out, and longer on the table than this particular matter, and also the other matter, which the senator from Penobscot has on the table.

It was considered thoroughly from all angles. The senator from Somerset has covered the matter very thoroughly, as well as the senator from Kennebec. There is but one point that I wish to bring to the minds of the senators, and that is the fact that statistics have been produced here from the records showing the number of corporations organized during the different years from 1916 to 1921.

I want to remind the senators that there was a period during the war in which corporations as a rule were not organizing, and that accounts for the falling off, undoubtedly, in this State, as well as in other states.

I think the point raised by the distinguished senator from Penobscot, Senator Gillin, and that senators are aware that what he said with reference to the trial of cases in court is true, but the rules of court do not apply to legislative proceedings.

The PRESIDENT: The majority report is ought to pass, and the minority report is ought not to pass. The pending question is on the motion of Senator Gillin that we accept the minority report, ought not to pass.

A viva voce vote was had and the Chair being in doubt a rising vote was had and five voting in the affirmative and sixteen in the negative the minority report was not accepted.

On motion by Mr. Folsom, the majority report, ought to pass, was accepted.

On further motion by the same senator, the rules were suspended and the bill was given its second reading and passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate a message from his Excellency, the Governor. The Secretary will read the communication from the Governor:

April fourth,
1921.

To the Honorable Senate:-

I return herewith without my approval "Resolve in Favor of the President and Trustees of Bates College."

Bates College is an institution of which the State of Maine may well be proud. Its Board of Trustees, its President, and teaching staff are performing services of great value in the education of the youth of our State. Colby and Bowdoin are doing the same. The State, however, in my opinion is not in a position to contribute to the aid or support of all these splendid institutions and should not, at the present time at least, contribute to any of them, for the State's

resources are limited and its taxpayers overburdened.

Our State is committed to the policy of maintaining one large institution, although that institution is not strictly speaking a State institution. An appropriation of not less than one-half million dollars, and perhaps more, for the University of Maine, will be passed by this Legislature, and this is all that the State under existing conditions should be called upon to contribute for higher education.

A practical rather than a sentimental situation confronts us and it must be faced in a businesslike way. The appropriation of \$30,000 in favor of Bates College was not approved by the Committee on the Budget and unless some impelling reason exists for making an appropriation outside the Budget report, this Legislature should in my opinion refuse to act favorably upon such matters. It is necessary that the State of Maine say "No" to many meritorious requests for aid.

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

The PRESIDENT: The question before the Senate is, shall the resolve be passed notwithstanding the objections of the Governor?

The Secretary will call the roll.

Mr. Thompson of Knox: Mr. President, may I move that the resolve be read so that the Senate may know what it is.

The PRESIDENT: The Secretary will read the resolve.

(The Secretary read the resolve: Resolve in favor of the President and Trustees of Bates College.)

Mr. PARENT of Androscoggin: Mr. President, I move that the communication be tabled and especially assigned for tomorrow morning.

A viva voce vote was had and the motion did not prevail.

The PRESIDENT: The Chair will re-state the question: Shall the resolve be passed notwithstanding the objections of the Governor? Those voting yes will vote for the passage over the objections of the Governor,

and those voting no will vote to sustain the veto.

The Secretary called the roll. Those voting yes were Messrs. Clark, Eaton, Thombs—3. Those voting no were Messrs. Adams, Allen, Baxter, Bemis, Clement, Cobb, Emerson, Emery, Farrington, Folsom, Garcelion, Gillin, Gould, Hall, Holt, Morison, Morrill, Parent, Putnam, Sargent, Spencer, Sprague, Stevens, Thompson, Tuttle—25.

Three voting in the affirmative and 25 in the negative the vote message was sustained.

Mr. GILLIN of Penobscot: Mr. President, I move we take from the table H. D. 448, An Act relating to corporations having stock without par value.

The motion was agreed to.

Mr. GILLIN: I now move, Mr. President, wishing to save the time of the Senate, I now move that the majority report be accepted.

The PRESIDENT: The majority report is ought to pass; the minority report is ought not to pass.

The motion was agreed to and on further motion by the same Senator the rules were suspended, the bill given its first and second readings and was passed to be engrossed.

The PRESIDENT: The Chair desires to announce the return from the Governor upon the request of Senator Sprague, the two resolves, Resolve appropriating money for the purchase of the history of the town of Williamsburg, and the Resolve appropriating money for the purchase of the history of Grand Lake Stream.

On motion by Mr. Sprague, under suspension of the rules the Senate reconsidered the vote whereby these resolves were finally passed. On further motion by the same Senator the resolves were tabled.

On motion by Mr. Gillin of Penobscot, the vote was re-considered whereby the Senate passed to be engrossed An Act relative to the formation of corporations having stock without par value.

The PRESIDENT: The Secretary calls to the attention of the Chair House Amendment "A" which was adopted in the House.

On motion by Mr. Gillin, House Amendment "A" was adopted in concurrence, and the bill as amended was passed to be engrossed.

On motion by Mr. Thombs of Penobscot, H. D. 324, An Act relative to filing clean bills of health by persons filing certificates of intentions of marriage, were taken from the table.

The PRESIDENT: A motion has already been made that the minority report, ought not to pass, be accepted.

Mr. THOMBS: Mr. President, I move the acceptance of the minority report.

Mr. SPRAGUE of Piscataquis: Mr. President, I hope that the Senate will not vote in favor of accepting the minority report. I cannot understand the working of the minds of people who are opposed to this. It seems to me that it is a bill that is clearly in line with the most progressive thought of the scientific world today. It is not anything radical; it is not anything wrong, and I cannot see that it interferes with anyone's personal rights or liberties in the slightest manner.

It relates to the highest and most solemn contract in the world, the union of marriage between man and woman, the foundation of the family.

A large portion of the Christian Church of this world believes that it is a religious sacrament, but the whole civilized world, the entire world regards this as a civil contract, and the highest contract known to man.

I see nothing here in this bill that is wrong. I see nothing but what should be accepted by any reasonable person. It requires that "Each party shall also file with the clerk a clean bill of health executed by a duly qualified physician in this State." That is as broad as it can be made, and the old family physician is all that is necessary.

Why should we vote today against the absolute trend of sentiment among the most progressive and highest thinkers in this country along scientific lines? I have been surprised this winter to hear people talking in private conversation regarding this matter; talking in the way they have, treating this matter so lightly. I believe it is important, and I say to you I hope the motion will not prevail.

Mr. THOMBS of Penobscot: Mr. President and fellow Senators, I shall be exceedingly brief for the reason I think this matter is well known in every detail to every senator here. I am going to content myself with reading the provisions of the bill which is now substituted for the provisions that the Senate has heretofore rejected: "Each such party"—referring to the boy and the girl—"Shall also file with the clerk a clean bill of health executed by a duly qualified physician in this State. Suspicion"—only—"of the presence of active contagious disease shall be verified, if possible, by the State board of health, and freedom from active contagious disease, after due examination by the State board of health so reported to the physician in charge, shall with the opinion of said physician furnish the basis for a clean bill of health to the contracting parties."

Mr. President and fellow Senators, I submit to you in all fairness that this proposed provision is more radical and is more extreme than the bill that we had before us previously. I will go as far as the senator from Piscataquis or any other in giving my support to any legislation that tends to uplift the health of the human body, but Mr. Senator, I am going to leave this matter with you with this one observation: Do you, Mr. Senator, after you have reared your boy and your girl to the age of marriage, are you willing to pass a bill here that indicts them to the extent that they must consult a physician?

Mr. SPRAGUE, Mr. President, I move that when the vote is taken that it be taken by the yeas and nays.

A sufficient number not arising the motion did not prevail.

The motion of Senator Thombs that the minority report be accepted prevailed by a viva voce vote.

The PRESIDENT: The Chair desires to announce a communication received from his Excellency, the Governor. The secretary will read the communication.

The secretary read the communication, as follows:

April Fourth, 1921.

To the Honorable Senate:—

I return herewith without my approval "Resolve in favor of the erection of a State of Maine building on the grounds of the Eastern States' Exposition at Springfield, Massachusetts."

This Resolve appropriates the sum of \$30,000 for the construction of a building in Springfield, Massachusetts, the same to be permanently used by the State of Maine in connection with the Eastern States' Exposition. If the State's finances warranted the expenditure of \$30,000 for the purposes referred to some benefit undoubtedly would accrue to the State of Maine from this annual exhibition of agricultural products.

The erection of the proposed building would commit the State to the definite policy of maintaining it and of providing suitable exhibits therefor. The expenses of such an undertaking are necessarily large and would constantly increase. The people of the State are interested in securing a market for their agricultural products beyond the limits of the State but in my opinion with the demands now pressing upon us for appropriations it is unwise at the present time to invest money in a building in a neighboring state. Our local affairs and exhibitions are calling for more money from the State than is now available and until these reasonable demands are met the State's activities in this direction may well be confined within its own borders.

Respectfully,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

The PRESIDENT: The Chair will state the question: Shall the resolve

be passed notwithstanding the objections of the Governor?

Mr. TUTTLE of Aroostook: Mr. President, I move that the message be tabled and especially assigned for tomorrow. I give for my reason that Senator Babb, who is interested in this matter, is ill, and is unable to be here at the present time.

On motion by Mr. Emerson of Aroostook, S. D. 123, An Act relative to the burning of brush or slash, was taken from the table.

Senator Emerson then yielded the floor to Senator Farrington.

Mr. FARRINGTON of Kennebec: Mr. President, it seems to me that S. D. 123 and S. D. 119 cover almost identically, word for word, the same subject matter, and I am going to move that we reconsider the vote whereby we passed to be engrossed Senate 123, requiring a permit for the burning of brush or slash near woodlands.

The motion was agreed to.

Mr. FARRINGTON: I move the adoption of Senate Amendment A. The effect of the amendment would be to cover both bills, and after the bill is passed to be engrossed I shall move the indefinite postponement of the other bill.

Senate Amendment A to S. D. 123.

Amend Senate Document No. 123 by inserting in the 20th line on page 3 after the word "slash" and before the word "except" the words "or for burning blueberry land when such land is adjacent to any forest growth," and by inserting after the word "slash" in the 24th line "or for the burning of blueberry lands."

The amendment was adopted and the bill as amended was passed to be engrossed.

On motion by Mr. Farrington of Kennebec, S. D. 119, An Act relative to the burning of blueberry land, having been taken care of by S. D. 123, was taken from the table, and then indefinitely postponed.

Mr. THOMBS of Penobscot: Mr. President, I would like to inquire if

S. D. 119 was before the Legal Affairs committee?

The PRESIDENT: The secretary will answer the question.

The SECRETARY: It was before the committee on State lands and forest preservation.

Mr. MORRILL of Cumberland: Mr. President, I would like to ask Senator Farrington a question. I have not examined the bill and want to know what effect it would have on burning over blueberry lands, as there are some parties interested in that business in my section. I am not prepared to talk on it at this time.

Mr. FARRINGTON: I will reply through the Chair and say that the amendment adopted takes care of the blueberry land and it is all in one bill.

On motion by Mr. Farrington of Kennebec, S. D. 205, An Act authorizing Emery-Waterhouse Co., of Portland, to bring suit in the name of the State of Maine against Alfred Hanson & Son and the Massachusetts Bonding and Insurance Co. on contract and accompanying bond for construction of building at State School for Girls, was taken from the table.

Mr. FARRINGTON: Mr. President, I will say that this bill which gives authority to this company to bring suit at law in the name of the State of Maine, against a private individual and against a bonding company, where the bond ran to the State of Maine, it seems to me is a very unwise precedent to establish. We have gotten into the habit of allowing people to sue in suits of law when the suit is against the State of Maine, but I think we ought to pause before we give a corporation the right to sue an individual in the name of the State, and I move that the bill be indefinitely postponed.

Mr. THOMPSON of Knox: Mr. President, I just want to say in reference to that as was correctly stated it was in the name of the State of

Maine, but the act also provides that it should be done at the expense of the party in whose interest the suit was brought. I think that feature Brother Farrington overlooked. It is a bill I was originally interested in, but I have no objection to the motion of the senator from Kennebec prevailing.

The motion to indefinitely postpone was agreed to by a viva voce vote.

Mr. THOMBS of Penobscot: Mr. President, I move we take from the table An Act relating to the salary of the stenographer of Penobscot county superior court.

The motion was agreed to.

The PRESIDENT: The Chair will state that that act has been reported by the committee on Salaries and Fees, ought not to pass.

Mr. THOMBS: Mr. President and Senators, I am advised this morning that a majority of the Penobscot delegation are not in favor of an increase for this county official. I therefore move the acceptance of the report, ought not to pass.

The motion was agreed to.

Mr. GILLIN of Penobscot: Mr. President, I move we take H. D. 371, Resolve for aid in payment of premiums by Eastern Maine State Fair, from the table.

The motion was agreed to. The pending question was final passage.

Mr. GILLIN: I will state to the members of the Senate that at the request of some party who wanted to look it over I had this tabled. It has been here several days, and I move that it has its final passage unless some one objects to it.

There being no objection, the resolve was finally passed.

On motion by Mr. Adams of Kennebec, S. D. 176, An Act relative to damages caused by flowage, was taken from the table.

The pending question was second reading.

On motion by the same senator the bill was given its second reading and was passed to be engrossed.

On motion by Mr. Thompson of Knox, S. D. 171, Resolve authorizing the payment of certain deficiencies, was taken from the table.

The pending question was second reading.

The same senator then offered Senate Amendment "A," striking out all of the resolve after the enacting clause and substituting a new resolve.

Mr. THOMPSON: Mr. President, the accompanying resolve is in the possession of the secretary. I explained it yesterday to the Senate.

(The resolve was read by the secretary.)

Mr. THOMPSON: Mr. President, I simply move that the amendment be adopted.

The amendment was adopted and the bill as amended was then given its second reading and passed to be engrossed.

Mr. FOLSOM of Somerset: Mr. President, I move that all matters now on the table and unassigned be automatically placed before the Senate tomorrow morning.

The motion was agreed to.

On motion by Mr. Morrill of Cumberland the Senate recessed until this afternoon at four o'clock.

AFTER RECESS

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

On motion by Mr. Folsom of Somerset, the rules were suspended and the Senate began at the order of business specified in the ordinary order of proceedings and debates.

Papers from the House disposed of in concurrence.

From the House, Resolve in favor of navigation in certain waters for the fiscal period ending June 30, 1921.

The PRESIDENT: This is a new matter introduced in the House this morning and under suspension of the

rules was given its several readings and passed to be engrossed.

On motion by Mr. Eaton of Oxford, the rules were suspended and the bill was read once.

Mr. SPRAGUE of Piscataquis: Mr. President, has this bill been printed? The PRESIDENT: It has not.

Mr. SPRAGUE: I would like to have the portion relative to Sebec lake read. There is something about that that I do not understand.

(That portion of the resolve was read again.)

Mr. SPRAGUE: Mr. President, there is something about this that is mysterious and I do not understand it. I thought Sebec lake in Piscataquis county has \$300. I move the resolve be tabled.

The motion was agreed to and the resolve was tabled.

From the House: H. 383, An Act to amend Sections 8 and 14 of Chapter 59 of the Revised Statutes, in relation to the appointment of steamboat inspectors.

In the Senate this bill was passed to be engrossed; in the House, House Amendment "A" was adopted.

On motion by Mr. Sprague of Piscataquis, tabled pending adoption of House Amendment "A" in concurrence.

Mr. FOLSOM of Somerset: Mr. President, will the senator assign some specific time when this matter may be considered?

Mr. SPRAGUE: Tomorrow morning.

The PRESIDENT: The Chair understands that all matters are to come off the table automatically tomorrow by reason of the order of Senator Folsom this morning.

From the House: An Act amendatory of and additional to Chapter 16 of the Private and Special Laws of 1920, and for the incorporation of the trustees of the Maine Medical School.

The PRESIDENT: The Chair will state that this act is associated with the Maine Medical School for which an appropriation of \$100,000 was made

and was vetoed by the Governor. This bill provides for the incorporation of the trustees of the Maine Medical School, who were to receive and handle the funds. The matter was recalled in the House and there indefinitely postponed.

On motion by Mr. Thombs of Penobscot, under suspension of the rules, the vote was reconsidered whereby this bill was passed to be enacted. On further motion by the same senator, the bill was then indefinitely postponed in concurrence.

Mr. SPRAGUE of Piscataquis: Mr. President, since conferring with Senator Folsom in regard to this bill in relation to steamboat inspectors, just tabled by me, I move it be taken from the table.

The motion was agreed to.

On motion by Mr. Folsom of Somerset, under suspension of the rules, the vote was reconsidered whereby the bill was passed to be engrossed, and on further motion by the same senator House Amendment "A" was adopted, and the bill as amended was passed to be engrossed, in concurrence.

From the House: An Act to establish a State School fund and to provide for apportionment of the same. (H. 458.)

On motion by Mr. Allen of York, the rules were suspended and the bill was given its several readings and was passed to be engrossed, in concurrence.

From the House: An Act to amend Section 65 of Chapter 126, as amended by Chapter 221 of the Public Laws of 1917, relative to the designation of persons appointed to enforce the laws relative to the prevention of cruelty to animals.

The bill was given its first reading.

On motion by Mr. Thompson of Knox, the rule requiring printing was suspended and the bill was given its second reading and passed to be engrossed, in concurrence.

From the House: An Act to amend

Section 21 of Chapter 83 of the Revised Statutes, relating to temporary loans by Cumberland and Kennebec counties.

Resolve was read by the Secretary.

On motion by Mr. Morrill of Cumberland, the rule was suspended requiring printing, the bill was given its second reading and was passed to be engrossed, in concurrence.

From the House: Resolve providing for the payment to Mrs. Fannie Bradley of aid as soldier's dependent.

The resolve was read by the Secretary.

On motion by Senator Garcelon of Androscoggin, the rule requiring printing was suspended, the bill was given its second reading and was passed to be engrossed, in concurrence.

From the House: An Act to amend Section 7 of Chapter 117 of the Revised Statutes, relating to the compensation for retiring justices of the supreme judicial court.

The Secretary read the bill.

On motion by Mr. Thombs of Penobscot, the rule was suspended requiring printing, and the bill was given its second reading and was passed to be engrossed, in concurrence.

From the House: Resolve in favor of the University of Maine.

In the Senate this bill was passed to be engrossed; in the House, House Amendment "B" was added.

On motion by Mr. Gillin of Penobscot, under suspension of the rules the vote was reconsidered whereby this bill was passed to be engrossed.

House Amendment "B" was read by the Secretary.

Mr. GILLIN of Penobscot: Mr. President, I understand that House Amendment "B" takes \$30,000 out of the original appropriation, and with the understanding that that is the only reduction made by House Amendment "B," I move that we concur with the House in the adoption of that amendment.

House Amendment "B" was adopted by a viva voce vote, and the bill as amended was passed to be engrossed, in concurrence.

Bills in First Reading

S. 214: An Act to enable the town of South Bristol to construct a State aid road to Christmas Cove.

(On motion by Mr. Baxter of Sagadahoc, the rules were suspended, the bill given its second reading and passed to be engrossed.)

S. 215: An Act to fix the salaries of Justices of the Superior Courts, amending Section 6 of Chapter 117 of the Revised Statutes, Section 9 of Chapter 260 of the Public Laws of 1917 and Section 9 of Chapter 10 of the Public Laws of 1919.

(On motion by Mr. Thombs of Penobscot, the rules were suspended, the bill given its second reading and passed to be engrossed.)

S. 216: An Act to amend Section 9, Chapter 117 of the Revised Statutes, relative to salary of Reporter of Decisions.

(On motion by Mr. Farrington of Kennebec, the rules were suspended, the bill given its second reading and passed to be engrossed.)

Reports of Committees

Mr. Gillin from the committee on Judiciary, and Mr. Folsom from the committee on Salaries and Fees, on An Act pertaining to Judges of Probate (Senate Doc. No. 20), reported "Resolve in favor of James H. Burgess of Bangor, Penobscot county, State of Maine for civil pension," and that it ought to pass.

Mr. Thombs from the committee on Legal Affairs, on An Act to amend Chapter 2, Section 57 of the Revised Statutes, relating to Bond of State Treasurer, reported that the same ought to pass.

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

Mr. Allen from the committee on Taxation, on that part of the Governor's message referring to taxation, reported that the same be placed on file.

The report was accepted and sent down for concurrence.

Majority report of the Committees on Judiciary and Appropriations and Financial Affairs, on An Act creating a Board of Censors to pass upon Moving Picture Films offered for public exhibition in Maine. (Senate Doc. No. 95), that the same ought not to pass.

(Signed)

Messrs. GILLIN—of the Senate.

MAHER,
WING,
GARDINER,
WADSWORTH,
PHILLIPS,
BUZZELL,
OWEN,
DODGE,
COLE,
EATON,
M. C. MORRILL,
WILLARD,
ROBERTS, and
HOLLEY,—of the House.

Minority Report from the same committee on the same Bill that the same ought to pass.

(Signed)

Messrs: FARRINGTON, and
EMERSON,

—of the Senate.

Mr. FARRINGTON of Kennebec: Mr. President, I move that the minority report be accepted.

Mr. President and Senators, this is a case of a real majority report and a real minority report as only two out of twenty men of the two joint committees have signed the report "ought to pass."

Now the bill in question is S. D. 95 and provides for a board of three persons who shall act as a board of censors upon the moving pictures shown in the State of Maine. It is perfectly fair, I am sure, for me to say that every member of the committee, including the eighteen who signed the "ought not to pass" report—or seventeen, I think there were only seventeen who signed it—felt that something should be done in this matter. I think it would have been perfectly possible to have had

a unanimous report along some line of legislation which perhaps would have increased some of the penalties that might possibly attach to the showing of a picture which was not what it should be; but those who are interested in the bill, and I felt the same way, felt that this would absolutely not take care of the situation, and I preferred myself to come in with this bill, which I believe is a good, workable bill, and if I had to do it to go down with my colors flying, because I believe the bill is a good bill. I do not want to take too much of your time in these closing busy hours of the session, but I do want to take enough time to state to you my views, and I hope that every senator in this room will divorce himself from any preconceived notions, will forget that he has been asked to support the majority report "ought not to pass" by those who are interested in seeing that it does not pass.—I hope that you will ask yourselves just one question and that you will go down into your hearts when you ask that question and see if there is any need of such a bill or not.

And, my fellow senators, if you go into your hearts, and if you ask yourselves that question here this afternoon, I believe that there will be but one answer—I believe that there will be but one answer if it is an honest answer and if the question is asked honestly.

Now this bill was not put in here by cranks. This bill was put in here by those who felt there was a need of it, and I do not believe there is a senator in this room this moment who from his own experience as he may have attended moving pictures does not think that there is a need of something being done. I believe in the moving pictures. I go to the moving pictures. I believe they have their mission. I believe that we want them here with us. And the argument advanced by the opponents to this bill that we will not have any moving pictures if this bill passes is so ridiculous on the face of it that it cannot appeal to

any one of you. We want these pictures here, but, Mr. President and members of this Senate, we do not want them coming in here and showing to the boys and the girls of this State, or the adults of this State, anything which will tend to lower the standard of morals.

Now is there any demand for it? What are the Legislatures all over this country facing but similar requests? The State of Massachusetts has passed out of committee a favorable report upon practically the same bill as this, and the State of New York is busy on the same thing. This I quote from one of the leading New York papers:

"Taking their cue from Governor Miller, who believes state motion picture censorship is unnecessary to stop the screening of obscene films, legislative leaders stand prepared to throw their full force back of the Lusk-Clayton bill creating a state motion picture censorship commission. * * * Governor Miller said today that he realizes there is a situation in the motion picture industry which needs treatment. He said he has had interviews with persons representing both sides of the controversy and added that the more he looked into the subject the firmer he was in his belief that something must be done. He was asked if he is disposed to regard some of the compromise suggestions as acceptable, or if he believed that a comprehensive censorship was necessary. 'I do not see any way to regulate it except by censorship,' he replied. He says further: 'There is nothing new or startling about censorship. Of course it is possible when you suggest censorship to get up and indulge in great flights of oratory in behalf of liberty. Nobody intends to abridge liberty, I am sure, of press or of speech or of assemblage. These are three fundamental things to be preserved. But liberty doesn't mean license, and there is such a thing as maintaining a decency.'"

Now, Mr. President and fellow senators, this bill carries an appropriation of \$25,000. Now it may frighten some of you to think of that. It did not frighten those who came in to op-

pose the bill. They were not thinking of anything of that sort. They were thinking simply of the other side of the thing.

The state of Maryland has had this and it has proved, through the fees that are collected and the inspection of films to be practically self-supporting, so the state has really not had to pay anything out of its own coffers in order to carry on this work. This is also true in Pennsylvania. Some years they actually, show a balance over expenditures, and in those states, in spite of the statements made here before the committee, these bills are acceptable to the people and are working well and the people are satisfied with them.

I believe there is a real need of this legislation. I am not going to try to give you any figures and I do not believe that you want to be wearied with those matters of figures and detail. Now as we are going back shortly to our homes, to the boys and girls, our own boys and girls, to your grandchildren, those of you who are older, I want to feel that this Senate, when it considers this matter, is not considering it in matters of dollars and cents but that it is considering it purely and simply upon a basis of—Do we owe anything to the morals, to the moral life and the spiritual life of this State as exemplified in the boys and girls who are coming up and who will form the citizenship of tomorrow? My fellow senators, we appropriate money for a building at Springfield in order that we may advertise the State of Maine in her industrial department, in her agricultural department, and I say amen to it;—we pass resolves which enable us to tabulate the flow of water in the rivers and to see what our rights are in water storage and all those matters and we appropriate \$25,000 and never think of it the second time; I do not disapprove of that;—we pass resolves here so that we may by experiments in our agricultural stations find the best breed of cattle for us, the best grade of potatoes and the best grade of all those things which enter into our agricultural life, and we should appro-

private;—and we pass legislation which, Mr. President, sees to it that the fertilizer which comes into the State of Maine to fertilize your farms shall measure up to a certain standard, and it is right that we should do that;—we pass a board of health in this State which provides bountifully and generously to the end that there may be physical health. My friends, my senator friends, I want to ask you here now, in the hush of this evening hour, if the boys and the girls of the State of Maine are not worth the expenditure of \$25,000—if you do expend that amount of money—to see to it that no contaminating influence comes over across the borders of this State to make them any less than the noble men and women that you and I want them to be? I believe this is the plane and the basis upon which we should decide here in this Senate whether we pass this bill or not.

The opponents of the bill tell us it is not a workable bill; they tell us that it is not a necessary bill, that there are no such things shown in the State of Maine as obscene and suggestive pictures. I do not have to refute that because every one of you men who have attended moving pictures knows that is not true. I want to repeat what I have said, that I believe in the moving picture. I believe in its mission. But I have sat before the screen myself with my wife by my side and my own 14-year-old boy there and have seen pictures shown upon the screen that caused the blush to go to the roots of my hair and I wished I could sink through the floor, and I haven't any doubt that every one of you has experienced the same thing.

Now is it worth while for us to pass this legislation? You may think that I am taking a strange viewpoint and coming at this from a strange angle. But I tell you, fellow senators, when we are faced by legislation of this sort, I do not believe we should decide upon the political plane; I do not believe we should decide on the question of whether it costs a little or not, but purely and simply on the proposition of whether the lads and the lassies of the State of Maine should have

every precaution taken that nothing can come in from outside to harm them.

At the committee hearing before these joint committees, Mr. President and fellow senators, we were told by the opponents that we should not abridge or attempt to abridge the people in the matter of their amusements, and we were told this—mark it!—that if we did do so we would have to take the results. And I asked the man who made that proposition what he meant by it and he evaded my question with an answer that was not responsive. I tell you, my friends, if it has come to the point where the State, the great State of Maine, is afraid to legislate because it may feel the people will not like it, it is time we acted, and I could not help feeling that back of that threat, that if we interfered with the people we would have to take the consequences, that back of it was the same spirit that has put down over in Russia everything that stands for government and law and order, the same spirit that was back of the dastard hands that placed the bomb shattering the hand of that physician in Madison not long ago. Mr. President and fellow senators, I believe that we are swinging too far away from some of those things which stand for the best morals and for the best spiritual life of this nation.

And I want to go on record here now to say that if we shirk our duty in this thing, I believe we are doing a wrong. I believe that any state or any nation is strong as its foundations are strong, and they cannot be strong and enduring unless they are built deep upon those teachings that the Man of Galilee taught many, many years ago. I believe that this is something more than a thing to laugh at—I am glad to see that your faces are serious and I believe in your hearts that you do endorse every word that I am saying here. I have been told by one of the men who is lobbying against this measure that it couldn't get through the House any way. I do not know whether he knows or not. I do not know that it will go through the

Senate. I hope so. I believe it is a good measure. I believe it is worth your support. And I want you to go back, before you frame your vote in this matter, I want you to go back in your minds, every man of you here, to the time that you stood at the knees of that mother from whom you learned all that was worth knowing of morals and best things of life as only a mother can teach them, and ask yourself the question, if you said to her "Mother, shall I vote for this measure or not?" what would she say? And if the hand that guides the destinies of this nation and of this world has spared that mother and you could go to her today and ask the question, "Shall I vote to pass a measure that will help to make safe the moral and the spiritual life of the boys and the girls of the State of Maine?" what would she say to you. And if the mother who is gone, whose voice is still, could shape through some mysterious way the yes or the no that will come on your lips when you vote for this measure, what would the vote be.

What I want you men to do when you cast your vote is to throw aside those things which chain us down to this consideration, to that consideration and to the other consideration, and put it right on that basis, and if you do and you ask yourselves the answer to the question honestly and you answer it honestly, as far as this Senate is concerned I believe you will pass this bill.

Mr. GILLIN of Penobscot: Mr. President and honorable members of the Senate: There is not any senator here who will not fully endorse the argument presented by the distinguished senator from Kennebec. There isn't a senator I know in all this room but knows that I individually am prejudiced against moving pictures along the very lines of the argument of the distinguished senator, for I have never seen but half a roll in the very kind of which he puts forth in my life. On the other hand, I believe that they are a matter of education and I believe that they can be regulated, and as the

distinguished senator has fairly stated, we twenty men tried to get together on some measure. I do not think any of us—I think the distinguished senator thinks a better bill than this could be produced.

In the first place you are establishing a commission of three men in the State of Maine. You are appropriating \$25,000, and it is going to be a question, gentlemen, how this thing is going to work out. But long before this bill was brought into this Legislature, and long before the distinguished senator or myself or anybody else got up to argue for this measure, the good people and the law makers of the State of Maine had placed upon the statute books of your State a law which in my judgment completely covers it, which I will read to you.

I read to you, gentlemen, from Chapter 126, Section 28, of the Revised Statutes of the State of Maine:

"Whoever in connection with any show or entertainment, whether public or private, either as owner, manager or director, or in any other capacity, uses, or causes or permits to be used, a phonograph or other contrivance, instrument or device, which utters or gives forth any profane, obscene or impure language, shall be punished by a fine not exceeding \$500 or by imprisonment not exceeding one year, or by both such fine and imprisonment."

Now the municipal courts of our cities and towns are open.

Let me read you another section: This is Section 23.

"Whoever imports, prints, publishes, sells or distributes any book, pamphlet, ballad, printed paper or other thing containing obscene, indecent or impure language, or manifestly tending to the corruption of the morals of youth, or an obscene, indecent or impure print, picture, figure or description, manifestly tending to the corruption of the morals of youth, or introduces into a family, school or place of education, or buys, procures, receives or has in his possession any such book, pamphlet, ballad, printed paper or other thing either

for the purpose of sale, exhibition, loan or circulation, or with intent to introduce the same into a family, school or place of education, shall be punished by imprisonment in the State prison not exceeding five years, or by imprisonment in the jail not exceeding two years, and by fine not exceeding \$1,000 nor less than \$100."

There are the two sections of your Statute under which the people who want this measure put in can go into any municipal court in any town in any city, and immediately put them under these immense penalties. And surely, gentlemen, after endorsing the language of the distinguished Senator, and I do not blame him for saying it,—I have seen little boys lined along the sidewalk trying to get into places where I believed they ought not to get in and it prejudiced me so that I never went to see but half a moving picture—would I not be the first man to endorse, if I deemed it necessary, if I deemed it expedient, if I deemed it could be done properly by this bill,—signed by two men against 18,—and would I not be the first to join him? and I do say on the floor of this Senate that I thank the distinguished Senator for the splendid argument that he has produced, and I endorse every word of it. But I say to you that this bill ought not to become a law in its present form; that 18 men with the distinguished Senator tried to see what they could do. The censoring of your pictures should be at the source. If you pick three men in the State of Maine and put them under salary where they can use and utilize the money of the State of Maine and waste \$25,000—gentleman, I tell you it ought not to be done, when there is not a lawyer in my judgment but will say that Section 23 of Chapter 126 can be applied tonight. I state on my reputation as a lawyer that if there is any lady in the city of Augusta who will ask me in where there is an immoral picture I will immediately sign a complaint before a justice, or if a grand jury is in session I will indict them, and they are subject to great penalties.

Let me re-read it in conclusion,

gentlemen, to the lawyers of the Senate. Section 23. I re-read, analyzing it as I read it. "Whoever"—What?—"imports, prints, publishes, sells or distributes any book, pamphlet, ballad, printed paper or other thing containing obscene, indecent or impure language or manifestly tending to the corrupting of the morals of youth, or an obscene, indecent or impure print, picture,"—or picture!—"figure or description, manifestly tending to the corruption of the morals of youth, or introduces into a family, school or place of education, or buys, procures, receives or has in his possession any such book, either for the purpose of sale, exhibition, loan or circulation, or with intent to introduce the same into a family, school or place of education"—now listen to what he gets, again—"shall be punished by imprisonment in the State prison not exceeding five years, or by imprisonment in the jail not exceeding two years, and by fine not exceeding one thousand nor less than one hundred dollars."

Will any one say that if a man in Augusta tonight produces an immoral picture upon the screen, will any lawyer say that he does not immediately violate that statute of the State of Maine? What immoral picture dare any man put up against this law, if the citizens who are trying to thrust upon us a measure which is not even acceptable and agreeable to the distinguished Senator, who takes it because he cannot get any better,—as I understand him, I may be misquoting him, I will repeat it—I understood the distinguished Senator to say that this bill did not comply with the terms that he would like to have but it was the best he could get and therefore he endorsed it. And if I have misquoted the Senator, whatever he says relative to it will be correct and I will be incorrect.

That is as I understood. I will accept his explanation of it if he replies because I might be incorrect in my statement as to that. But we tried to get a measure and we could not. And the great objection to it, gentlemen, is that you are squandering in our opinion, in the opinion of

18 men, \$25,000, and many, many more dollars for these three commissioners, when you have this upon the statute books, until you can get the proper kind of censoring at the source, a law which absolutely controls it.

Therefore in conclusion I will ask the distinguished Senator if he does not believe as a lawyer that Section 23 of Chapter 126 and Section 28 will apply to any immoral picture exhibit in any town or city in the State of Maine? That is what I want to know. I want to know whether this is a meaningless statute or not. I want to know whether it is a law or not. I want to know if we go down in the city of Augusta, Mr. distinguished Senator, who has argued in favor of this bill, and we see upon the screen an immoral picture, injurious to the morals of youth, I want him to say if we cannot take that man and make him amenable to five years in the State prison under the law on the statute book in the State of Maine? That is what I want to know, is it law? or isn't it law? Is it so, or isn't it so, Mr. Senator, that Section 23 of Chapter 126 may put a man for five years in State prison for putting upon the screen in the city of Augusta an immoral picture? Does the statute mean anything or doesn't it mean anything? I have read it twice.

If it doesn't mean anything, then pass any old kind of a bill. But if you have got a statute that imposes such an awful penalty for having even in his possession an immoral picture, in the name of common sense and common decency, if he can be imprisoned for that, can he not be imprisoned by any of these beautiful ladies who are attempting to protect the morals of our sons and our daughters and our grandchildren—and we thank them for their interest—we thank the distinguished Senator for his interest, but why not enforce the law now upon our statute book for this purpose?

Now I have come to the conclusion. I do not believe that you can get any three men in the State of Maine who will agree upon the cen-

soring of pictures to the satisfaction of the people of the State of Maine. I believe that what you want to do is this, under those two sections of our statutes let the beautiful ladies of the State of Maine see to it that some one either indicts or brings in before a municipal court every single man who exhibits in any town or city in the State an immoral picture. I will be glad to do it, at the request of any man or woman in the city of Augusta, and I will for the second time in my life go into a picture gallery if they will ask me to do it, and I will go into the municipal court and swear out a warrant in the city of Augusta to bind him over until a grand jury can indict him and the court of last resort try him. Then my fellow Senators, endorsing every word that has escaped from the lips of the able and the eloquent and distinguished Senator and going farther with him, I say that under the law now existing on the statute books of the State of Maine, which I have read to you, which no man can controvert, you have got within your hands a club to drive immorality from the State, as it ought to be driven, and force them back to the source from which those pictures come, and not load your State now with \$25,000 of a needless appropriation. And I challenge anybody to show me an immoral picture tonight, tomorrow night, or the next night, in the city of Augusta, and I stake my reputation as a humble lawyer that I will convict them for that over my sworn testimony, and so can the distinguished Senator, and so can any lady or any gentleman. Those are not nugatory and void laws. Those laws were placed upon the statute books of your State by the splendid men who represented the interests of a great people before we came here to occupy their places. They were looking into the future and they went far enough to put upon your statute book this law which would make a man amenable to five years in the State prison for carrying round on his person an immoral picture. In the name of common sense and common law and statutory law, cannot this statute be enforced? It is nu-

gatory? Is it worthless? And when we have got it, and know what it is, know how it can be enforced, must we throw away \$25,000 for nothing, and probably more than three times that much, on these three censors whom we are to choose?

Mr. President, I oppose the minority report of the committee and against the minority report of the committee I put the judgment of the other 18 men, and on top of their judgment I put the finest piece of legislation that is on the statute books of any State in the Union. I am done, gentlemen.

Mr. FARRINGTON: Mr. President I just need another moment to reply to the argument of the senator from Penobscot.

There is no question whatever but what this law is on the statute books. There is no question whatever but that this law which is on the statute books would not reach the problem in this case. The senator himself has furnished the reason why. He says you should go back to the source for your censorship, and I will agree with him, and we can all agree that if we could have a federal censorship at the source the matter would all be taken care of. But as long as we have not, the only thing is to get at it at the source in the State of Maine. Because you could prosecute, and prosecute, and prosecute under the statute that he has alluded to, and in the meantime the work is going on and these pictures are showing all over the State, absolutely nothing to do if you are to correct this thing except at the source itself. I think that disposes of the argument about this statute, because the committee as a whole—and I bear correction here if I am not right in the point—the committee as a whole thought that a change in the laws would not govern the evil which exists, an evil which I think they all admitted did exist. Now \$25,000 is the amount carried in the appropriation here, but the fees would practically take care of all that \$25,000. I do not believe that the members of the Senate will be influenced for a moment on the question of dollars and cents.

I want to put it just where I left it in your minds and I want you to ask the question of yourselves honestly and answer it honestly, and vote as your hearts dictate to you now.

Mr. THOMBS of Penobscot: Mr. President and fellow senators, I should hesitate about occupying any of your time this afternoon if I did not profess to know a little more about moving pictures than my esteemed colleague from Penobscot. It has been my good fortune to repeatedly visit picture houses, and witness there some of the finest entertainments I have ever visited.

Neither would I take up your time this afternoon if it was not my privilege to know some of the proprietors and managers of theatre houses in the State of Maine, and particularly in my own section of Penobscot. And right here, lest I forget, I want to say to you that I believe they are a fair, honest, average lot of Maine men and women, neither better nor worse than you or I, Mr. Senator. I do not believe that they desire to make their livelihood out of any immorality or be a party thereto at all.

During this session we have had reports coming from committees, sometimes unanimous and sometimes divided, and I believe that there is a feeling, not only in this Senate but in the other end of the Capitol and wherever legislative bodies meet, that the verdict of a committee is entitled to some weight. I for one am sorry that I could not have had the privilege of attending the hearing at which this matter was fully aired and explained. I have no doubt it would have been interesting and instructive to every one of us.

Gentlemen of the Senate, I believe that the report of this committee, a double committee, if you please, means something to you. It certainly means something to me. I quite agree with what has been said here by preceding speakers as to protecting the morals of youth, and I want to say to you, fellow senators, as to the 18 men who sent in this report here asking you for its acceptance, recommending it, I want to say to you that I believe those 18

men are just as solicitous of the welfare of their children, and your children and my children, as the senators who signed the minority report.

I believe it is only fair to argue that in this case numbers should have some influence, and if 18 men in this honorable Legislature, having heard this matter, have said that they believe this legislation is inexpedient, I believe that it has some more weight than the minority report of two. It certainly does to me.

Gentlemen of the Senate, there is not any matter of argument on the question of dollars and cents in this matter. Twenty-five thousand dollars or \$100,000, if it protects the boys and girls or the adults of this State, from vice and immorality, is money well expended. Neither does it matter that the State House is already over-crowded and that to establish this censorship board here would necessitate the crowding out of somebody else. That is not the question, but I believe that there are other departments perhaps not as essential as this, if there is any need of it. But, gentlemen of the Senate, I believe that when you say there is need of this censorship at this time that you are not only indicting the management of picture houses, but you are indicting the good people of the State of Maine. You are saying that they are demanding those things that are base, low and degrading, and I believe it is not true.

I believe that no picture houses anywhere in this fair State of ours, having established a reputation for putting upon its screen immoral pictures can long weather the gale of public scorn that will be hurled against it.

I know not but that in crowded Boston or New York it may be there is a class of people that these things appeal to, but down here in Maine amongst the trees and the beautiful scenery and the invigorating air, and all outdoors, I believe there is a plane or morality already established that will militate against the successful showing of obscene or immoral pictures.

But, gentlemen of the Senate, if

you are going to legislate for the morals of people, and you are going to give them just such things as three men see fit to offer them, and if you are going to be consistent, you have got to go many steps farther. There appear every day, in the newspapers, spread before the people of Maine, there appear the most harrowing and atrocious tales of crime, sometimes revolting details of celebrated divorce suits, and many other things. If you are going to censor pictures you have got to censor newspapers, and if you are going to censor newspapers and pictures, then let us go farther and censor the play, the legitimate play as distinguished from picture houses. You are going to take out of that actors and actresses of well known conduct; actors and actresses whose moral qualifications are above reproach, and whose teaching are of great educational value. But there may be suggestions or costumes, or ballet which graces many a beautiful show; there may be a suggestion just as vulgar as those upon the screen.

Gentlemen of this senate, I believe that the plane of morality of the people of the State of Maine is such that it demands, and that the demand is recognized by the managers and owners of picture houses throughout this State, and I believe that it is not only good business interests but I believe that they have a nobler feeling, and that they cater to the better class of people in a community and a better sentiment is represented in the pictures. I quite agree with what the gentlemen have said about the educational value of pictures. They are fine, wonderful, a wonderful education can be had from them. I further believe gentlemen, that the demand is not so insistent, that there is no wrong at the present time in those shows that are now existing and as they are now conducted, that calls for such a bill.

In behalf of the good people of the State of Maine, who I believe are moral and desire their little boys and girls be brought up in a good, moral atmosphere; in behalf of the man-

agers of these picture shows throughout the State, who, as I have said before, I believe are neither better nor worse than you or I, gentlemen, in view of these things, I want to register my protest against the enactment of this legislation, for I believe that it is beyond the power of the Legislature in the State of Maine to legislate into the people of the State of Maine moral conduct. That comes from the teaching, that the gentleman from Kennebec so eloquently described. And the pictures do not detract in my opinion one whit or iota from the duty that the mother not only owes but gives day by day to her growing children.

The pending question being on the motion of Senator Farrington that the minority report, ought to pass, be accepted, a viva voce vote was had and the motion was lost.

On motion of Mr. Gillin of Penobscot, the majority report of the committee, ought not to pass, was accepted.

On motion by Mr. Gould of Aroostook the rules were suspended in order to take up the following two matters out of order:

Bills In First Reading

S. D. 218: Resolve for a memorial for Maine soldiers at Valley Forge.

(On motion by Mr. Garcelon of Androscoggin the rules were suspended and the Resolve was given its second reading and passed to be engrossed.)

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

(On motion by Mr. Cobb of Kennebec the rules were suspended and the bill was given its second reading and passed to be engrossed.)

Mr. ADAMS of Kennebec: Mr. President, I move that the Governor be requested to return to the Senate for the correction of a clerical error, An Act to prohibit fishing in the tributaries of Lake Annabessacook in the county of Kennebec.

Final Reports of Committees

Indian Affairs.

Judiciary.

Legal Affairs.

Mercantile Affairs and Insurance.

The Committee of Conference on An Act to provide for the jurisdiction of the Public Utilities Commission over certain motor vehicles (House Doc. No. 278), reported that the bill be amended by the adoption of Senate Amendment "A", submitted herewith, and that the House recede in its former action whereby the bill was indefinitely postponed, and that the House concur with the Senate in the adoption of said Senate Amendment "A."

Signed by Messrs. Folsom, Emery and Holt on the part of the Senate and by Messrs. Crabtree, Hinckley and Cole on the part of the House.

On motion by Mr. Folsom of Somerset, the report of the committee of conference was accepted, the bill was given its first reading, and on further motion by the same Senator, Senate Amendment "A" was adopted in accordance with the report of the committee of conference, and on further motion by the same Senator the rules were suspended and the bill was given its second reading and passed to be engrossed.

Orders of the Day

On motion by Mr. Adams of Kennebec, the Senate reconsidered its vote by which it passed to be enacted An Act entitled An Act additional to Chapter 33 of the Revised Statutes as amended, prohibiting fishing in the tributaries of Lake Annabessacook in the county of Kennebec, recalled from the Governor for the purpose of making a correction, and on further motion by the same Senator the Senate reconsidered its vote by which this act was passed to be engrossed.

The same Senator then offered Senate Amendment "A", amending the title of H. D. 391, by striking out the words "Chapter 33 of the Revised Statutes as amended," and inserting in place thereof, the words "Chapter 219 and 244 of the Public Laws of 1917 as amended by Chapter 196 of the Public Laws of 1919."

The amendment was adopted, and on further motion by the same Senator the bill as amended was passed to be engrossed.

On motion by Mr. Parent of Androscoggin, Senate Document 151, An Act to authorize the establishment of danger signals on public ways, and to regulate display of advertisements thereon, was taken from the table.

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

Mr. THOMBS of Penobscot: I would like to inquire, Mr. President, if Senate Document 199, An Act to establish the commission of foreign and domestic commerce, tabled by me April 1st, is still on the table.

The PRESIDENT: The Chair will state that it has been tabled and 500 copies ordered printed.

Mr. THOMBS: Mr. President, I thought the matter was of sufficient importance that it should be printed. I now move that it take its regular course.

I yield to the Senator from Aroostook, Senator Gould.

Mr. GOULD of Aroostook: This bill has never been before my committee.

Mr. THOMBS: Mr. President, I yielded to the senator because I thought he introduced the matter. I now move that the rules be suspended and the bill given its several readings and be passed to be engrossed. The bill was given its first and second reading.

Mr. GOULD: I move that the bill be tabled until tomorrow morning.

The motion was agreed to.

On motion by Mr. Thombs of Penobscot, H. D. 65, An Act to regulate the payments of appropriations for the care, treatment, support and education of persons in charitable or benevolent institutions not wholly owned or controlled by the State, was taken from the table.

On further motion by the same senator, the rules were suspended, the bill was given its second reading and was passed to be engrossed.

On motion by Senator Clark of Lincoln, adjourned until tomorrow morning at 9 o'clock.