

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-First Legislature

OF THE

STATE OF MAINE

1923

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**HOUSE**

Wednesday, March 28, 1923.

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

Prayer by the Rev. Mr. Graham of Randolph.

Journal of previous session read and approved.

From the Senate: The following communication:

STATE OF MAINE  
Office of the Governor

Augusta, March 26th, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:—

I return herewith without my approval

Resolve in favor of Warren Prouty. This resolve calls for an appropriation of \$5600 to be paid to Warren Prouty of Veazie, the claim being that certain buildings belonging to Prouty were destroyed by fire alleged to have been started by an inmate of the Bangor State Hospital.

In 1921 the 80th Legislature passed a resolve similar to the one before you, which provided for the payment of \$10,000 to the Austin W. Jones Company of Veazie to reimburse him for the loss of his buildings by fire alleged to have been started by the insane inmate herein referred to. I vetoed the Jones resolve and my veto was sustained. During the last hours of the session, when affairs were in their usual confused state, another resolve was introduced and passed, and under it permission was given the Jones Company to bring legal action against the State of Maine. This resolve contained an unusual clause that escaped the attention both of the attorney general and of the Chief Executive.

The clause above referred to contained the following language: "The liabilities of the parties shall be the same as the liabilities between individuals." By reason of this language the State was placed in an unfortunate legal position. Without question, those who drafted the permissive resolve inserted the foregoing language for a purpose and the result was that the State was obliged to pay the sum of \$20,391.56 under a decision of the Court. Had the usual form of resolve been adopted whereby the State allows itself to be sued by its citizens, the State's liabilities would have been

fairly tested and a safe precedent would have been established.

Under the decision, however, that resulted from the unusual language of the resolve, the State may be liable to endless suits if succeeding legislatures are willing to deliberately open the door as wide as the 80th Legislature unintentionally opened it.

The doctrine that the State of Maine is liable for the criminal acts of escaped or paroled inmates of its institutions, even though the State's servants and employees have not exercised due care in connection with such inmates, is dangerous and far-reaching. I do not believe the State's liability should be extended to cover these cases, nor do I believe that any material or legal obligation rests upon the State other than to allow the party who was damaged to sue the State under the usual and long established practice. That was all the 80th Legislature intended to allow.

If the State is to be held liable in these cases, the claims that hereafter will be presented will run into vast sums of money. Already there are indications that other claims are being prepared and once the doors are opened there will be no end.

There is a doctrine in law that in some cases the loss must remain where it falls and it well may be that such a doctrine is applicable in the matter before us, where a sovereign State is concerned. I would grant the claimant the right to bring action against the State, notwithstanding the fact that our recent experiences in lawsuits have been most unfortunate. In the DeForrest Keyes claim the 80th Legislature allowed suit to be brought against the State and the State paid a verdict of \$40,263.12. The two permissions given by the 80th Legislature to sue the State cost the taxpayers \$60,-654.58. If one mistake was made in 1921, there is no reason for another in 1923.

I feel confident it was not the intention of the 80th Legislature to establish any such precedent as the Jones case, and if this Legislature gives Prouty a right to sue the State under the USUAL conditions the verdict of the Supreme court will then furnish a precedent that future legislatures can rely upon.

Respectfully Submitted,

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

In the Senate the resolve passed notwithstanding the objections of the Governor.

In the House:

Mr. PERKINS of Orono: Mr. Speaker and fellow members: This resolve hits very near home—under the belt, so to speak.

About three years ago a poor, unfortunate individual who was an inmate of the Bangor State Hospital, escaped from that institution and shortly after he escaped he was released upon parole in the custody of his mother, another poor, unfortunate individual. And the results of this parole, granted to that man, were that the Jones buildings were burned and also a property situated near to the Jones, near neighbors, as near as the Blaine Mansion to the State Capitol. The 80th Legislature, in their wisdom, considered this case both pro and con. We gave a great deal of deliberation to that matter, and the result was that a majority of 182 men of average intelligence decided that the State of Maine was liable for the laxity of the superintendent of that hospital, who allowed that poor, unfortunate man to be at large. Then the Governor sent us a message and it was "a peach." He told us that he thought we had better let Jones sue the State, so we very gracefully withdrew and Mr. Jones did sue the State. We could have settled with him for \$10,400 and it was the opinion of the Legislature that we should have done it, but we allowed them to go ahead and you see the result in the veto message this morning. The jury awarded to Mr. Jones something over \$20,000 and \$5000 for insurance that Mr. Jones had not received.

Now, Mr. Prouty is a man well advanced in years and the savings of a lifetime were wiped out in the twinkling of an eye. He comes before this House and asks you to grant him this small amount of money, that he may end his days in peace and seclusion. That is all that stands between him and the wall, and I think today that one of the noblest things that we could do would be to vote to over-ride the Governors objections, although I realize that a veto is something that should be given very careful, serious consideration. When you vote, gentlemen, take into consideration these facts: that the majority of 182 men in the 80th Legislature considered it wise, the committee has considered this case both fully and well, it has been through this House once and through the Senate twice, the jury awarded

over twice as much as we awarded him, and the law court sustained the verdict.

I do not believe that it is opening up the doors. I believe that it is paying our just and legitimate debts, and I sincerely hope, in behalf of that poor, unfortunate old man, that this House will see fit to over-ride the Governor's veto. (Applause.)

Mr. BARWISE of Bangor: Mr. Speaker and gentlemen: I agree with the gentleman from Orono (Mr. Perkins.) The Governor says in his veto message that we inadvertently put a different liability upon the State two years ago than would have obtained ordinarily, and that we did it unthinkingly. Allow me to say to you, Mr. Speaker, that we did that deliberately. We knew exactly what we were doing and we did exactly what we intended to do. There are two classes of actions that ordinarily are brought against the State. One class is a contract class, the other class is a negligence or a tort class. Now, the Governor seems to have confused the rights under the two classes. When we allow the State to be sued on a contract there is no need of our putting anything in giving the State any different liability than any individual. When we sue on contract, or allow the State to be sued on contract, it stands upon the same plane as any other individual or corporation. But when we allow the State to be sued upon a tort question, upon a question of negligence, then unless we do put in some special liability clause, we do not place them on the same plane as the individual; they are not liable for anything; we are simply granting a string of words that have no meaning whatsoever, for the State is not liable for the negligence of its servants, not at all. Just simply to allow the State to be sued or a tort question is an empty and vacuous phrase that means nothing. Unless we say in that, that the State shall then be put on the same legal plane that any individual would stand in the same circumstances, it is absolutely of no use to allow anyone to sue the State on a tort action.

Now, we are not opening up the doors. The State cannot be sued except by the consent of this Legislature. Each individual case stands on its own merit. By granting this, we are not allowing anybody else to sue the State. We have to grant that permission in every case, and if

we expect to give Mr. Prouty any rights at all, we must give him the right to sue the State as he would an individual. If we simply give him the right to sue the State, and stop there, he has gained nothing; he is no better off than he is now, because there is no law court in the world that would say, as a matter of law, that the State is liable in an action ex delicto for any of the negligent acts of its servants.

I hope that this confusion of the Governor as between the two kinds of actions will not confuse the House. If we expect Mr. Prouty to gain anything, or to have any right or opportunity to gain anything, we must put the bill through as we originally drew it.

Mr. MAHER of Augusta: Mr. Speaker and gentlemen: I do not wish to add anything at all to what the gentleman from Orono (Mr. Perkins) has stated or to what the gentleman from Bangor (Mr. Barwise) has said, with reference to what occurred two years ago, but I do desire to set the House right with reference to the action of the judiciary committee on this matter.

There was twice as much in dollars, I believe, recovered from the State as the Legislature voted. Now the situation is not a bit different this year. It is exactly the same state of facts and state of laws. The gentleman from Bangor (Mr. Barwise) has fallen into a bit of an error with reference to the status of it at present. The Judiciary committee considered the matter this year and after full consideration and conference with the representatives of Prouty, and a full, clear statement of the situation from the Attorney General himself, we took the figure that the Attorney General's Department, speaking through the Attorney General, agreed with the representative of Mr. Prouty was a fair figure. Assuming liability which the Attorney General admitted existed under a resolution such as we passed two years ago and the verdict of the jury and the decision of the law court, the matter of liability was what is known in law as *res adjudicata*, so, not to go through the barren performance of a legal trial, we gave them the chance of giving this man an opportunity to spend some money with lawyers in suing, and we said, "Let us get down to cases of how much is really due this man," and the Attorney General's Department and the

attorneys representing the man agreeing on a certain specific figure, we took that figure, and this Legislature now has in front of it, not permission to sue; that is not the position at all, but the recommendation of the amount in dollars that the Attorney General's Department recommended.

Now it is a question whether or not this Legislature desires to turn down again what our committee has recommended as a fair adjustment of the matter, and let him sue and perhaps get twice or three times as much as we are willing to allow.

The SPEAKER: The question is a constitutional one and the yea and nay votes are necessary. As many as are in favor of the resolve becoming a law notwithstanding the objections of the Governor will answer yes when their names are called. Those who wish to sustain the veto of the Governor will answer no when their names are called. Is the House ready for the question?

The question being called for, the Clerk called the roll.

YEA—Adams of Liberty, Archibald, Atwood, Ayer, Baker, Bartlett of Hanover, Bartlett of Waterville, Barwise, Beckett, Benoit, Bickford, Bisbee, Blaisdell, Boman, Boulter, Bradbury, Brett, Brewster, Brown, Burns, Cates, Chalmers, Cherry, Clarke, Conant, Crafts, Crowley, Cummings, Curtis, Dain, Dilling, Douglas, Downing, Drake, Dudley, Dunbar, Dunn, Edwards, Farley, Fickett, Finnell, Foss, Gagne, Gagnon, Gardiner, Gile Gillespie, Gilmour, Goldthwaite, Gordon, Granville, Greenleaf, Hallett, Hamilton, Hammond, Hayes of Gorham, Hayford, Heal, Hobbs, Hodgkins, Holmes, Houghton, Hutchinson, Jacobs, Jewett, Johnson, Jordan of Westbrook, Keef, Kitchen, Knight, Lamson, Leathers, Littlefield, Lord of Wells, Ludgate, Macomber, Maher, Martin, McDonald, McIlheron, Melcher, Moody, Morrison, Nadeau, Newcomb, Nichols, Oakes, O'Connell, Overlock, Palmer, Perkins, Perry, Phillips, Pinkham, Piper, Plummer, Ramsdell, Ranney, Ray, Rogers, Rounds, Rowell, Sanders, Saunders, Sayward, Siddall, Small, Sparrow, Staples, Stevens, Storm, Story, Stratton, Tarr, Thomas of Chesterville, Thomas of Leeds, Tilden, Towne, White, Whitney, Williams, Willis, Wing, Winn, Winslow, Wood.—126

NAY—Adams of Litchfield, Hale, Hayes of Chelsea, Keene, Nevins,

Nickerson, Pendleton, Reed, Sturgis.—9.

ABSENT—Belliveau, Gamage, Gauvin, Jones, Jordan of Cape Elizabeth, Leland, Lord of South Portland, Morse of Bath, Morse of Greene, Owens, Pierce, Smith, Stitham, Teague, Weeks.—15.

Affirmative—126.

Negative—9.

Absent—15.

The SPEAKER: One hundred and twenty-six having voted in the affirmative and nine in the negative, the objections of the Governor are not sustained.

Papers from the Senate disposed of in concurrence.

From the Senate: An Act to allow the town of Ashland to hold its annual town meeting for the year 1923 in the month of April instead of in March as required by law.

In the Senate, read twice under suspension of the rules and passed to be engrossed.

In the House, read twice under suspension of the rules and passed to be engrossed in concurrence.

#### Senate Bills in First Reading

Senate 270: An Act to amend Chapter 38 of the Public Laws of 1919, relating to retiring and pensioning employees of the State.

Senate 257: Resolve in favor of the Penobscot Tribe of Indians for the general care, maintenance and education thereof.

Senate 271: An Act to regulate the use of aircraft.

Senate 278: Resolve, providing a State pension for Mrs. Cora V. Swift of Portland.

Senate 274: Resolve, appropriating money to purchase and install a new engine in the State boat "Pauline."

Senate 277: Resolve, appropriating money for continuance of White Pine Blister Rust Control.

Senate 276: An Act to amend Section 33 of Chapter 127 of the Revised Statutes, relating to the disposal of intoxicating liquors declared forfeited.

Senate 283: An Act to amend Section 20, 27 and 28 of Chapter 127 of the Revised Statutes, as amended by

Chapter 291 of the Public Laws of 1917, relating to intoxicating liquors.

On motion by Mr. Cummings of Portland, the House voted to reconsider its action whereby the above bill was assigned for its third reading tomorrow morning at nine o'clock; and on further motion by the same gentleman the bill was tabled, pending assignment for third reading.

Senate 252: Resolve making appropriation for the Passamaquoddy Tribe of Indians for the years July 1st, 1923 to June 30th, 1925.

Senate 186: An Act for the better protection of banks in particular transactions.

Senate 272: An Act relating to adoption.

Senate 273: Resolve, to appropriate money to pay for egg lobsters purchased in 1922.

Senate 279: Resolve, making an appropriation for the construction of a new building at the Northern Maine Sanatorium, Presque Isle, Aroostook county, and for the purchase of equipment therefor, and for maintenance.

Senate 282: An Act to change the name of Number Twenty-one Plantation, in Hancock county, to Osborn Plantation.

Senate 280: An Act to establish a ferry across Somes Sound between Southwest Harbor and Northeast Harbor

From the Senate: Majority report of the committee on sea and shore fisheries reporting ought not to pass on bill, An Act to amend Section 35 of Chapter 45 of the Revised Statutes, relating to the legal size of lobsters and method of measurement in York County.

Report was signed by the following members:

Messrs. SARGENT of Hancock,  
—of the Senate.

JORDAN, Cape Elizabeth,  
GAMAGE of So. Bristol,  
LAMSON of So. Portland,  
BAKER of Steuben,  
BOMAN of Vinalhaven,  
—of the House.

Minority report of same committee on same bill reporting same in a new draft under same title and that it ought to pass.

Report was signed by the following members:

FORD  
 STEVENS of York,  
 EMERY of Washington,  
 —of the Senate.  
 LITTLEFIELD of Kennebunk,  
 GOLDTHWAITE of Biddeford,  
 —of the House.

In the Senate majority report read and accepted.

In the House:

Mr. GOLDTHWAITE of Biddeford: Mr. Speaker and members of the 81st Legislature: If I may be allowed, I would like to try in my weak and feeble way, to present to the members of this House the motive of this bill,—why the York county fishermen sent their representative here, asking that this bill become a law.

In the first place, members of the Legislature, I believe you will all agree with me when I make this statement that there is not a member present here, no matter what his occupation may be, who is satisfied with simply obtaining a living wage. He wants something more. He wants a saving wage for himself and his family if he has any. Now that is what the York county fishermen are asking for, a saving wage, and they think that the only method whereby they will be enabled to obtain that saving wage is through a passage of a bill of this kind.

Now this bill simply calls for the change of three words into one—striking out "three and one-half" and inserting "three." All the rest of this bill conforms to the present laws governing this State. They simply ask for this bill for York county and say that it does not affect any other county in any way, shape or manner. The matter of a division line has been taken up here, and it has been stated that it would cause trouble, the same as it has between New Hampshire and Maine; but that is not a parallel case. That is a state line between New Hampshire and Maine; this is a county line. It can be easily established by your commission or your director, and it will be perfectly satisfactory to the fishermen of York county. Now it has been stated that in the taking of these shorter lobsters, you would deplete the industry. Now this is a matter of fact, gentlemen, which I am going to state to you, and Mrs. Pinkham, that of all the seed lobsters purchased in 1922 by the Director of Sea and Shore Fisheries, at a cost of more than \$23,000, not one of those seed lobsters were deposited in

the waters of the State of Maine west of Cape Elizabeth. But, notwithstanding this fact, members of the Legislature, the present lobster industry of that part of Cumberland county west of Cape Elizabeth and York county compares favorably with all the other sections of the State. Now, then, we do not say that the York county fishermen are any more honest than any other fishermen in the State of Maine. I contend this, that there is no law that has ever been passed by any Legislature but that someone at some time has broken that law.

Now, as I said before, it is a fact that notwithstanding none of these seed lobsters have been deposited west of Cape Elizabeth the lobsters from that section, west of Cape Elizabeth and York county, today compare favorably with any other part of the State of Maine. That being the fact, members of this Legislature, I claim that the taking of these shorter lobsters will not deplete the production of the propagational lobster in any manner whatsoever; and allow me to say right here that not one member of your Commission, not even the Director of Sea and Shore Fisheries, appeared before your committee in opposition to this bill. It has been claimed that this would be an entering wedge for some future Legislature to make in years to come a universal law applying to the coast counties west of Cumberland. Well, perhaps we will admit for the sake of argument, that it is an entering wedge; but members of the Legislature, can you conceive for a minute that any Legislature would attempt, with as they claim 3,000 fishermen in the eastern part of the State and only about 250 in the summer time when the most of the fishing is done by the York county fishermen, that they would come here and attempt to pass any legislation in opposition to those 3,500 fishermen in the eastern part of the State in regard to changing the law? I do not think that they would.

It has been also stated that this is class legislation. Members of this Legislature, if the granting to York county of this law is class legislation, the granting to Aroostook, to Cumberland, to Washington, to Piscataquis, or to any other county in this State, any private or special law, is also class legislation. Now admitting the fact that it is, we are not establishing any precedents even

then when we grant the York county fishermen their prayer.

Now the York county fishermen are not asking for anything that will be any expense to the State of Maine. Rather they are going to make it less expense. Each and every member of this York County County Fishermens' Association of 148 members pledged themselves to become wardens, sworn in as wardens, without any expense to the State whatever for the enforcement of this law. They also pledged themselves that after the establishment of this line between York and Cumberland counties, they will not encroach upon the waters of Cumberland county and do any fishing. This does not prevent any other fishermen from any other part of the State of Maine from coming into York county and catching all the lobsters he wants, or that he can catch rather, under the law of York County and selling them in York county.

Now I am not going to bother you much further, but I simply want to make this statement in closing. There has been circulated within a few days, and sent to the members of the Legislature, letters from one of the leading wholesale dealers of Cumberland County in opposition to this bill, and those letters I think are very misleading. Their representative who signed these letters at two separate hearings before the Sea and Shore Fisheries committee stated to me that he was not opposed to the nine inch law, so to speak; he wanted to see it universal all over the State of Maine. But now he comes out opposed to it. Why? For the simple reason that they are afraid that the fishermen from Cumberland county, near the line of York county, if it is established, will go over into York County and sell their lobsters and get more money for them. Now I will ask you members of the Legislature, do we want to go on record as legislating against any producer in the State of Maine from going and selling his products wherever he may at the best price obtainable? I thank you.

Mr. BAKER of Steuben: Mr. Speaker—

Mr. GOLDTHWAITE: Mr. Speaker, excuse me, I move the acceptance of the minority report.

Mr. BAKER: Mr. Speaker, I think my good friend from York county should have made his motion first and

then talked to it afterward. I wish to move, Mr. Speaker, that the majority report of the Sea and Shore Fisheries be accepted, and confine myself to that motion.

The SPEAKER: The motion before the House is the acceptance of the minority report.

Mr. BAKER: For many years the matter of the nine inch lobster has been before this Legislature. Notwithstanding the remarks of my good friend from York county (Mr. Goldthwaite), they have tried for a number of years and in various Legislatures to pass a nine inch law, and until this Legislature it is the first time that they have not made it Statewide. Two years ago a bill was introduced to make it Statewide, and in the committee a new draft was made making it applicable only to York county. I wish to make a little resume of the situation. As you know, there are about 4,000 lobster fishermen licensed in the State of Maine. One hundred and forty-eight of these come from York county. York county had on our committee three members, and naturally we would expect that they would be in favor of York county measures. Of the other seven, one man from my county supported them in their desire to have a nine-inch law for York county. One hundred and forty-eight fishermen had a representation on our committee of three members, and the other 3,800, we will say, had a representation of seven. I do not question this, I think it is perfectly all right; only it seems to me that the number on that committee who vote ought to be considered by you when you register your vote in this matter.

Lobsters are becoming scarce along the coast of Maine. Fishermen are doing better in some localities. Why? Because the price has gone up abnormally, because of the scarcity. Last week lobsters were selling at \$1.10 a pound f. o. b., wholesale, Portland. You can well understand, temporarily, that fishermen will benefit by this; but I assure you gentlemen, and this comes from the result of my years of experience in this business, that it is not good business to lower the measure for any part of the State.

Were it not for the fact that it would affect the industry in other parts of the State I would not say a word against York county making this dangerous experiment, but it



does effect us. The Attorney General has ruled recently that scallops can be sold in hotels in this State even though we have a close time here, and while he has not ruled yet that lobsters caught legally in York county cannot be sold in the State, he has said to me that it will be a matter for the law court to determine whether they can be sold in other parts of the State, having been legally caught in York county, if this measure goes through.

This is a country of majority rule. If a majority of the members of this House pass a measure, it goes unless the Governor vetoes it and the Senate rejects it. Now why not apply the majority rule to this matter? If, for instance, 3,800 lobster fishermen in this State do not want this law—and the total number is less than four thousand or about four thousand—why should not their voice in the matter be heard? If nine-tenths of the potato growers in this State want a certain law, why would you not say that it would be a good thing for them to have the right to decide that, and their almost unanimous decision one certain way ought to and would establish in your minds the right and justice of that law. The same thing would apply to the blueberry industry in my good old county of Washington, the lumbering industry, the textile industry, or any other. Now if 3,800 of the lobster fishermen go on record as being opposed to this law, why should not their opinion have weight? I have here in my hand petitions from almost 1,200 fishermen, petitioning this Legislature against the passage of the nine-inch law for York county. I understand that one of my colleagues on the committee has other names, but I am speaking for these 1,200. They represent every county in the State excepting York. More than 2,000 names would have been here had we made any special effort to get them and had the weather conditions been different. It seems to me that such a preponderance of names and people who oppose this measure ought to have great weight with you. This was threshed out here two years ago when they practically supported me ten to one on this identical proposition.

There is one thing to which I might call your attention, and that is, that in the two years I have been on this committee, there have been five bills introduced here all with more

or less of a joker in them. Four of them were smoked out in our committee and the fifth is now before you to decide in your wisdom what you shall do. We discovered it in time, and in consideration of the good people from York county, we had no objection to drawing the new draft for York county alone, and I can assure you that it will be legal because we have had it inspected by the Attorney General and everything is in good form. We did not want to break faith with these people in any way. We wanted it brought out fairly and squarely and submit the decision to you people.

I have nothing to say about Cumberland county. They will decide for themselves whether they want to have this matter of a close time so near to their borders across their best fishing ground. They will probably speak for themselves either in person or by their votes. It is a wise thing, gentlemen, to let those most interested when their vote is almost unanimous,—to listen to their request of what they consider to be just. These people are living up to the law better than they did and they simply ask to be left alone.

Mr. OAKES of Portland: Mr. Speaker, I have been requested to say a few words on this bill, although I am not in the lobster business and have no particular interest. It strikes me that the majority report, "ought not to pass, should be accepted, because the law is eminently unfair, it seems to me, to bring the line from Portland, where I understand nine-inch lobsters are allowed up to Scarboro and draw the line between Scarboro and Old Orchard and have the competition between York county and the Cumberland county fishermen, and the fishermen further up the State, handicapped by a difference of an inch and a half in the length of lobsters which they can sell. I consider this to be eminently unfair to the different sections of this State, and it seems to me that that alone is sufficient to warrant the acceptance of the majority report.

In addition to that we have in York county a large number of fashionable summer hotels, and in other counties throughout the State we have many summer resorts. If the York county fishermen are allowed to sell nine-inch lobsters to these hotels, and they in turn are allowed to serve them in their hotels, they can buy them at a cheaper rate than the hotels in the other parts of the State, and they can compete

with the other parts of the State on shore dinners on an entirely unfair basis. It seems to me that that in itself is a sufficient reason for refusing to pass this law. Also it seems to me that the fishermen along the coast who are now obliged to turn back their short lobsters, will in this way be given a means of disposing of them where the New Hampshire line is only fifty miles off, and that we will have off our three-mile limit a line of boats taking short lobsters down from the northern counties and disposing of them in York county. I think this is the strongest reason why we should refuse to accept the minority report, and accept the majority report.

Mr. LAMSON of South Portland: Mr. Speaker, this bill, to my mind, is most unfair, giving York county, as it does, an advantage over the other counties. I think that perhaps the county of Cumberland would be most affected by a measure of this kind, perhaps more than any of the others. We gave this question a most exhaustive hearing in our committee, and we had about twenty or more fishermen come here from my county to protest against this law. They said that it would only move the line that now obtains between York and New Hampshire and bring it down to York and Cumberland. Now the Atlantic ocean is not like a cow pasture. You cannot fence it off. Boats going along there do not look to see where the line is or where certain marks are, and your fishermen from one county can very easily slip over into another place, catch what short lobsters they want, and go back into their own county and sell them. It seems to me that that is a very unfair proposition.

Now as has been said, the law at the present time, so far as it appertains to the nine-inch matter, is satisfactory. No one is complaining about it from one end of the coast to the other, and so I say we should let well enough alone, and let our good York county fishermen do as they have done in the past and leave us alone down in Cumberland county. In this way we will get along very well.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker and gentlemen of the House, I wish to say just a word in regard to the term "short lobsters." I notice Cumberland county is very much opposed to this bill. Now it is not fishermen at all who are opposed to this bill for this reason: Both sides in Cumberland county have sent to this Legislature letters asking support.

Now why do they do that? They all tell you that the fishermen in their county are honest. Well, ours are honest, but here is where the danger is and I can see why Cumberland county is against it. The Cumberland fishermen they are not trying to protect. They are trying to protect the man on the shore who receives the lobsters from the fishermen. They are afraid their fishermen will not be as honest if this law passes as they are now. Any member of this Legislature can see how easy a fisherman in York county could go out and haul his traps, put his nine-inch lobsters in his boat with his ten-inch lobsters or his twelve-inch lobsters, go straight to York county and sell them, instead of taking them into Portland. I can see that of course he is against the law in Cumberland county waters, but when he gets into York county and they have got proof that these lobsters were taken in Cumberland county waters, why he is all right. So much for that.

Now the gentleman from Steuben, Mr. Baker, says that lobsters are fast depleting. Every single fisherman who came before that committee, as I remember—I was not there at all the hearings, they might have had some I did not attend—but everyone admitted that lobsters were on the increase. Now it seems to me that that would have some effect. Down in the eastern part of this State, from York county down, there has been all kinds of law, short laws, alewife laws, clam laws, close time on lobsters and open time on lobsters in certain places, which has nothing to do with York county fishing. We did not protest against one thing of that kind. We allowed them to have exactly what they asked for, and we said that if that was what they needed, that is what they should have. Now why do they oppose our fishermen catching nine-inch lobsters? It has been said here that it would make lobsters cheaper if we have nine-inch lobsters. I beg to differ. Today you buy nine-inch lobsters if you find any fishermen dishonest enough to catch them for three dollars a dozen, but when they are put on the same basis with other lobsters you have got to pay so much a pound for them, and it seems to me that that would have some weight. Every man who sells the nine-inch lobster in York county now violates the law the same as in any county. We simply ask that he shall catch a nine-inch lobster and come within the law. There has not been a seed lobster put in York county waters for six years. Not one of the commissioners

came before the committee to oppose this law. Why should the Legislature oppose it, and I do not think it will oppose this law for York county. York county has been very quiet and allowed every man to get what he should have in his county, either close time or open time, and I think there is no difference, and no reason why it should not apply to this matter which so vitally concerns York county fishermen.

The SPEAKER: The question is—

Mr. BOMAN of Vinalhaven: Mr. Speaker and members of the House: I hope that the minority report will not be accepted. I represent Knox county. I was born and brought up in the town of Vinalhaven and have known the ways of fishermen since I have come to years of understanding, if I have arrived at that stage, and I have seen and heard them tell about the abuses of the lobster law. When the present form of commission was instituted and the fishermen commenced to see what was for their own good and try to protect the lobster, they said that the laws were the best they had ever had, and they wish almost to a man, to have the measurement left entirely alone for the entire State. The gentleman from Biddeford, Mr. Goldthwaite, has said that the lobstering in York county has been affected, it has been rather on the increase for the last two years. But all of the evidence at the hearings has been that it is rarely a case where they catch a nine-inch lobster or less than ten-inch and ten and a half inch lobster that is egg-bearing. If this Legislature votes to pass a law where they can catch a lobster which has not been egg-bearing once where is the future lobster coming from? I hope that the members of this Legislature will vote to sustain the majority report.

The SPEAKER: The question before the House is on the motion—

Mr. LORD of Wells: Mr. Speaker and fellow members: I should like to go on record as favoring that York county be allowed the privilege of having this nine-inch law. We have in different counties and different localities different game and fish laws. In certain streams we are allowed to take so many fish, or others we are not allowed to hunt muskrats, in certain counties we are allowed to shoot one deer and in certain counties two deer. In the northern counties we allow a bounty on bobcats amounting to \$12,000 a year. Now we do not question in York county what the northern counties need. We think in York county that we need this nine-inch lobster

law, and we think it is only fair that we be allowed to have it and try it out. If it does not work well, we can repeal it. All our fishermen down there pledge themselves to take no lobsters under nine inches if we allow them to have this law, and I know for a fact that they are catching lobsters less than nine inches long to a certain extent; and if they will go on and not take anything under nine inches—and I believe they will do this—I say let them have this law and try it out. I believe in letting each locality in the State decide for itself what is best for it, and I do not want to try and tell anybody in another section what they shall do, and I would like to have them give us the same privilege in our county. Therefore, Mr. Speaker, I hope that the House will sustain the minority report.

Mr. MOODY of York: Mr. Speaker, I represent a class that extends from Kittery to Pine Point, somewhere about forty miles, and I wish that the members of this House could put themselves in the place of the lobster fishermen of York county and especially of Kittery and York. If they could see the people in New Hampshire take the nine-inch lobsters, take them from our waters, go into New Hampshire and sell them, and our people deprived of that privilege, why you would feel that we ought to have this nine-inch law as I call it. Now I have voted at this session for close time from Monhegan out to Petit Manan or somewhere. I have voted for everything that my good friend Baker has suggested because I believe that he knows a good deal about the lobster business; but I do not believe he knows it all. Outside of this matter I am going to say right here and now—I may not have the opportunity to say it again—the wrong lobster is protected and the lobster that ought to be protected is not. You can take as many of the twelve or fourteen-inch lobsters as you have a mind to, but those are the lobsters that ought to be protected. Those are the lobsters that propagate their species; it is not the nine-inch lobster by any manner of means. I hope that you will give York county a chance to try this law, if it works adversely, Mr. Baker will be in the other end or somewhere the next session and he can have it repealed. (Laughter and applause.)

Mr. CATES of Machiasport: Mr. Speaker, last night at the Augusta House I was a farmer, but this morning I am a fisherman. I attended a

farmers' banquet at the Augusta House last night and had the pleasure of sitting at the table with two gentlemen from York county who probably will vote this morning on the nine-inch lobster bill. As soon as they found out that I came from Washington county and represented quite a class of fishermen, we started in to have a friendly argument, and it looked as though I would be swamped there for a while; but I am going to try to get back at them this morning. They want to protect the nine-inch lobster, and I want to say that at the hearing on this lobster bill it was brought out that a ten and a half inch lobster was an egg-bearing lobster, and reproduced. Very few nine-inch lobsters are egg-bearing and from ten inches down they are not egg-bearing lobsters. When you get down to a nine-inch lobster there can be no question that it is not egg-bearing. The gentlemen from York county admitted that they catch short lobsters, and I cannot see that it makes much difference whether they catch nine-inch and six-inch lobsters. Neither is egg-bearing. If you kill off your chickens you are not going to have any hens; and I hope that this motion to accept the majority report will prevail.

The SPEAKER: The Chair will state that the question before the House is not on the majority report. The question before the House is on the motion of the gentleman from Biddeford, Mr. Goldthwaite, that the minority report be accepted.

Mr. LAMSON of South Portland: Mr. Speaker, I will not take up much of your time, but I would just like to read this telegram:  
"Thomas F. Lamson,  
State House,  
Augusta, Maine.

Any lobster legislation that allows York county or any other county special privileges regarding the size of lobsters to be caught or used would work out disastrously, and we beg to protest against any such legislation. If York county wants a nine inch law make the entire State the same. Fight against any special legislation.

The WILLARD DAGGETT CO."

Mr. ROGERS of Rockland: Mr. Speaker, I would like to go on record as opposed to this minority report. I represent quite a number of fishermen, and all that I have heard from say to keep the law as it is.

Now in answer to the gentleman

from York county who says that the lobster industry is that county compares favorably with the industry in other parts of the State, I wish to say that a year ago this winter I knew of a man on Matinicus Island who stocked \$700 in the two months of January and February. Now if any of the York county fishermen can do that I do not think there is any necessity for a change in the law.

Mr. brother, Mr. Moody, says that they come over from New Hampshire into the Maine waters and fish. If the fishermen in York county are no more honest than they are in Knox county, and I do not think they are when they go out the next morning to their traps, they would not find their buoy on them.

Mr. GOLDTHWAITE of Biddeford: Mr. Speaker, I did not intend to say anything further in regard to this matter, but in reply to my colleague from Vinalhaven, Mr. Boman, in regard to the seed lobster, I think you will agree with me when I make the statement that it was represented before that committee on Sea and Shore Fisheries that the farther east or north you go, the more prolific lobsters are; that when you get down into the Provinces quite a lot of those lobsters, nine inches and upward, are seed bearing lobsters. Now the larger portion of those seed lobsters which have been purchased by the Director of Sea and Shore Fisheries, have been lobsters obtained from Nova Scotia and put into the pounds and put there for several weeks, possibly months. When they came to take them out they were all ready to propagate, drop their seed, and it has been a benefit, as I said before, in relation to the distribution of these lobsters that there have not been any distributed west of Cape Elizabeth.

Now in regard to the price of the lobster, the price of the chicken lobster so-called today is approximately the same per pound as of any larger size. They do not weigh quite as much but they bring as much per pound in the market.

Now I want to make myself clear in regard to the Commission on Sea and Shore Fisheries. I voted on the minority report that legislation on that matter was inexpedient at this time against my own personal feelings in regard to the matter by reason of the fact that it was put up to

me so plainly that a large majority of the fishermen the dealers of this State, thought that the commission form of government was better than the commissioner form.

Now in regard to the line which I hope and pray will be established between York and Cumberland counties, in going over, transgressing one way and the other, the Cumberland county fishermen at Pine Point and Scarboro, have been for two years or more wardens of the State. The York county fishermen agree to become wardens if this act becomes a law on the other side of that line. Is it not fair to presume, members of this 81st Legislature, that if this act becomes a law that division line will be properly guarded from fishermen crossing it irrespective one side of the other? I think so.

The SPEAKER: The question is on the motion of the gentleman from Biddeford, Mr. Goldthwaite, that the minority report be accepted. As many as are in favor of the acceptance of the minority report will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had,

Thirty-nine having voted in the affirmative and 74 in the negative, the motion to accept the minority report was lost.

On motion by Mr. Baker of Steuben, it was voted that the majority report, ought not to pass, be accepted.

From the Senate. Resolve providing for the purchase of "Music and Musicians of Maine"; on which the House voted to adhere to its former action March 20th.

In the Senate that body insisting on its former action and asking for a committee of conference with the following conferees appointed on its part: Messrs. Cram of Cumberland, Sargent of Hancock, Spencer of York.

In the House, on motion by Mr. Moody of York, that body voted to reconsider its action whereby it voted March 20, under suspension of the rules to adhere to its former action; and on further motion by the same gentleman, the House voted to insist and that a committee of conference be appointed in accordance with the request from the Senate.

Thereupon, the Chair appointed as such conferees, Messrs. Sanders of Portland, Houghton of Fort Fairfield, and Pierce of Sanford.

From the Senate: An Act to amend Section 42, Chapter 117, Revised Statutes, as amended by Chapters 39 and 167, Public Laws of 1917, Chapter 214, Public Laws of 1919 and Chapter 219, Public Laws of 1921, relating to salary of county commissioners of Androscoggin county, on which the House voted to adhere to its former action March 23d.

In the Senate that body insisted on its former action and asked for a committee of conference, with the following conferees appointed on its part: Messrs. Morneau of Androscoggin, Hinckley of Cumberland, Smith of Somerset.

Mr. WING of Auburn: Mr. Speaker, I move that the House insist and the House, it seems to me, should understand the parliamentary situation. This bill as I recall it, was indefinitely postponed by the House and the House then at that time refused reconsideration. It then went to the Senate and the Senate insisted on its action of non-concurrence and the bill was returned here. The House reconsidered its vote and then voted to adhere. So, three times this House has gone on record to the end that this bill be indefinitely postponed. In other words we have really voted on it three times.

Now, with all respect to the Senate, it seems to me that the House, having taken this position three times and the Senate knowing about it, that it is not lacking in respect at all to simply insist on our previous action and that the matter can then rest somewhere between these two houses. I move you, Mr. Speaker, that we insist, and I hope that the motion will prevail.

Mr. GAGNE of Lewiston: Mr. Speaker and gentlemen, I will not keep you very long because we have talked on this matter before, and I want to say at this time that we would like to have justice because every other county has had a raise and I think we deserve it in the county of Androscoggin. So I move that the House recede and concur with the Senate and that a committee of conference be appointed.

The SPEAKER: The Chair will state for the benefit of the member from Lewiston (Mr. Gagne) that it will be necessary to suspend the rules in order to entertain that motion.

Mr. GAGNE: Mr. Speaker, I move that the rules be suspended.

The SPEAKER: It requires a two-

thirds vote of the membership of the House to suspend the rules. As many as are in favor—

Mr. GAUVIN of Lewiston: Mr. Speaker, I move that we take a ye and nay vote.

A division of the House being had and a sufficient number not having arisen, the motion for a ye and nay vote was lost.

A further division of the House being had and a sufficient number not having arisen, the motion to suspend the rules was lost.

The SPEAKER: The question now is on the motion of the gentleman from Auburn, Mr. Wing, that we insist on our former action.

The motion to insist prevailed.

From the Senate: Bill An Act to repeal Section 43 of Chapter 19 of the Revised Statutes, relating to Local Health Officers: which was indefinitely postponed in the House March 15th.

In the Senate that body insisted on its former action and asked for a committee of Conference, with the following Conferees appointed on its part:

Messrs. Hinkley of Cumberland  
Hussey of Aroostook  
Elliot of Knox

The SPEAKER: Is it the pleasure of the House that we recede and concur with the Senate?

Mr. LITTLEFIELD of Kennebunk: I move, Mr. Speaker, that we insist on our former action.

The SPEAKER: The gentleman from Kennebunk, Mr. Littlefield, moves that we insist on our former action. Does the gentleman wish to suggest a committee of conference?

Mr. BARWISE of Bangor: Mr. Speaker, I think that it is merely a matter of courtesy to the Senate, when they ask for a committee of conference, for us to join. That does not necessarily mean that we are receding from our position but that we are willing to talk the matter over. I hope that we will not be discourteous to the Senate.

Thereupon, on motion by the gentleman from Kennebunk, Mr. Littlefield, the House voted to insist upon its former action and a committee of conference was asked for.

From the Senate: Report of the committee on Legal Affairs on Resolve authorizing Michael Burns to bring a suit at law against the State

of Maine, reporting that same be referred to the committee on Judiciary:

This was accepted in the House March 26th.

In the Senate indefinitely postponed, in non-concurrence.

In the House, that body voted to recede and concur with the Senate.

From the Senate: Report of the committee on Public Health reporting ought to pass on bill An Act to amend Chapter 41 of Public Laws of 1919, relating to marriage of persons infected with syphilis; this was accepted in the House March 15th.

In the Senate indefinitely postponed in non-concurrence.

In the House: Mr. BREWSTER of Dexter: Mr. Speaker, I move that we recede and concur with the Senate.

A viva voce vote being doubted,

A division of the House was had.

Fifty-three having voted in the affirmative and 46 in the negative, the motion to recede and concur prevailed.

From the Senate: Bill An Act to amend Section 10 of Chapter 64 of the Revised Statutes, relating to marriage; which was passed to be enacted in the House March 26th.

In the Senate indefinitely postponed in non-concurrence.

In the House: On motion by Mr. Brewster of Dexter, that body voted to recede and concur with the Senate.

From the Senate: Final report of the joint standing committee on military affairs.

In the House, read and accepted in concurrence.

#### Conference Report

Report of the committee of Conference on the disagreeing action of the two branches of the Legislature on bill An Act to amend Section 3 and Paragraph 7 of Section 4 of Chapter 100 of the Private and Special Laws of 1921, relating to Belgrade Lakes Village Corporation reporting that they are unable to reach an agreement.

Report was signed by the following members:

Messrs. Hale of Portland  
Clarke of Stonington  
Baker of Steuben

—Committee on part of House.

Messrs. Adams of Kennebec  
Phillips of Hancock  
Bemis of Somerset

—Committee on part of Senate  
The report was accepted.

#### Reports of Committees

Mr. Rounds from the committee on Claims reported ought not to pass on Resolve in favor of the town of Prentiss.

Same gentleman from same committee reported same on Resolve reimbursing Edward F. Heffron of Eastport, for material and supplies furnished the Passamaquoddy Tribe of Indians.

Mr. Tarr from same committee reported same on Resolve in favor of C. W. Marley of Smyrna, Aroostook County, Maine, to reimburse for loss of a Horse.

Mr. Bickford from same committee reported same on Resolve in favor of appropriating money to reimburse the town of Vinalhaven for rental of Armory to the 302nd Company C. A. C. for the year 1922.

Same gentleman from same committee reported same on Resolve making appropriation to reimburse J. P. Hutchison of Eastport for medical supplies furnished the Passamaquoddy tribe of Indians.

Mr. Sayward from same committee reported same on Resolve in favor of the Sagadahoc Agricultural and Horticultural Society.

Same gentleman from same committee reported same on Resolve in favor of Thomas Treamer, reimbursement for damages.

Mr. Hamilton from same committee reported same on Resolve in favor of Bernard H. Bennett, reimbursement for damages.

Same gentleman from same committee reported same on Resolve in favor of Fred W. Alexander, reimbursement for damages.

Mr. Newcomb from same committee reported same on Resolve in favor of the town of Embden for State Aid for Free High School during the year 1918.

Same gentleman from same committee reported same on Resolve appropriating money for the town of South Thomaston for free High School.

Mr. Macomber from same committee reported same on Resolve in favor of Orland H. Blake of Yarmouth, Maine, for loss of milk busi-

ness by him sustained by Act of Local and District Health Officers.

Same gentleman from same committee reported same on Resolve in favor of Orin Packard for damage to automobile by deer.

Mr. Tarr from same committee reported same on Resolve in favor of the city of Lewiston to reimburse said city for money expended for plans and specifications for an armory.

Mr. Archibald from the committee on judiciary reported same on bill An Act to amend Sections 20, 30, 31, 38, 41, 43, 47, 50, 53, 72, 73, 74 and 82 of Chapter 211 of the Public Laws of 1921, entitled "An Act relative to motor vehicles, and the law of the road, and to revise and amend Chapter 26 of the Revised Statutes and acts amendatory thereof and additional thereto.

Mr. Saunders from the same committee reported same on bill An Act to amend Section 35 of Chapter 104 of the Revised Statutes relating to commissioners admitting to bail persons committed for not finding sureties.

Mr. Keene from the committee on ways and bridges reported same on bill. An Act authorizing the State to take over the control and maintenance of certain highway bridges.

Mr. Keef from same committee reported same on bill An Act relative to the retirement of highway bonds.

Reports read and accepted and sent up for concurrence.

Mr. Wood from the committee on education on bill An Act to amend Section 2 of Chapter 33 of the Public Laws of 1921, relating to sanitation of school houses, reported same in a new draft under same title and that it ought to pass.

Same gentleman from same committee on resolve in favor of University of Maine for maintenance, reported same in a new draft under same title and that it ought to pass.

Mr. PERKINS of Orono: Mr. Speaker and members of the 81st Legislature: I wish at this time to make a motion, and that motion is this: that I sincerely hope that this House will vote to substitute the original bill for the report, and I desire to say at this time that it is with no feeling of antagonism on my part that I make this statement. I think that this House, and the State, owes to that committee on education a vote of thanks, because I consider that they have performed the duties

that were laid upon them to the best of their ability and their judgment. That committee has investigated, and has been in executive session and given a great deal of time and consideration to that matter, but I do not think that I would be true to the oath of office I took here on the 1st of January if I should sit here and allow this Legislature to pass upon the act without having a few words to say upon the subject, because I live within the limits of that institution.

We feel a great interest in that institution and I feel at this time that I am qualified, not from an educational standpoint but from a practical standpoint, to speak upon this subject. We at this time in the State of Maine, are at the corner of the cross-roads, so to speak. We have to decide here in the 81st Legislature whether or not the boys and girls of this State, the boys and girls who are the sons and daughters of the poor people like you and I, are going to have equal advantages of education with the sons and daughters of the rich. It is never the children of the rich that are concerned whenever any educational measure is up for consideration, but it is the children of the poor men of this State that have got to be considered in this matter, and considered fully and well.

If we accede to the recommendations of this committee, it simply means a curtailment in the curriculum of that institution and that we have got to drop 150 boys and girls from that university; and that we have got to say to the world, "Gentlemen, we put a ban upon education in the State of Maine, and only a certain few can be educated in that great State institution." It is a State institution, an institution of the State of Maine, and I believe that every man within the hearing of my voice believes that it is a State institution. Today we are faced with that problem of deciding whether the motto of the State of Maine—"Dirigo"—"I lead"—is no longer true, or whether we are going to advance with the progress of the world.

The University of Maine has been upon the rack, so to speak, for a number of years. There is an honest difference of opinion, and I respect an honest difference of opinion. The question to decide right here is whether or not we are going to be drawn between the conflicting ques-

tions of the tax rate of this State or whether we are going to legislate wisely. We have legislated in this session, as we do in every legislature, upon everything from a housecat to a corn borer, but this morning we are called upon to consider a very important matter, and I should like to read to you a few testimonials in regard to what some men of this State have to say regarding education in the State of Maine. First I will quote from a speech of His Excellency on November 16th, 1921, at the University of Maine:

"I am confident that it is the wish of the people of the State of Maine that this institution should proceed along broad, liberal lines and should continue to do the work in the future that it has done in the past. It is growing every year. Its needs are greater and I feel that I have the right to say to you here in behalf of the people of the State of Maine, that they are going to continue their loyal and generous support, that they are going to stand behind you in whatever you need.

"I want to see the financial condition of this institution placed upon a sound and enduring basis. I want to see this institution removed from the necessity of leaving some of its buildings in their present unsatisfactory condition. In other words, I want to see the strain removed so that you can proceed along the road to the future without embarrassment of financial questions.

"I know what it means to a great many of you young men and women to come here, to the University of Maine. I know that many of you make sacrifices to come here and that those who live at home make sacrifices in order that you may come here. I tell you it is worth while to have a group of young men and women who are willing to make sacrifices and who are willing to work for an education and that bodes well for the future of the State of Maine.

"This institution is in every respect a State institution and although the Governor has many institutions under his care and has many responsibilities placed upon him I assure you there is no institution or no responsibilities which he welcomes more than that which comes to him as in a sense the head of this splendid University.

"I want to assure you that I shall



work with you, shall work with the board of trustees, and the members of the faculty in doing everything I can to continue this institution as a splendid State institution in which there are about 1200 young people from our own State and 200 from our neighboring states."

Gentleman, that is good enough for me, when the Governor makes that statement.

Now President Arthur J. Roberts of Colby College made this declaration on Saturday, March 24th, at the 42d annual reunion and dinner of the Boston Colby Alumni Association at the City Club:

"If there isn't room in the colleges for the students who apply for admission for goodness sake let's have more colleges." And he declared, gentlemen, that he himself would have been excluded from the college if the limitation system had been in operation in his day.

The buildings of the University of Maine are in a very seriously delapidated condition. Every year we have been told to bear with the State in its heavy tax rate and that by so doing the time would arrive when we would be rewarded; and we have listened to that, but today we are stripped right down to the running gear, so to speak and it simply means a curtailment and that we shall say to the people of the State of Maine and to the world at large, "there is a limit." How do you know but what your boy or your girl might be the thousand-and-first child that would be denied the privileges of an education in that institution? The other colleges of the State already have all they can carry. The average cost of the University of Maine is \$365 per pupil instead of \$495 as has been quoted. At Bates it has been quoted at \$310 but the treasurer assures us that the average cost is \$800. At Bowdoin it has been quoted at \$434 but the treasurer assures us that it is \$560.

Now, I can stand here and talk to you until the "cows come home" but I do not believe that there is any need. I believe there is an honest difference of opinion. I believe that you want the boys and girls in that institution today, to know that the law-makers here in Augusta stand with them; and I believe that if the State has come to the stage where we are going to have an education of the aristocracy in place of an education

of the democracy, that we are taking a step backwards.

At this time, in closing, I want to tell you that these few, brief remarks that I have made here this morning, in my humble way, are in no way insinuations against any man, and that they are my honest convictions and I have stated them because I believe them, and I shall very greatly appreciate your support in this matter. Gentlemen, I thank you. (Applause)

Mr. BARWISE of Bangor: Mr. Speaker, I feel just exactly as the gentleman from Orono (Mr. Perkins) feels, but I cannot agree with his judgment. There is nothing that arouses in the breast of any of us such tender emotions as recalling our days at school, recalling those happy, rosy-tinted days when we were all young, when the dew of life was still glistening upon the fields of experience. When I recall those things, when I recall the needs of the institution, we are all in the same frame of mind that the gentleman from Orono (Mr. Perkins) is in. I wish that we could—I wish that we were financially able to give more money, to appropriate more money for the University of Maine than what the University of Maine has asked for. This Committee on Education has labored long and thoughtfully, almost prayerfully, over this question. The University budget calls for seven hundred and some odd thousand, and six hundred and some odd thousand dollars, a total of a little over thirteen hundred thousand. We have allowed in our report \$460,000 for the first year and \$435,000 for the second year, making a total of \$895,000 for the two years. The State Budget Committee allowed very much less, about \$320,000 less than we have allowed.

Now in making appropriations for all State institutions, whether the University of Maine or any other State institution, we have been this year, all of us, "between the devil and the deep sea." We have been between the pressing needs of the institution and a frightful patchwork on the other side. Now, of course, it may be said in an emotional way that we ought not consider dollars and cents as against education, but in running the State of Maine in a sober, serious frame of mind, we must consider the question of dollars and cents; we must consider the tax rate. You all know about that body

of men that some wits of the Legislature have referred to as "the council of elder statesmen," that is composed of the Appropriations and Financial Affairs Committee of the Senate and the House chairman of all the committees carrying large amounts of money. You all know about their meetings in the last few days, and how we have attempted to take a comprehensive view of the financial outlook. Every committee has come in here, and all the Senate amendments, cutting down their appropriations in the last few days, and some of them cutting them right in two. We were facing a frightful financial outlook ten days ago when this "Council of Elder Statesmen" was formed.

Now we are not considering—and I do not wish any one to think that I am saying that we do not need every dollar of the money asked for by the University of Maine original bill. We need the money; that is clear. But we have not the financial ability to grant it at the present time without a perfectly ruinous tax rate. Thirteen hundred thousand dollars would mean, added to the tax rate, that we have something that would be at least a political suicide, if not an economic suicide in the State of Maine.

Something has been said about cutting down the university. We have gone into that very carefully. There are those in the State who believe in materially cutting down the size of the student body. The education committee does not, and we do not in this report believe that the student body will be cut down by this report beyond what the authorities of the university contemplate in raising the standards. We believe, in other words, that when we grant \$300,000 a year for maintenance, as we do in our report, as against \$383,000 asked for by the university, that we shall have taken care of all students that come to the university that will have a sufficiently high examination next fall to get in. We think that the raising of the standard which the university authorities contemplate will eliminate 150 or 200 students, so that we can take care of the rest of them on the \$300,000 a year.

Now, there may be some difference of opinion as to how much it would cost to restore these buildings. They are in a deplorable condition. The contractors who figured on the amount figured that it would cost \$147,000 to restore the buildings, not mentioning anything about any new building, but

restoring the present buildings. We made a careful examination. The committee visited the grounds, went over everything, visited every room, and we feel that the thing can substantially be done on the \$125,000 which we granted. We have cut the \$147,000 down to \$125,000, which is \$75,000 for the first year and \$50,000 for the second year.

When we come to the question of new buildings at the university, there is a crying need for dormitories. Seventy-five girls were turned away last fall and many more will be turned away next fall, because there is no place to put them. Now in the case of that crying need we have felt that we could not allow anything for dormitories, that we must take our choice of what we are going to do under the present financial circumstances. So we cut out dormitories. We also cut out the dairy building—the old dairy building is in a disgraceful condition—but we have cut that out. We have cut out the greenhouses. We have recommended \$85,000 a year, for two years, or \$170,000 for a building for the College of Arts and Sciences, as against \$220,000 which the architect thought it would cost to build. We have allowed \$170,000 divided equally between the two years.

Now the greatest need of the university at the present time, as pressing as all the needs are, is a decent building for the College of Arts and Sciences. In the old dwelling house in which they are now quartered, the water runs down through the roof and the partitions are made between one room and another with little, thin boards, so that you can hear the recitations going on in two or three different rooms at the same time. The conditions are crowded, there is practically no ventilation, it is a deplorable condition for the largest college of the university. You have seen some suggestions, left on your desks from various sources, that the College of Arts and Sciences might well be reduced, that it was rather superfluous in this sort of an institution. Gentlemen, let me make it clear to you that the College of Arts and Sciences at the University of Maine is now the biggest and has always been the biggest department of the whole university. In spite of the University of Maine being distinctively a technical school, from which men have gone all over the country into prominent positions, nevertheless the classics, history, philosophy, the languages, those things which go to make up a cultured man, have been studied

by more students at the University of Maine, than any other course, during all the years from the beginning down to now.

Now a suggestion was made in a pamphlet which I saw here a while ago, that in a technical school it was hardly necessary to have a college of arts and sciences. That is a total misapprehension of the whole situation. A boy or girl comes to the University of Maine to take a course in biology, or psychology, or one of the electrical courses, and along with those studies this student wishes to have some of the cultural things of life, some of the things that make life sweet. So, every student in the technical branches takes, more or less, courses in the College of Arts and Sciences along with his other work, so that the College of Arts and Sciences is not a distinct school made up of students who just stay there and do nothing else in the university, but probably more than two-thirds of the students are taking other courses and incidentally some of these courses of the College of Arts and Sciences.

The committee believes this to be the most pressing of any of the needs, outside of the repairs and maintenance, and if you will notice, from my rambling remarks, we have only made three items. We made an item for maintenance, an item for repairs and this item for one new structure. And, as I say, if I listened to the dictates of my heart I should agree entirely with Mr. Perkins, but if I shake my head and stop to think of the present financial situation, I can not but hope that this House will stand by the committee and by a figure which I believe, and which I am assured by some of the members of the "Council of Elder Statesmen" will go by the other end of the Capitol, while the other amount will not.

The SPEAKER: The question is on the motion of the gentleman from Orono, Mr. Perkins—

Mr. GARDINER of Gardiner: Mr. Speaker and gentlemen: I hope that the motion of the gentleman from Orono, Mr. Perkins, will prevail, and I believe that if it does and we have before us the bill, we will be in a better position to do our duty in this matter.

I do not want to ask the indulgence of the House for too long a time, but I would like to ask indulgence for a few moments while I make some ob-

servations about a subject that I confess to be somewhat ignorant of, and that is the subject of the science of education. I know little of the science of education, but I have had occasion to observe in many ways the value of education. We are concerned, for the purposes of this discussion, with the value of a college education, and in that connection I think that we cannot contrast the value of a college education with no college education, but we must consider also the third class, and that is, what is the comparative value of a second-rate college education.

Now a second-rate college education may sometimes be obtained by a boy or girl through their own neglect to apply themselves to their studies, and a second-rate college education may sometimes be obtained through lack of funds at the University, which gives that education. I think we should be careful that no act of ours should give the boys and girls of the State of Maine an inferior college education because I think that the person who has an inferior college education is in a far worse situation than anybody who has no college education. A college education of itself is not a particularly good test for it is the character that is back of that education that is the real test of the fitness of a man or woman for the tasks of the world.

Part of my observation as to the value of education was obtained in the service and I had some small responsibilities about recommending boys for training camps or minor positions in the army. I came to realize the importance then of the first-class training as a part of the general equipment for the service of the world. I am not a militarist but I believe it is one of the functions of government to take care that the youth of the country are so trained that they may be of the greatest service to the country in her greatest need. I told you that I had no knowledge of the science of education but I would call—

(At this point, a communication was received from the Senate, through its Secretary, proposing a joint convention of both branches of the Legislature forthwith in the hall of the House of Representatives for the purpose of listening to an address by the Honorable W. W. Husband,

Commissioner-General of the Department of Immigration.)

Mr. GARDINER, continuing: I told you, gentlemen, that I had no particular knowledge of the science of education, and the word that I want to leave with you is that where my ignorance begins, I have a man whom I am willing to follow and that man is the new President of the University. (Applause.)

On motion by Mr. Gardiner of Gardiner, the House voted to concur in the proposition for a joint convention of the two branches of the Legislature; and on further motion by the same gentleman the clerk of the House was charged with the duty of informing the Senate that the House so concurred.

The SPEAKER: The Chair will announce at this time the personnel of the committee of Conference created under the motion of the gentleman from Kennebunk, Mr. Littlefield, on the matter relating to local health officers: Messrs. Littlefield of Kennebunk, Rounds of Portland, and Ramsdell of Milo.

On motion by Mr. Rowell of South Thomaston, the House voted to reconsider its action whereby it accepted the report of the committee on Claims relative to the school funds of the town of South Thomaston; and upon further motion by the same gentleman the matter was tabled pending acceptance of the report.

The SPEAKER: The House may be at ease.

Subsequently, the clerk reported that he had performed the duty assigned him.

At this point the Senate came in and a joint convention was formed.

#### In Convention

The President of the Senate in the Chair.

The PRESIDENT: The Maine Legislature is very glad to pause, even in the midst of busy days and in the midst of their deliberations, to welcome and to listen to distinguished visitors within our walls.

We are fortunate today to have with us a man who stands high in the ser-

vice of the Nation, and a man who has been of peculiar benefit to this State of Maine in certain rulings of his by which it has been made possible that certain labor could be solicited across the line in the Provinces to the great advantage of our manufacturing establishments in this State, and we owe a debt of gratitude to him for what he has done.

It gives me great pleasure at this time to present to this joint convention the man who has done this for Maine, the man who really does stand high in his service to our land, the Hon. William W. Husband, the Commissioner General of Immigration of the United States, and I am sure he has a message for us at this time. (Applause).

Mr. PRESIDENT, Mr. Speaker and Members of the Legislature of Maine:

I am not going to detain you long today, for I know how very busy you are in the closing days of the session, and I have just said to the President of the Senate that in my State of Vermont, on a day like this, it would probably be impossible to keep the Legislature together any way on account of it being a promising maple sugar day. You do not have that trouble here, but our Legislature is bound to adjourn on a day like this.

Now I shall not go to any great length in a discussion of the immigration problem, for I know that undoubtedly you have a very clear idea, definite idea, of what it has been. But I do want, and have come today to explain that we are living in a new era so far as immigration to the United States is concerned. It is wrong to say a new era, but an era of the old time has come to us again. In other words, as a result of recent immigration legislation, our immigration to the country at the present time is very like what it was 35 to 40 years ago, so far as the character of immigration is concerned.

I will rehearse briefly the developments which led up to what we have for the past 20 years called our immigration problem. The problem as Congress saw it, and the problem that I think was universally accepted by the people of the United States, was not so much the enormous numbers that came to the country in the last 25 or 30 years, but the type of people who were coming. Up to 40 years ago, as you all know, practically all of our immigration was from the north and west of Europe, Scandinavian, British,

German, Dutch, Swiss, French and Belgians. Eighty-five to 90 per cent came from those sources. Then after 1885, or about 1890, in the next 20 years there was a complete reversal of the sources of immigration, and by 1905 or 1906 only about 15 per cent were coming from the old sources and 85 per cent from Italy, Austria, Hungary, Russia, Turkey, Greece, the Balkan states and other parts of the South and east of Europe, which people have come to be referred to as the new immigration, and the older type as the old immigration.

The problem for 20 years in Congress has been to find some means of checking the new immigration somewhat without interfering with anybody and in promoting a return of the old type immigration, the old tide of immigration which prevailed 40 years ago. The literacy test, which I will not undertake to discuss here, aimed at that. That was the purpose of the literacy test. Simply because the new immigrants were illiterate,—the old immigrants were practically all able to read,—it was believed that that would in some measure bring about the reform that was desired. Although enacted into law after 25 years of struggle, in the crisis following the war it was very evident that it afforded no protection whatever to the United States, and consequently Congress turned to the so-called Dillingham quota limit plan as a possible source of relief. Now the Dillingham quota limit plan provides this, that the number of immigrants of any nationality who may be admitted in any fiscal year shall be limited to three per cent of the number of persons of like nationality who were in the United States in 1910. In other words, if there were in the United States in 1910 100,000 persons born in any given country, then three per cent of that number, or 3000, could come in a fiscal year now. That has had the effect of cutting down immigration of the new type from a normal annual average of three quarters of a million prior to the war to 155,000 in a fiscal year at the present time. It has not interfered with the old type of immigration because it permits 200,000 to come compared with about 180,000 who came normally before the war.

The purpose of this law, the underlying purpose—of course, it was enacted as an emergency measure at the time,—but the underlying purpose was based on a belief that if the new type of immigration was checked, was

held back, limited, that there would be a revival of the old type immigration from the north and west of Europe. The opponents of the law believed, or expressed the belief, that that would never happen, that the old immigration was a thing of the past, that we never would have in the United States again any considerable number from the old sources. Last year, the first year that the law was in effect, while the quotas of the south and east of Europe were filled at the earliest possible moment and presumably 500,000, perhaps three-quarters of a million were prevented from coming from those sources, only forty-seven per cent of those who were of the permissible immigrants from the northwest of Europe was utilized.

There has been in the present fiscal year, however, a very remarkable change in that regard; in the first six months of the present fiscal year more people, more immigrants came from the old sources than came during the entire fiscal year which preceded it. Since January 1st the amount from the Scandinavian countries and from the British Isles has been very, very remarkable, and of the people of the highest type. It would do you good—I think that you would think that the immigration problem was in a fair way of solution if you could go to Ellis Island or Boston and see one of the Scandinavian or one of the British ships, or one of those coming from Scotland now, and the class of people they are bringing to the country. It is something which we have not had for almost thirty years.

Now just a moment to read some newspaper clippings! If you have followed the newspaper stories of immigration in the past years, you have read that such a ship arrived from the Mediterranean with 2500 or 3000 Italians, another ship with 1200 Greeks, another with a thousand Armenians, and so on, but very little of the arriving of vessels loaded with the old-time immigrant. Now within just a few days a dispatch from London says: "If the flood of British emigration to America continues at the present rate, Great Britain's quota under the American law will be reached long before July 1, the end of the fiscal emigration year."—Something that even the strongest believ-

ers in the quota law did not think would happen in ten years, that the British quota was in any danger of being exhausted, but it probably will be exhausted, if not in April, in May of this year. "Contrary to the general impression it is learned that Britishers are going to America at a rate almost never equalled, and there is room for only 28,000 more in this year's quota. Emigrants are leaving Glasgow alone at a rate of more than 500 weekly, which is greater than the number from all other English ports combined last year." To show the increase in emigration, he concludes with the statement that more Britishers are going to America than to all the British colonies combined.

A dispatch from New York: "What is declared to be an unprecedented wave of Swedish immigration to the United States is said to have started with the arrival of 1100 Swedish immigrants on the liner Drottingholm. 'For a good many years Sweden has been averse to the emigration of her younger people,' said Captain Anderberg of the vessel. 'Serious economic trouble and the lack of employment have made it necessary, however, to let the barriers down, and we expect from now on, until the Swedish quota of 20,016 is exhausted, all westbound liners to have many homeseekers of our nationality.' "

A clipping from a Boston paper of yesterday: "Scotch and Irish mechanics and shipyard workers, thrown out of employment by the slump in shipbuilding at the great yards in Belfast, the Clyde and on the Tyne, made up the majority of the 1500 passengers arriving here yesterday aboard the Anchor Line steamship Cameronia from Glasgow and Noville. These workers, with skilled laborers in other lines coming here, many of them with their families, will scatter through the country in hope of getting work."

I have read these simply as illustrations of scores of newspaper stories of the same type which are now appearing in the press, and the point I want to make is that it is new, something which we have not had for a great many years.

Now, why are these people coming? It is true that there are unfavorable conditions in those countries, economic conditions, as we all know, but

there are many of us who believe that they are coming because the new type or immigrant is not allowed to come. They will not come together. They have never come together. As the new type increased, one old type decreased during all of the years since the movement from the south and east of Europe begun. They do not mix. They will not work together. They do not mix at home and we cannot expect them to work side by side here. So, I think, and I am not alone in that thought by any means, that the reason this type of immigration is coming is because the others are being held back.

Now I am not saying that the other type is undesirable, that it is not good. But there is a deep-seated feeling in the country, and in Congress, and everywhere, that the type of immigrant who made the United States, who created the country, made it what it is, is a better addition to the population of the country than an entirely alien race who know very little, and appreciate very little of the ideals of America. We say nothing, against them except that they are of an entirely different type and do not assimilate as readily as immigrants ought to assimilate in the United States.

This restricted immigration has brought up a good many problems, one the labor problem, and recently before the adjournment Congress was besieged by complaints of the shortage of labor and petitioned to lift the bars, sweep aside the quota law and let the immigrants come again, but those bills attracted almost no support whatever in Congress. Congress is apparently unanimous in favor of trying out the percentum limit plan for a time yet to see if it will not afford the country the man power that it needs from a people whom we can depend upon to assimilate into the population. One of the statements made, and is still made, and there is a basis for it,—it is not without foundation,—that the old type immigrant will not do common work, that you must let the south and east of Europe in to do common labor. Now it has not been demonstrated yet that they will do it in this country perhaps. They used to do it to a considerable extent, but will they do it again? I do not know. I believe they will because they have always done it at home. England,

Germany, Belgium, Sweden, have all built up big industrial nations and have not imported the cheap labor of Europe to assist in doing it. They have done it with their own resources, with their native born people. And if the native born people of Germany, Scandinavia, England, Scotland, will do common labor at home, why will they not do it in the United States where they can earn three times as much wages for doing it? I believe they will.

Here is a little illustration. The President has spoken of the admission of labor to Northern Maine for work in the lumber woods, a considerable number having been admitted during the present year for that work. Now suppose that in answer to the demand in Northern Maine, the policy of Maine had been to demand the wiping out of the immigration restriction in order to get the help needed in Maine, do you think you would have gotten it from the south and east of Europe in any considerable numbers? You might bring into the United States the whole population of Greece and you would not get enough men to cut over ten acres of timberland in a year in Northern Maine.

That leads me just briefly to suggest the possible future of the immigration policy of the country based on the quota limit idea, or some plan of that nature,—the policy, and there is a drift in that direction,—of adjusting immigration to the needs of the United States. In the past immigration to the United States has adjusted itself to its own needs, or to conditions in the country of origin. Whether we needed them here or not, they came, if the conditions in their own countries made it desirable for them to come, and such conditions usually existed.

Now in enacting any restrictive immigration legislation, the country has departed from a policy which began with the Republic and continued until May, 1921, when the quota law was enacted. That is to say, the old idea, and the beautiful idea it is too, that the United States was the refuge for the oppressed of all the world. That was the only obstacle for years, the one really deep-seated obstacle in the way of immigration legislation, of restrictive legislation. Now that that hurdle has been met, it is extremely improbable that we will ever go

back to the old system of welcome to the oppressed of all lands, and in place of that there must be slowly developed, as I said, a policy of adjusting immigration to the honest needs of the United States, but always with the quality of the immigrant for citizenship in the country placed above the industrial or other needs of the country. And while I have nothing to sell, nothing to urge upon the Legislature of Maine at all,—I have simply come to tell the story of the immigration department, using Maine as an illustration merely of what I mean by adjusting immigration to the needs of the country. You do need immigrants in Maine and you got them this year. I do not know whether you got all you needed, or whether you got more than you needed, but you got them under a system based on meeting needs.

I have heard thousands of immigration stories in the last twenty years that I have been interested in the subject, but last night in Portland I listened to W. W. Thomas' story of the founding of New Sweden, and I want to say that it was the most interesting and the most impressive and the most suggestive immigration story that I have ever heard.

Now without going into details, if in the development of Maine you find that you need people for certain purposes, seasonal labor in connection with the development of land, the Federal Government ought to develop some policy, some system, some machinery, which will enable the State of Maine or its representatives to come to Washington, lay the needs of the State before some national immigration machine, and specify what you want, who you want, and the possibilities, the opportunities in Maine, and have the Federal government to that extent open the doors even if the quota is filled, if the quota needs enlarging to people who are actually wanted as future citizens of the State of Maine. And I have discussed this—my coming here grew out of discussions of that very thing during the past winter with Mr. Gulnac, the President of your State Chamber of Commerce, Senator Hale, Senator Fernald—we have discussed it at very considerable length, always discussing Maine—not Maine in particular, but Maine as a typical example of a state which possibly

needs more people, but needs people of the right kind. I am very confident that at the next session of Congress, or at least within a few years, you will find instead of what we have now in the Bureau of immigration, something merely to sort them out and keep out those who are undesirable or who are thought to be undesirable—you will find in Washington an agency which will help you to meet any needs that may arise in the development of the State.

Now I will not detain you any longer and I thank you very much for the opportunity. (Applause.)

In the House: The Speaker in the Chair.

The purpose for which the Convention was assembled having been accomplished, the Convention was dissolved and the Senate retired to the Senate Chamber.

The SPEAKER: The business before the House is the motion of the gentleman from Orono, Mr. Perkins, that the bill be substituted for the report,—I mean the bill relating to the University of Maine for maintenance, etc.

Mr. CURTIS of Brewer: Mr. Speaker, and members of the 81st Legislature: I want in a few words to second the motion of the gentleman from Orono, Mr. Perkins. I would not feel as though I had done my duty if I came here to this Legislature and went home to my people and said that I had done anything in the least to place a ban upon the University of Maine, one of our best institutions, a large institution and one that we should support in every way we can. I would not want to go home and say to my neighbor's boy that you cannot go to college next fall because the Maine Legislature has not appropriated money enough to run the University of Maine.

Now the University has one of the best boards of trustees that it ever had. They carefully prepared a budget and in that budget they showed identically and exactly the figures that they had got to have to put the University on the basis where it was in 1915. They asked for nothing more. In the last few years the University has been going behind. Its buildings have been tumbling down and every Legislature has said, "Let's wait, let's put it over." Now we have let things go just as long as

we can. Representative Barwise thought the estimates for repairs, if I understood him correctly, were \$147,000, and he says that he thinks they can be made for \$125,000. Now these estimates were made by some of the best contractors there are in the State of Maine. Did you ever know a contractor to make an estimate and have it done for any less? You have had your building repaired, I have had mine repaired; and I have had contractors tell me what I have got to spend, and I have never seen the time that they figured anywhere near what it cost. If the contractors say that it will cost \$147,000, how in Heaven's name do you expect it to be done for \$125,000.

In the Augusta House lobby this morning I heard it said that President Little was here, and that he was before the public too much, and that he ought not to be here, that he ought to be back in Orono. I am glad that we have a man as president of that University who is before the public. He is just the man we need and the man we want to keep there. If he has to come here and tell us what is needed, then let him come. You would think sometimes when you hear what is being said that he has been here all the session. I know better and you know better. He has been two or three times, made brief stops and gone home. Gentlemen, give the University of Maine the amount of money it needs and you will not see the president and the board of trustees here, asking for money each year. (Applause.)

The SPEAKER: The question is on the motion of the gentleman from Orono (Mr. Perkins) that the bill be substituted for the report.

Mr. HOLMES of Lewiston: Mr. Speaker, just a word. I wish to say that I heartily and sincerely endorse every word said by the gentleman from Orono, Mr. Perkins, and I believe that he need have no fear of the views of the people of Maine on this question. I think we all know that the American people will make any sacrifice for education. I listened to the remarks of the gentleman from Bangor, Mr. Barwise, and I was particularly struck by an expression which he used to the effect that it might be political suicide to have the appropriation called for in the original bill. If that remark means anything, it means that the dominant political party would commit politi-



cal suicide. I wish to say that I am not a member of that party, I am a member of the Democratic party; but if the Republican party will commit political suicide in that way, I wish as a Democrat to volunteer to go down to political destruction with them. (Applause.)

The SPEAKER: Is the House ready for the question?

Mr. PERKINS of Orono: Mr. Speaker, I would like at this time to make a motion that the vote be taken by the yeas and nays, that the doorkeeper be ordered to guard the door, bring in the members from the corridors and let every man register just how he feels on this matter.

The SPEAKER: The gentleman from Orono, Mr. Perkins, asks for the yeas and nays. As many as are in favor of the yeas and nays will rise and stand until counted.

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

The SPEAKER: The Chair will state the question. The question is on the motion of the gentleman from Orono, Mr. Perkins, that the resolve be substituted for the report. Those who are in favor of substituting the resolve for the report will answer yes when their names are called, and those who are opposed to substituting the resolve for the report will answer no when their names are called. Does the House understand the question and is it ready for it.

The question being called for, the Clerk called the roll.

YEA—Archibald, Atwood, Ayer, Bartlett, Hanover; Bartlett, Waterville; Belliveau, Benoit, Bickford, Blaisdell, Bradbury, Burns, Cates, Chalmers, Cherry, Clarke, Crowley, Curtis, Downing, Edwards, Fickett, Finnell, Gagne, Gagnon, Gardiner, Gauvin, Gillespie, Gilmour, Goldthwaite, Hallett, Hammond, Hobbs, Hodgkins, Holmes, Houghton, Jewett, Jones, Jordan, Westbrook; Keef, Keene, Lamson, Leathers, Lord, South Portland; Ludgate, Macomber, Maher, Martin, McDonald, McIlheron, Morse, Bath; Nadeau, O'Connell, Overlock, Pendleton, Perkins, Perry, Ramsdell, Ranney, Ray, Rogers, Rowell, Saunders, Sayward, Siddall, Stevens, Stitham, Storm, Story, Sturgis, Towne, Whitney, Wills—71.

NAY—Adams, Liberty; Adams, Litchfield; Baker, Barwise, Beckett, Bisbee, Boman, Boulter, Brett, Brewster, Brown, Conant, Crafts, Cummings, Dain, Dilling, Douglas, Drake, Dudley,

Dunbar, Dunn, Foss, Gamage, Gile, Gordon, Granville, Greenleaf, Hale, Hamilton, Hayes, Chelsea; Hayes, Gorham; Hayford, Heal, Hutchinson, Jacobs, Johnson, Jordan, Cape Elizabeth; Kitchen, Knight, Littlefield, Lord, Wells; Melcher, Moody, Morrison, Nevins, Newcomb, Nickerson, Oakes, Owens, Palmer, Phillips, Pierce, Pinkham, Piper, Plummer, Reed, Rounds, Sanders, Small, Sparrow, Staples, Stratton, Tarr, Thomas, Chesterville; Thomas, Leeds; Tilden, Weeks, White, Williams, Wing, Winn, Winslow, Wood—73.

ABSENT—Farley, Leland, Morse, Greene; Nichols, Smith, Teague—6.

The SPEAKER: Seventy-one having voted in the affirmative and 73 in the negative, the motion fails of passage.

The pending question being on the acceptance of the report.

On motion by Mr. Barwise of Bangor, the majority report was accepted, and the new draft ordered printed under the joint rules.

On motion of Mr. Rounds of Portland the House recessed until 2 P. M.

#### After Recess

#### Reports of Committees—Continued

Mr. Weeks from the committee on judiciary on bill An Act to provide a new charter for the city of Rockland, and to repeal Chapter 482, Private and Special Laws 1885, reported same in a new draft under same title and that it ought to pass.

Report read and accepted, and on motion by Mr. Rogers of Rockland, the rules were suspended and the bill had its two several readings and tomorrow assigned for its third.

Mr. Maher from the committee on Judiciary reported ought to pass on bill an act relating to the distribution of decisions of the supreme judicial court, Revised Statutes and Session Laws.

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

#### First Reading of Printed Bills and Resolves

House 465: An Act additional to Chapter 24, Revised Statutes, relating to highways.

House 466: An Act relating to the income and appropriations of the sev-

eral departments and State institutions.

House 467: An Act relating to the State park commission.

House 468: An Act to amend Section 2 of Chapter 34 of the Revised Statutes as amended by Chapter 81 of the Public Laws of 1921, relating to the duties of the commissioner of agriculture.

House 469: An Act to amend Paragraph 9 of Section 6, Chapter 10 of the Revised Statutes as amended by Chapter 105, Public Laws of 1919, and by Chapter 119, Public Laws of 1921, relating to exemption from taxation of the estates of war veterans.

House 470: Resolve appropriating \$2,000 for the purpose of investigating the tax exemption laws of the State of Maine as found in Section six, Chapter 10 of the Revised Statutes.

House 473: An Act to grant a new charter to the city of Portland.

(On motion by Mr. Rounds of Portland, the House voted to reconsider its action whereby this bill was assigned for its third reading tomorrow morning; and on further motion by the same gentleman it was tabled, pending third reading.)

#### Passed to be Engrossed

Senate 166: An Act relating to the deposits in the county treasury of certain sums of money derived from estates in the probate court.

Senate 171: An Act relating to proof of appointment.

Senate 172: An Act relating to sale of real estate of non-resident owners.

Senate 173: An Act relating to payment of legacies.

Senate 174: An Act relating to commissioners on disputed claims in the probate court.

Senate 175: An Act relating to allowance of minor children.

Senate 176: An Act relating to sessions of probate court.

Senate 180: An Act relating to the waiver of the provisions of a will.

Senate 181: An Act relating to who shall cite a trust officer to accounts.

Mr. GARDINER of Gardiner: Mr.

Speaker, may I ask that the business of the House be suspended for a few moments in order that we may give attention to some other matters somewhat connected with our duties. On behalf of the House I desire to present to Mrs. Fish a small tribute of our thanks for her devoted service.

Thereupon Mrs. Fish was handed a bouquet of roses, the House rising and applauding.

Mr. WING of Auburn: Mr. Speaker, I desire to continue in the ceremonies of the House.

"The rose in the garden slipped her bud,

And she laughed in the pride of her youthful blood

As she thought of the gardener standing by—

He is old—so old! And he soon must die.

The full rose waxed in the warm June air,

And she spread and spread till her head lay bare;

And she laughed once more as she heard his tread—

He is older now! He will soon be dead!

But the breeze of the morning blew and found

That the leaves of the blown rose strewed the ground;

And he came at noon, that gardener old,

And he raked them gently under the mould.

And I wove the thing to a random rhyme;

For the rose is Beauty; the Gardener, Time."

Mrs. Chapman, Beauty in the form of these roses we tender you as an expression of our esteem and respect. Their petals may fall and fade, wither and pass away, but by this token of perfect beauty you must never forget the House of Representatives of the 81st Legislature acknowledge and pay tribute to your sweetness of character and true womanhood; and it is the sincere wish of each one of us that the Gardener Time will bring you your full measure of your heart's desire.

Thereupon the messenger handed

Mrs. Chapman a bouquet of roses, the House rising and applauding.

Mr. ARCHIBALD of Houlton: Mr. Speaker, I too, like those who have spoken before me desire to add some tribute to this occasion. Coming from the most northerly county of this State, I am happy to be associated as a member of this Legislature with one who comes from the most northerly district of the State of Maine, herself a member of this body. How often we have heard it said that woman should be kept in her place. We know from experience that that has been a tremendously difficult task, and now that the field of her activities has been so enlarged, we may perhaps find it somewhat easier to keep her in her place because of necessity from now on the place that she may occupy will have no bound.

It is a very happy event for me to recall that members of both of the dominant parties in this State contributed substantially, wittingly or otherwise, to the election of the first woman to the Legislature of the State of Maine, and both parties represented in this body I have no doubt join with me in any tribute that I may pay to Mrs. Pinkham. If we should attempt to keep her in the circumscribed place previously consigned to woman, she would find herself rather embarrassed, because having none of those small charms at home which she can call her own, and which some of us are happy to look after morning and night, she might find that she would have to go and borrow, perhaps, of some of the neighbors in order to keep her occupied. She has had a large family on her hands here, and I feel that under her careful guidance and supervision, both here and in some of our ramblings—perhaps too noisy ones at times—we have been held in check by the respect that we all owe her.

In behalf of the members of this House, I am very happy at this time to present to Mrs. Dora Pinkham of Fort Kent these beautiful flowers as a token of our esteem for her, the first woman member of the Legislature of the State of Maine; and I trust that she will live long to enjoy her happy experiences here and will come back and see us again.

At this point, the messenger presented Mrs. Pinkham with a bouquet of roses, the members of the House rising and applauding.

Mr. MAHER of Augusta: Mr. Speaker, I, too, at this time wish to intrude a thought, and I think you will all agree that the controlling thing in an assemblage made up of men is the subtle, intangible, guiding thing within, whether you term it sentiment, soul or whatever it may be. It all amounts to the same thing. Speaking in behalf of all the members of this assembly, I know that

“A kindly act is a kernel sown,  
That will grow to a goodly tree  
And shed its fruit when time has flown  
Into the gulf of eternity.”

Today we desire to hand to the wife of the Speaker of this House, the lady who is such a perfect companion of the splendid gentleman who presides over us, a slight token of our esteem. We say to her that

“The red rose is a falcon,  
The white rose is a dove,  
The red rose whispers of passion,  
The white rose breathes of love.”

We give you cream white rosebuds,  
With a flush on their petal tips,  
Because the love that is purest and  
sweetest  
Has a kiss of desire on its lips.”

The desire that we have is that you will hold us in as kindly recollection as I am sure every member here will always cherish you. And reverting to the old phrase where it is said,

“Lady, if our hearts you would win  
and you want to begin,  
Throw us a rose.”

Lady, our hearts you have won; we throw you the rose.

Thereupon a bouquet of roses was presented to Mrs. Holley, the House rising and applauding.

Mr. BAKER of Steuben: Mr. Speaker and Members: Some 40 years ago a certain boy was born in Maine. His early life was spent in about the usual manner as the lives of many Maine boys. He saw rather more of the seamy than the sunny side of life in those formative years. As a little boy he made friends. Forced at an early age to assume responsibility, usually spared to youth, he took up the burden with a smile; and passed on to man's estate, and the solving of its perplexing problems. During those trying years he kept his buoyancy of spirit, and his love and faith in mankind. He made friends. These qualities were his chief asset—and they were sufficient. A happy marriage aided him materially. He was chosen repeatedly to positions of responsibility and

trust at home. Later we find him in the Maine Legislature. He made friends. Here those same qualities of good will, faith and loyalty to others, and in others, convinced the members of this assembly that they would do well to choose him to preside over the deliberations of this body, and he was chosen Speaker. He has presided with signal ability, courtesy and fairness. He has been democratic in this great and trying position. He has ever been as, "Frank," to us and we have been as, "Harvey," "George," "Tudor," "Bernard," "Ben," "Harold," and "Mark" (twain) to him.

And now, Frank, as a token of the great love and esteem in which you are held by the officers and members of this body, I experience a priceless pleasure, and through me the members of this House do honor to themselves in presenting you this watch. May it prove a talisman to guide you through the future; and that it may tick off the steps of your steady progress to even greater successes is the heartfelt wish of all assembled here.

Prolonged applause, the House rising.

**SPEAKER HOLLEY:** Ellis, and my dear friends: You do not mind if my eyes are filled. I do not mind if yours are because these things always have a slight touch of sadness in spite of the splendid spirit which prompts the act. I feel that I know you as I never knew men in my life. I feel as though in past years when I thought perhaps I had loved friends, that that love is nothing compared with the love which I have for the members of this House. I so clearly recall when I stood here three months ago, made Speaker by your friendship and through the courtesy of your vote, how my knees then shook and how I wondered if I could ever proceed. They are shaking more today than they did then, but I want to say now that during all these trying days and weeks and months I have been strengthened every day by the hearts of you members. I have been allowed the privilege of knowing you. I have been allowed the privilege of talking things with you which were close to your hearts and which were close to my heart, and I shall never forget the acts of kindness and the acts of courtesy which you members have so splendidly bestowed upon me; but it is characteristic of this House to do kindly things.

I wonder how many of you realize just how much impression you have made upon the people of the State of Maine by your kindness. Since when, please, did a Legislature in the State of Maine ever adopt an orphan and pledge their individual financial support to his education and future prosperity? Since when has a Legislature had a special committee to condole those who were afflicted by disease or by other serious elements of evil in their families? My friends, I can truly say that this House of Representatives is a House with a heart. It means something to humanity. Of course there have been days when we have been somewhat perplexed at this end of the hall, but by a whispered word of parliamentary procedure and advice from the efficient clerk, and by the strong arm which wields this gavel, we have been able to prevent Ed Rounds from adjourning the House (laughter and applause); we have been able to prevent George Wing from disturbing the assembly by insisting on the bills all being printed in a minute (laughter and applause). And then I can truly say that the rules of the House have been properly obeyed, because I remember very distinctly only the other day when our friend from Auburn insisted on the doors being closed, that unfortunately Mrs. Chapman was on this side of her door and the door had become locked because of having a spring lock, and when the lady attempted to pass the worthy doorkeeper, she was refused passage (laughter.) So it has been a real parliamentary body from beginning to end, and I wish to take this opportunity now, and (turning to the Clerk) Chap, you know that this comes from my heart, to pay the finest tribute to the Clerk of the House of which I am capable when I say that he is a splendid gentleman (applause, the members rising.) And, Mrs. Chapman, you are a wife worthy of your beloved husband. (Applause, the House rising.)

To have been a member of this group is no small honor. I never think of myself except as a member, and I am a member and that is all. I was merely elected as your moderator of this Statewide town meeting, and to have been associated with you is an experience in a man's life of which he can well be proud. You know in life the happiness of it is not made up so much of the comfort and

ease which surround us, but the real happiness of life is bound up in a few brief experiences which we love to recall; and I can see another experience for me—call it a picture if you wish. I see in the future a man and his good wife, the wife who has stood by his side in all these years through the thick and thin of life, to whom he owes the inspiration for whatever degree of success he may have attained. I see them in their own home, not a mansion, only a comfortable country home, seated near the fireside if you wish, and there both intently studying the face of this watch; and, as they wait, there appears first in groups, sections or rows, the vision of the entire membership of this House, and as they continue to wait, there will appear clearly reflected the face of every individual member, and we shall smile at you, she and I, and you will answer, because the bond of friendship cannot be broken by time or distance.

I am grateful from the bottom of my heart for this splendid gift of gold.

(Prolonged applause, the House rising.)

**Passed to be Engrossed—Continued**

Senate 188: An Act permitting sterilizing operations in certain cases of mental disease and feeble-mindedness.

Senate 267: An Act for the better protection of shad, salmon, alewives and smelts.

Senate 268: An Act to establish a teachers' retirement system.

Mr. HALE of Portland: Mr. Speaker, I would like to have that tabled, pending third reading and have it specially assigned for Friday next.

Mr. BARWISE of Banger: Mr. Speaker, I wish to call attention to a mistake in that bill, and if Mr. Hale will kindly withdraw his motion to table until I put in the amendment, correcting the mistake.

The SPEAKER: Will the gentleman from Portland (Mr. Hale) withdraw his motion to table?

Motion withdrawn.

Mr. BARWISE: I wish to offer House amendment A to correct a mistake in the redraft of the bill. We agreed to this in committee and we expected this was the way it was coming out, but through some clerical

error it did not come out in that way.

**House Amendment A**

Section 10 of Senate Document 268 is hereby amended by striking out in line 6 and 7, beginning after the word "years," the words "if a woman, and of sixty-five years, if a man," so that the amended section will read as follows:

'Section 10. Retirement. Any member of the retirement association, who shall have served as a public school teacher for a period of thirty years, of which twenty years, and the last seven preceding retirement, shall have been in this State may retire from service in the public schools on or after attaining the age of sixty years without forfeiting any of the benefits of the retirement system; and at any time thereafter, if incapable of rendering satisfactory service, such member may be so retired, with the approval of the retirement board.'

On motion by Mr. Hale of Portland, the bill and amendment were tabled and specially assigned for Friday, Mar. 30.

Senate 269: An Act providing for inspection, registration, and safety of vessels engaged in Inland Navigation under the jurisdiction of the Public Utilities Commission, Sections 4 to 16, inclusive, of Chapter 59 of the Revised Statutes, and Chapter 195 of the Laws of 1921 repealed.

The Chair presents out of order papers from the Senate.

Papers from the Senate disposed of in concurrence.

From the Senate: Resolve in favor of the State Armory at Lewiston, on which the House asked for a committee of conference March 27.

In the Senate, that body adhered to its former action.

In the motion, on motion by Mr. Hamilton of Caribou that body voted to adhere to its former action.

From the Senate: Bill An Act to limit and define the Powers of the Trustees of the Portland Water District in certain things; on which the House voted to adhere to its former action and indefinitely postpone the bill, March 27th.

In the Senate that body insisted on

its former action and asked for a committee of Conference, with the following Conferees appointed on its part:

Messrs. Brewster of Cumberland  
Morrison of Penobscot  
Elliot of Knox

In the House, on motion by Mr. Jordan of Cape Elizabeth, that body voted to adhere to its former action.

#### Orders of the Day

The SPEAKER: Under orders of the day, the first matters to be considered by the House are those tabled and today assigned; and the Chair presents veto of Governor, on resolve providing for aid to Houlton Agricultural Society, it being House Document No. 352, tabled by the gentleman from Houlton, Mr. Archibald, March 26, pending reconsideration. The Chair recognizes the gentleman from Houlton, Mr. Archibald.

Mr. ARCHIBALD of Houlton: Mr. Speaker, this resolve calls for an appropriation, of \$1500. to the Houlton Agricultural Society. I wish to say to the members of this House that I have not gone to anybody who was a member and asked him to support this measure if in his honest judgment the veto of the Governor should be sustained. I am willing to leave that matter entirely to your own good judgment; but I wish to say this that in the message itself the Governor states that this is giving a special appropriation to a county agricultural society in distinction from the other societies in the State, and perhaps in that way giving this society a preference. Any other agricultural society in the State is, of course, entitled to come here and ask for this same thing. There is a peculiar reason for asking for this. We have not been at all niggardly in our appropriations for the purposes of advertising the industrial and agricultural interests of the State. We express ourselves as willing to make an investment of funds outside of the State which we hope to be of benefit to all of us as to the purpose for which it was made, the intention being to boom, advertise and help the industrial and agricultural interests of this State. Now this society is located in my town and is in perhaps the most productive agricultural section of the State. It does occur to me that if it is a legitimate expenditure of the State

funds to put our money beyond the confines of the State for advertising purposes, it certainly must be equally as beneficial to spend a little of it within the confines of our own State and within the confines of the agricultural districts, where it ought certainly to do quite an amount of good. The society needs this small assistance or it would not be here asking for it. The large fair of our county today receives almost the same amount of money that is given to the State Fair Associations, and I think last year got between \$2,200 and \$2,500 from the State. Now if this act is unfair, why not pass upon that? But this act only will call for an additional amount above what they are already getting, say between five and six hundred dollars, and if, under those circumstances, you feel that this is a fair and reasonable appropriation, I simply ask you to support this bill. If you do not think so, I am willing to leave it to your judgment. As I say, I have not attempted to convince the House because I felt that what I had to say I would say here on my feet to this body as a whole, and you use your own judgment about it. I have stated the facts to you as I understand them.

The SPEAKER: The question is, shall this resolve become a law notwithstanding the objections of the Governor. The question is a constitutional one and the yeas and nays votes are necessary. As many as are in favor of this resolve becoming a law, notwithstanding the objections of the Governor will answer "yes" when their names are called. Those who wish to sustain the veto of the Governor will answer "no" when their names are called. Is the question plain? The clerk will call the roll.

YEA—Archibald, Atwood, Ayer, Baker, Barwise, Bisbee, Boulter, Bradbury, Brown, Burns, Cherry, Conant, Crafts, Crowley, Dilling, Douglas, Downing, Dudley, Dunbar, Farley, Finnell, Gagnon, Gardiner, Gauvin, Gile, Gillespie, Granville, Greenleaf, Hallett, Hamilton, Hammond; Hayes, Gorham; Hayford, Heal, Holmes, Houghton; Johnson, Jordan, Westbrook; Kitchen, Leathers; Lord, South Portland; Lord, Wells; Ludgate, Maher, Martin, McDonald, McIlheron, Nadeau, O'Connell, Overlock, Perkins, Pinkham, Piper, Ramsdell, Ranny, Ray, Rogers, Rounds, Rowell, Sanders, Small, Storm, Story; Thomas,

Chesterville; Thomas, Leeds; Tilden, Towne—67.

NAY—Adams, Liberty; Adams, Litchfield; Bartlett; Hanover; Beckett, Belliveau, Benoit, Bickford, Blaisdell, Brett, Brewster, Cates, Chalmers, Clarke, Cummings, Curtis, Dain, Drake, Dunn, Edwards, Fickett, Foss, Gagne, Gamage, Goldthwaite, Gordon, Hale; Hayes, Chelsea; Hobbs, Hodgkins, Hutchinson, Jacobs, Jewett, Jones; Jordan, Cape Elizabeth; Keef, Keene, Knight, Lamson, Littlefield, Macomber, Melcher, Moody, Morrison; Morse, Bath; Nevins, Newcomb, Nichols, Nickerson, Owens, Pendleton, Perry, Phillips, Pierce, Plummer, Reed, Saunders, Sayward, Siddall, Sparrow, Staples, Stevens, Stitham, Stratton, Sturgis, Tarr, Weeks, White, Whitney, Williams, Wing, Winn, Winslow, Wood—73.

ABSENT—Bartlett, Waterville; Boman, Gilmour, Leland; Morse, Greene; Oakes, Palmer, Smith, Teague, Willis—10.

The SPEAKER: Sixty-seven having voted in the affirmative and 73 in the negative, the veto of the Governor is sustained.

The SPEAKER: The next matter under "tabled and today assigned" is House amendment A to resolve appropriating money to set forth advantages of Maine, it being House document No. 334, tabled by the gentleman from Bangor, Mr. Chalmers, on March 26th, pending adoption of the amendment.

Mr. CHALMERS of Bangor: Mr. Speaker and gentlemen: I move for the indefinite postponement of this bill and amendment. Evidently since last Friday someone has discovered that the State has not as much money as they thought and they have had a mark-down from \$50,000 or \$25,000 a year,—a very small item—to \$20,000 or \$10,000 a year. Quoting from the Legislature record, the gentleman from Lamoine, Mr. Douglas, said, "It seems a mighty poor reason to table a matter merely to gratify our own curiosity as to how we want to do a certain thing."

Now, it would seem so to me if I had not been thinking beyond the moment, as I trust that other members of the Legislature have thought. I have not asked one member to vote with me on this matter nor have I even mentioned or made any personal men-

tion of any member until now. I have not considered this a personal matter at all.

Now, gentlemen, if the State of Maine had plenty of money, we might possibly do something of this kind, such as is the intent of this measure, but as long as the isolated towns are in such poor condition it does not seem to me right, and I wish to go on record at this time, that I think the Legislature of the State of Maine is not an advertising agency but a governmental agency.

Mr. BAKER of Steuben: Mr. Speaker and gentlemen: Just a word of explanation that may clarify the air a little. We have been going through a course of pruning in the committee that was chosen by the Republican caucus to consider the tax rate and there has been a great deal of giving and taking there, and in this case, Mr. Douglas, from the committee on publicity voluntarily, without any pressure being brought, offered to do his share and the committee offered through him to cut down from \$25,000 to \$10,000 each year, making a material saving.

We thought that his action was very magnanimous and expressed our thanks to him and his suggestion was adopted. This amendment was to follow out those lines. I will now yield to the gentleman from Lamoine, Mr. Douglas.

Mr. DOUGLAS of Lamoine: Mr. Speaker and Members of this House: Something happened the other day that they tell me is a very rare thing to happen in a legislative hall. A measure has been fought out here all along, the opposition coming from one certain, same quarter all the time, and the result was that the bill was passed to be enacted; that they were fairly and squarely beaten on the floor of this House where they had all the chance and time they needed for a full presentation of their case, and it was won out. The proponent of this measure came into this House, voluntarily, reconsidered the vote whereby it was enacted and offered an amendment reducing the amount to a minimum of \$10,000 a year, so that the public might see the fine films in the basement of this State House and other people might, in the different picture houses, see these films. And, from the spirit that animated every man on that committee, we thought it was no more than right that we should meet them half way, and I claim that it is noth-

ing but the courteous thing to do to those who supported me, that that motion to indefinitely postpone should never prevail, that this bill being passed once, should pass again, and I hope that the motion to indefinitely postpone will not prevail.

The SPEAKER: The question is on the motion of the gentleman from Bangor, Mr. Chalmers, that the resolve and the amendment be indefinitely postponed.

A division of the House being called for,

Fifteen having voted in the affirmative and 74 in the negative, the motion to indefinitely postpone was lost.

The SPEAKER: The question now is on the adoption of the amendment.

On motion by Mr. Douglas of LaMoine the amendment was adopted.

The SPEAKER: The next matters for the House to consider are under "tabled and unassigned," which automatically come off the table, today being Wednesday. In other words, matters tabled up to and including last Friday, and the Chair presents Senate Document No. 244, An Act relating to salary of county attorney of Somerset county, tabled by the gentleman from Bethel, Mr. Edwards, on March 21st, pending passage to be engrossed; and the Chair recognizes the gentleman from Bethel, Mr. Edwards.

Mr. EDWARDS of Bethel: Mr. Speaker, I yield to the gentleman from Fairfield, Mr. Weeks.

Thereupon, on motion by Mr. Weeks of Fairfield Senate Document No. 244 was retabled, pending passage to be engrossed.

The SPEAKER: The next matter to be considered is Senate Document No. 243, An Act relating to compensation of register of deeds of Knox county, tabled by the gentleman from Bethel, Mr. Edwards, March 21st, pending passage to be engrossed.

On motion by Mr. Edwards of Bethel, House Document No. 244 was passed to be engrossed.

The SPEAKER: The next matter for consideration is report of committee on State lands and forest preservation on bill, An Act relative to Maine Forestry District by adding a section, it being House Document No. 200, tabled by the gentleman from Eagle

Lake, Mr. Burns, on March 22nd, pending acceptance of the report.

On motion by Mr. Burns of Eagle Lake, House Document No. 200 was retabled, pending acceptance of the report.

The SPEAKER: The next matter is Senate Document No. 155, An Act making it unlawful for any person to have intoxicating liquors in possession in a public place, tabled on March 22nd, by the gentleman from Portland, Mr. Rounds, pending third reading.

On motion by Mr. Gagne of Lewiston, House Document No. 155 was temporarily retabled.

The SPEAKER: The next matter to be considered is Senate Document No. 228, An Act to incorporate South Thomaston and Owl's Head into a single town, tabled by the gentleman from Rockland, Mr. Rogers, on March 22nd, pending passage to be engrossed.

On motion by Mr. Rogers of Rockland, Senate Document No. 228 was passed to be engrossed.

The SPEAKER: The next matter to be taken up is, An Act to increase salary of Clerk of Courts of Franklin County, tabled March 22nd by the gentleman from Phillips, Mr. Morrison, pending assignment for third reading.

On motion by Mr. Morrison of Phillips, the above Act was assigned for its third reading, tomorrow morning.

The SPEAKER: The next matter to be considered is Report of committee on Salaries and Fees on bill, An Act relating to salaries of Chief of Police and Police Captains of Lewiston, House Document No. 74, tabled by the gentleman from Lewiston, Mr. Gagne, on March 22nd, pending acceptance of the report.

On motion by Mr. Gagne of Lewiston, the report was accepted and under suspension of the rules the bill received its two several readings.

Mr. GAGNE of Lewiston: Mr. Speaker, I now offer House Amendment A.

House Amendment A to House Document No. 74:

House Document No. 74 is hereby amended by adding thereto the following amendment to Section nineteen of An Act providing for a Police Commission for the city of



Lewiston, by striking out Section nineteen and inserting in place thereof the following:

"All fees paid to the chief of police, captains, inspectors, police matron or any patrolman in their said capacities in any court, shall be accounted for by said officers and turned over to the treasury of the city of Lewiston when received by them."

The amendment was adopted, and the bill as amended assigned for its third reading tomorrow morning.

The SPEAKER: The next matter is Senate Document No. 53, An Act relating to local health officers, tabled by the gentleman from Lewiston, Mr. McIlheron on March 22nd, pending passage to be enacted. On motion by Mr. McIlheron of Lewiston Senate Document No. 53 was passed to be enacted.

The SPEAKER: The next matter for consideration is House Document No. 342, An Act relating to registration of resident hunters and fishermen, tabled by the gentleman from Hanover, Mr. Bartlett on March 22nd, pending passage to be enacted.

On motion by Mr. Bartlett of Hanover, House Document No. 342 was passed to be enacted.

The SPEAKER: The next matter to be taken up is majority and minority reports of committee on Legal Affairs on bill, An Act relating to corporate records and stock lists, tabled by the gentleman from Lewiston, Mr. Holmes on March 23rd, on the motion of the gentleman from Portland, Mr. Hale, to accept the majority report.

Mr. HOLMES of Portland: Mr. Speaker I move that this bill be taken from the table and I yield to the gentleman from Portland, Mr. Hale.

Mr. HALE of Portland: Mr. Speaker, the question, I take it, is on my motion to accept the majority report.

The SPEAKER: That is the question.

Mr. HALE: I will state, Mr. Speaker and gentlemen, very briefly the purpose of this act, which I think has been printed. Can the Clerk give me the number?

The CLERK: New draft 452; House Document No. 452.

Mr. HALE: Mr. Speaker and gentlemen, this is rather a technical question but I will ask the House to bear with me for a few moments. The existing law provides that any stockholder in a Maine corporation shall have the right to examine the stock list of the corporation and to know who his associates in that corporation are, and it has been held that this is an absolute right. The Supreme Court has held, however, that it will not issue its writ of mandamus to enforce that right on the part of the stockholder if the stockholder is not seeking the right for some proper purpose. If he is seeking it for any purpose which is vexatious or malicious or improper the Supreme Court has denied him the right of access to the stock list.

Now, there has grown up, Mr. Speaker and members, a practice, prevalent amongst a few brokers in Massachusetts, to purchase into the stock of a Maine corporation, generally by purchasing one share, and utilizing their position as a stockholder for the purpose of obtaining the stock list purely to advertise other stocks or in order to facilitate their business as brokers, and not in any way because they are interested in their stock as an investment. Now our Supreme Court has said within two years that the Court will protect the interests of the smallest stockholder but will not exercise its extraordinary power at the mere behest of one who acquires a nominal stock interest with the sole purpose of advertising their goods or stocks, so that if the purpose of him who seeks the stock list is to advertise other goods or stocks that purpose will be held improper and that improper purpose will defeat his right to mandamus.

This Act does not detract from the discretionary power of the court. The Court will still have to pass on whether the purpose of the stockholders is a proper one, or if improper, in that he is seeking it for the purpose of advertising other stocks or goods. It seems to me perfectly plain that there is no reason why the processes of the Court should be used in order to foster advertising schemes carried on entirely, or almost entirely, and entirely so far as I know, by non-resident brokers, who, as I say, are seeking entirely their own selfish interests and are not trying to protect any right. It seems to me to be a plain case.

Mr. HOLMES of Lewiston: Mr. Speaker and members of the House: I wish to address you briefly upon the question. It is primarily a question of law, but it has a great public interest I think, and I wish to add to what the gentleman from Portland (Mr. Hale) has said with regard to the law and the proposed amendment, by reading it. You may not have it in hand. Do not go to the trouble of finding it. It is short. Section 22 of Chapter 51 of the Revised Statutes is amended by adding a word at the end. Now, Section 22 reads as follows, as the law was: "All corporations, existing by virtue of the laws of this State shall have a Clerk who is a resident of this state, and shall keep, at some fixed place within the State, a clerk's office where shall be kept their records and a book showing a true and complete list of all stockholders, their residences and the amount of stock held by each; and such book, or a duly proven copy thereof, shall be competent evidence in any court of this state to prove who are stockholders in such corporation and the amount of stock held by each stockholder. Such records and stock book shall be open at all reasonable hours to the inspection of persons interested, who may take copies and minutes therefrom of such parts as concern their interests, and have them produced in court on trial of an action in which they are interested. The above provisions as to list of stockholders shall not apply to any corporation doing business in this state and having a treasurer's office at some fixed place in the state where a stock-book is kept giving the names, residences and amount of stock of each stockholder."

That was the law. The proposed amendment to the law by this bill is as follows: "And no stockholder shall be deemed a person interested within the meaning of this section who has acquired stock for the purpose of seeking access to any corporate records or corporate stock list or lists or whose purpose in seeking access to such records, list or lists, is to use such lists for promoting dealings in other corporations."

Now, members of the House, I wish to say that either that amendment amounts to nothing and is useless and futile, and should therefore be voted down by this Legislature, or it limits the discretion of the Supreme Judicial

Court of the State of Maine. One horn or the other of the dilemma, the proponents of the measure must take, I think. As the gentleman from Portland, Mr. Hale, has said, the practice in regard to this law is briefly as follows:

The statutes say that stockholder—that means, of course one who owns only one share of stock—has a right to inspect the stock list and to take copies of the names and addresses of all his fellow stockholders. Now, that is the undoubted right of stockholders, but if the corporation through its officers, the treasurer or the clerk, refuses that stockholder when he makes that demand for inspection, he must resort to the judge of the Supreme court and petition for a writ of mandamus. Now a writ of mandamus is a discretionary writ anyway, and the court has again and again held that although the Legislature has given to the court the undoubted right to issue that writ of mandamus, the court, under the practice of the common law, sanctified by generations and centuries of custom, the court is not obliged to issue that writ of mandamus unless the court is satisfied that the interests of justice require the issuing of the writ of mandamus, and if the court thinks—that means the justice who is hearing the petition in the first instance—if the court thinks the writ is being asked for any purpose vexatious or improper, or which the justice thinks is foreign to the interests of the corporation, the justice absolutely will not issue the writ of mandamus. Now, that is the law today and it requires no amendment to this law to make that certain.

Now then, that point has been particularly emphasized in two cases to which I wish to briefly refer. In the 114th Maine, the case of Eaton vs. Manter, which is going back several years to the year 1915; in that case the writ of mandamus was denied, "because petitioner desired the list for the sole purpose of selling it to brokers and others dealing in the stock of corporations."

Now go on a few years more to the year 1920 and in the 119th Maine report in the case of Shea vs. Sweetser, beginning on page 400, the court says, "The court will protect the interests of the smallest stockholder, but it would not exercise its extraordinary power at the mere behest of one who acquires a nominal stock interest for the sole purpose of advertising other goods or stocks. Exceptions sustained. Peremptory writ denied."

I have quoted from these two cases

in order to impress upon your minds that the Supreme court of this State is standing on guard with its great extraordinary writ of mandamus, and it may be trusted.

(At this point President Farrington of the Senate came into the House and was seated at the right of the Speaker of the House, amidst the applause of the members, the House rising).

Mr. HOLMES, continuing: Now, in the case of Knox vs. Coburn, in 117 Maine, 409, the opinion is written by the learned Chief Justice Cornish, and the opinion adopts the finding of Judge Morrell who heard the case in the first instance. I have a copy of it here and ask your indulgence and attention, while I read it. It is as follows: "It appears from the evidence before me that the petitioner is connected with the firm of Charles A. Day & Co. of Boston, and that that firm makes a specialty of dealing in unlisted and inactive stocks and bonds, and that the share of stock standing in the name of the petitioner was purchased by that firm, that Mr. Knox" (who is the treasurer of the Androscoggin mills at Lewiston) "might have the status of a stockholder in the Androscoggin mills and such rights as attach thereto. It further appears that this firm makes it a practice to obtain lists of stockholders of corporations in the stock of which it deals; that these lists are for its own exclusive use; that they are not sold or even loaned to brokers or other dealers; that they are used as mailing lists in sending our circulars offering to buy or to sell stock in various corporations. Copies of the circulars issued by this firm were put in evidence, without objection, and seem to be unobjectionable in form. I fail to see wherein the purpose which Mr. Knox intends to make of the lists of stockholders is in any way improper, vexatious or unlawful.

"The primary charge brought against the relator in the return centers about his business as a stockbroker. It is asserted that he ought not to be admitted to an examination of the stock books because he became a stockholder for the purpose of trading in its shares, and that his controlling purpose in seeking access to the stock books is that he, by means of the information obtained, may more effectually carry on that business and more extensively and successfully buy and sell the company's shares for profit to himself. We fail to discover what harm or loss can threaten either the com-

pany or its stockholders from the relator's operations as a buyer and seller of its stock, however active or general they might become of so gross a character as to call for judicial protection from the exercise of the statutory right. Such operations are not hostile to the corporation, have nothing wrong, unjust, illegitimate or unlawful about them, and the desire to advance them in honorable ways, although ulterior to the interests of the corporation and stock ownership, has no taint of impropriety about it." (Citing *State vs. Middlesex Banking Company*, 87 Connecticut, 483, the opinion continues): "In his testimony Mr. Coburn expresses concern that if the writ were granted annoyance to the stockholders might result. It is difficult to see how such a result would follow. The creation of a wider market for the stock cannot certainly be detrimental to the stockholders' interest, and any information as to stock being offered for sale, or of opportunity to sell stock to persons desiring to purchase, would naturally be to the stockholder's interest. The corporation has within its power to very effectively guard the stockholders against any deception, if such should be attempted, by distributing to its stockholders printed statements of its financial condition in such form as to afford full information. It seems that in the case of this particular corporation, it has not been the practice to do so."

Now, members of the House, who wants this amendment to the law limiting, as I maintain, the discretion of the Supreme court of this State. Certainly not the stockholders. They did not come to this Legislature or before the committee on legal affairs in the first instance, and ask to be protected against receiving mail which advertises, possibly, the shares of other industries or the securities of other corporations. I was there, I did not see them. Neither have we heard of any call from the public for such an amendment limiting the discretion of the judges of the Supreme court. Neither has there been a hint or intimation from that great court that the justices themselves would like to have the Legislature limit their discretion. And if none of those parties whom I have mentioned are asking for this amendment to be added on, to limit the power of the court, perhaps it may be—I do not know, but I can imagine—perhaps it might be inside interests who might like to manipulate these

inactive securities of corporations, securities not listed upon the stock exchange, and as the court says, in the case of the Androscoggin mill it could have protected itself by informing its stockholders with regard to the financial condition of the mill and of the corporate security, but it seems, as he says, that in the case of this particular corporation, it has not been the practice so to do.

Now, it possibly might be to the advantage of inside interests to have the discretion of the Supreme court limited, but if I were a small shareholder in the Androscoggin mills, or any other industry of this State, I would prefer to trust the judges of the Supreme court with their control over the extraordinary writ of mandamus, for my protection.

It has been argued or intimated by the learned gentleman from Portland (Mr. Hale) that it might annoy the stockholders to receive mail circularizing them in the interest of other securities, asking them, in other words, to buy other securities. It has also been intimated, in the committee's public hearing, that perhaps they might be induced to buy shares of companies which are not financially sound, but I wondered then and I wonder now if those who have that fear have forgotten that in this State we have a Blue Sky Law, and the securities offered for sale in this State have to pass first the inspection, of the State Bank Commissioner. And I think that between the State Bank Commissioner and the judges of the Supreme Court that the stockholders are fairly safe.

Now something has been intimated with regard to out-of-state, non-resident stockbrokers. Oh, this Legislature, I know, would never allow itself to be influenced in its vote by the thought that perhaps it might benefit local stockbrokers of Maine by doing something which would make the doing of business by foreign, outside-of-the-state stockbrokers difficult. As a matter of fact, it would be impossible to accomplish that purpose if we wanted to, because such a law as this would operate just as strongly against good, responsible stockbrokers in Portland as against some others, perhaps equally as responsible, in the cities of Boston or New York.

Now the only difference between the amendment offered, and of which you are asked to approve, and the words of the Supreme Court of this

State, the only difference is that the Supreme Court of this State has held that if a stockholder, including those who become stockholders for the purpose of getting the list, which the courts say is very proper and all right unless it is used improperly, the only difference is that the court says that if their "sole" purpose is to advertise the securities of other corporations, and this amendment says that if it is the purpose. The difference is that the court says "sole purpose" and this amendment says "purpose."

That is to say, if it means anything at all, it distinctly limits the discretion of the Supreme Court, and the result would be like this: Suppose that I am a dealer in securities in the city of Portland and that I hear that Androscoggin Mill stock in Lewiston—the mill being located in Lewiston—that a block of that stock somewhere is for sale, but I cannot find out where. Some client of mine wants to buy. Now I am able—perhaps my client has one share. I buy his share, I go to the Treasurer of the Androscoggin Mills and I show that I am a stockholder and say, "now let me see who are my fellow stockholders," and I get the information. Now then, I circularize all the stockholders—and they are all over the country perhaps—and I ask them if any of them want to sell and if they do, do they want cash or will they take in exchange the securities of such and such a corporation which I have and which I consider as good a security as that of the Androscoggin Mills: will they exchange with me. Now I have two purposes. One is to serve my client, the other it to sell the shares of some other corporation in exchange. It is my opinion—I do not know what the court would say if it had to interpret this statute—it is my opinion that under this amendment I cannot get the stock list if I have obtained my share for the purpose that I have just described to you.

Now I am going to ask—and that is what I am doing right along—I am going to ask the members of this House to have confidence in the justices of the Supreme Court and to leave this law as it is, and I believe they, as you know, can be trusted. The great chief justice, one of the most learned chief justices in the whole history of the State, read this opinion which I have just read to you. He is surrounded by other learned gentlemen, the associate

justices. They have practically a life job, by custom and tradition, although it is a seven year appointment. They are free from political interests, they are free from the worry of financial affairs, that is, if they are content to live a moderate life. They may be trusted. I do not need to argue that. And I only ask you to leave the law as it is and to trust them to protect us, and they will protect us, members of the House.

Mr. HALE of Portland: Mr. Speaker, I did not mean to speak again, but I feel that I must answer one or two of the statements which the gentleman from Lewiston (Mr. Holmes) has made, because I am afraid it may cause a misunderstanding. In the first place the gentleman inquired as to who wanted this amendment. I will remind the members of the House that it was reported out of the committee on Legal Affairs, nine members of the committee reporting ought to pass and the gentleman from Lewiston (Mr. Holmes) alone being opposed to the amendment, and the amendment was advocated in the committee by a number of respectable persons and was opposed by a number of other persons, no doubt equally respectable, but they were all, as I say, stockbrokers in Massachusetts or attorneys for the same. And I think they are the only people who are really disturbed about this Act.

The point was raised about the Blue Sky Law. The Blue Sky Law has no reference to transactions through the mail, so it has no reference to advertisements and circulars sent out by stockbrokers out of the State who obtain their lists in this way, and can impose on the Maine stockholders almost at will.

With regard to the use of the word "sole." It seems to me that it ought not be necessary to prove that an evil purpose is the sole purpose existing in a man's mind. I question whether it is ever possible to show that a purpose in anybody's mind is the sole purpose. Certainly if you prosecute a man for assault with intent to kill, the law does not oblige you to prove that his sole intent is to kill, and that he has no other intent, and I do not think that the court ever intended, I do not think that any decision of the court ever intended to put that interpretation upon the law.

The statute as proposed does not

alter a line or word of what the gentleman from Lewiston (Mr. Holmes) has read. It limits the discretion of the court only in the sense that any statute, every statute which we have passed in this Legislature, and any statute ever passed by any Legislature does, in the sense that it lays down the lines within which the courts must decide; but it does not take away from the court's jurisdiction the right to determine whether a purpose is proper or improper. The proposed amendment simply clarifies the law, will lessen litigation and prevent fraud.

Mr. MAHER of Augusta: Mr. Speaker and gentlemen, I dislike to be at variance with my brother Holmes of Lewiston, whose law is usually so sound and accurate, yet this matter is of such importance that I want to supplement what the gentleman has said, and I want to touch on one or two things that he did not. The gentleman from Lewiston (Mr. Holmes) has referred to taking away the discretion from the court and has quoted from the court. Now that is not a particularly sound argument, for this reason. The court has not any jurisdiction at all except as it is conveyed by the Legislature, and the Legislature has conveyed this jurisdiction upon the Supreme Court with reference to the inspection of stocks for a certain definite purpose.

Now, if a man is a stockholder in a company, he wants to know who his fellow stockholders are, for what reason? Either to know what company he is in or, which is the practical thing, if he is dissatisfied with the management, that he may put himself in touch with the other stockholders, his other joint owners, and do it in such a way as to effect a change of management; either to get legitimate information or to attract sufficient attention to the stockholders' meeting so that he may effect a change in the directorate of the company. That is the purpose. The court does not have any jurisdiction in the world except as the Legislature confers it upon the court to allow the inspection of the records of companies, and this inspection of the records is being used to a purpose against its ends, namely, certain dealers outside of the State petitioning to the court and getting a writ of mandamus to inspect the lists for what purpose? To become acquainted with

the other stockholders in order to change the directorate? No, not at all. In order to circularize them as you have been circularized, as you have had your desks cluttered on a Monday morning and on Tuesday morning and on a Wednesday morning, with the various propositions, importuning you members of the House to buy stocks. And we all know of interests of that sort who have not the legitimate ends of the company at stake. It is such interests at which this bill is aimed.

The gentleman from Lewiston (Mr. Holmes) says that in the Knox case, Chief Justice Cornish has said, with reference to the Androscoggin Mills, that even though it happened that the particular petitioner in that instance was one Day, or representing Day, of Boston, whose business was dealing in competitive shares and whose business it was to advertise the interest of other shares of competitive companies, that that was not necessarily vexatious, unlawful, idle curiosity. So it stands this way, gentlemen, that any person who has invested ten dollars, if that is the price of a share, or one hundred dollars, or whatever it may be, and whether he lives in New York or Chicago, and it is a Maine corporation, he has a right to come into the State of Maine and apply to our Supreme court and get access to that list and have copies made and then circularize or use for whatever purpose he wants, those names that he has first obtained as the result of the expenditure of a small amount of money, when he has no more interest in that corporation than you have in some concern doing business on the Rand or somewhere on the Bourse; no interest whatever except to advance business for his own foreign companies.

Now this Legislature seeks to show to the Supreme Court what you mean by saying that persons interested shall at all times have a right to have access to the stockholders' records and to make inspection and take lists therefrom. What you mean is this: Taking the words, "vexatious or unlawful or idle curiosity," you mean those who are doing that for a purpose that is primarily foreign to the interests of the company at stake, and it does not seem to me, gentlemen, that the argument of the gentleman from Lewiston (Mr. Holmes), is sound—although I know that he views it

entirely from the angle of possible ill effect and that that is what persuades him to the position he takes—but oftentimes you must consider whether a small good is not offset by a greater ill, and it would have been far better for all stockholders in our Maine corporations if there had never been any such permissive statute at all, if you are going to allow it to be appropriated to ends that are at variance to the best interests of the question.

And, gentlemen, another consideration. There has been a very material diminution in the State of Maine in the past few years in corporation business and one of the contributing factors to this diminution is this; that here in the State of Maine we have believed that it is not workable because it is susceptible of abuse. We are not going in the face of the Supreme Court. We are not limiting the Supreme Court. The Court is interpreting the statute just as the Legislature has given it and when that interpretation does not square with the real ultimate ends of the statute itself, it is the duty, not of the court to legislate by judicial decision, but for the Legislature to function and make the law fit the case. I hope that this report will prevail.

Mr. HOLMES of Lewiston: Mr. Speaker and Gentlemen, I will not detain you or tire you. The gentleman from Portland (Mr. Hale) has told you something about the hearing and what went on at the hearing before the legal affairs committee. I now wish to proceed from where he left off, a few steps further. I wish to say that the bill as proposed to the committee on legal affairs, was not the bill before this House now. That was a different, and in my opinion, a much stronger bill, and that was the bill that was argued for by some of the public and argued against by others. But not this one here.

Now then, when that bill was considered by the members of the legal affairs committee, it was plainly seen that it stood no chance of ever being reported into this House in that form, so a different bill was proposed after the other one on which the public hearing took place remained on the table for weeks. Now when somebody says to me, "if you will not vote for this, look at this, perhaps you will vote for this," I am a little suspicious, and I thought it was my duty to sign a minority report and come in here with it and ask the House to vote for it.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Hale, that the majority report, ought to pass, be accepted.

A viva voce vote being doubted,

A division of the House was had,

Thirty-eight voting in the affirmative and 40 in the negative, the motion was lost.

Mr. HOLMES of Lewiston? Mr. Speaker, I now move that the majority report be indefinitely postponed.

The SPEAKER: The gentleman from Lewiston, Mr. Holmes, moves that the majority report be indefinitely postponed. As many as are in favor of its postponement will say aye, those opposed no.

A viva voce vote was doubted.

The SPEAKER: The Chair is in doubt. As many as are in favor of the indefinite postponement of the majority report, which is, ought to pass, in new draft, will rise and the monitors will return the count.

Mr. MAHER of Augusta: I move, Mr. Speaker, that the matter be tabled.

A viva voce vote to table being doubted,

A division of the House was had,

Twenty-four having voted in the affirmative and 57 in the negative, the motion to table was lost.

The SPEAKER: The question is now on the motion of the gentleman—

Mr. HOLMES of Lewiston: Mr. Speaker, with the consent of the House I wish to withdraw that motion. I should have made another.

Thereupon Mr. Holmes of Lewiston was granted permission to withdraw his motion that the majority report be indefinitely postponed; and on further motion by the same gentleman it was voted to accept the minority report.

The SPEAKER: The next matter is House Document 434, An Act to provide for preservation of archaeological objects, etc., tabled by the gentleman from Gardiner, Mr. Gardiner, March 23, pending passage to be engrossed; and the Chair recognizes the gentleman from Gardiner, Mr. Gardiner.

Mr. GARDINER: Mr. Speaker, I yield to the gentleman from Belgrade, Mr. Stevens.

Mr. STEVENS of Belgrade: Mr. Speaker, I offer House Amendment A and move its adoption.

#### House Amendment A to House Document 434

House Document No. 434, being An Act to provide for the preservation of archaeological objects and sites and for the appointment of a commission of archaeology, is hereby amended by striking out the word "three" in the first line of Section 5 thereof, and substituting the word "four."

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

On motion by Mr. Gardiner of Gardiner it was voted to take from the table House Document No. 407, An Act to revise the military law of Maine, tabled by that gentleman March 26, pending passage to be enacted, and that gentleman yielded the floor to the gentleman from Bath, Mr. Morse.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. Morse.

On motion by Mr. Morse of Bath, the House voted to reconsider its action whereby this bill was passed to be engrossed, and that gentleman offered House Amendment A.

House amendment A to bill An Act to revise the Military Law of the State of Maine.

Amend Section 15 of House Document No. 407 by striking out the following words in line five of engrossed bill "unless sooner removed for cause," and by substituting therefor "at the pleasure of the Governor."

Amend Section 54 of the said House Document by striking out the word "position" in the fourth line of said section, and by substituting therefor the word "portion."

The amendment was adopted, and on motion by the same gentleman, the bill as amended by House Amendment A was passed to be engrossed.

On motion by Mr. Gagne of Lewiston, it was voted to take from the table, Senate Document No. 155, An Act making it unlawful for any person to have intoxicating liquors in possession in a public place, tabled by the gentleman from Portland, Mr. Rounds, March 22, pending third reading; and that gentleman yielded the floor to the gentleman from Portland, Mr. Rounds.

On motion by Mr. Rounds of Portland, the bill then had its third reading, and was passed to be engrossed.

Mr. WINN of Lisbon: Mr. Speaker, I move that that bill be tabled.

The SPEAKER: Does the gentleman wish to make the motion that we reconsider the vote whereby it was passed to be engrossed?

Mr. WINN: If necessary for it to lie on the table, Mr. Speaker.

The SPEAKER: The Chair will state that engrossing bills requires considerable time, and it seems best if a member is not satisfied not to continue engrossing.

Mr. WINN: I will say to the members of the House that the reasoning of the bill may be all right, but the title would seem to indicate that it was granting a privilege that might affect some young fellows seriously.

The SPEAKER: Does the gentleman allude to Senate Document No. 155?

Mr. WINN: Yes, Mr. Speaker.

The SPEAKER: Does the gentleman move that it lie on the table pending its further consideration.

Mr. WINN: I do, Mr. Speaker.

The motion to table prevailed.

On motion by Mr. Chalmers of Bangor, it was voted to take from the table Senate Document 227, An Act to make uniform the law of sales of goods, tabled by that gentleman, March 26, pending passage to be engrossed; and on further motion by the same gentleman, the bill was passed to be engrossed.

On motion by Mr. Bartlett of Waterville, it was voted to take from the table the motion of Mr. Gamage of South Bristol to indefinitely postpone House Document No. 425, An Act relating to Public Utilities, and that gentleman yielded the floor to Mr. Gamage of South Bristol.

The SPEAKER: The Chair recognizes the gentleman from South Bristol, Mr. Gamage.

Mr. GAMAGE: I move that the bill be indefinitely postponed.

The question being on the indefinite postponement of the bill, a viva voce vote was taken, and the bill was indefinitely postponed.

On motion by Mr. Crafts of Greenville that gentleman was given unanimous consent to withdraw House Amendment A to House Document No. 230, resolve in aid of navigation on Moosehead Lake, tabled by that gentleman March 26, pending adoption.

The same gentleman then offered new House Amendment A as follows:

House Amendment A to resolve in aid of navigation on Moosehead Lake.

Amend said resolve by striking out the word "Moosehead Lake" in the title, and inserting in place thereof the following words: "The Lakes of Maine."

Further amend said resolve by striking out all after the word, "Resolve" in the first line, and inserting in place thereof the following: "that the sum of twelve hundred and fifty dollars be and hereby is appropriated for the fiscal year of nineteen hundred and twenty-three for the placing of buoys, the location of lights and the maintenance of same upon the inland waters of the same, and that the sum of twelve hundred and fifty dollars be and hereby is appropriated for the fiscal year of nineteen hundred and twenty-four for the same purpose."

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

On motion by Mr. Nichols of Portland, it was voted to take from the table House Document 444, An Act relating to reduction of bail by bail commissioners, tabled by that gentleman March 26, pending third reading, and that gentleman offered House Amendment A as follows:

House Amendment A to House Document No. 444.

House Document 444 is hereby amended by adding thereto the following words: "No attorney at law who has acted as bail commissioner in any proceeding shall act as attorney for or in behalf of any respondent for whom he has taken bail in such proceeding; nor shall any attorney at law who has acted as such attorney for a respondent in any offense act as bail commissioner in any proceeding growing out of the offense with which the respondent is charged or for not finding sureties on a recognizance growing out of such proceeding."

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

On motion by Mr. Chalmers of Bangor, it was voted to take from the table House Document 402, An Act relating to pensions to employees of Bangor, tabled by that gentleman



March 27, pending further consideration.

Mr. CHALMERS of Bangor: Mr. Speaker, this says for "further consideration." I think the motion was to concur with the Senate in the amendment. I move that we concur with the Senate in the amendment.

The SPEAKER: The Chair will state that the bill came back from the Senate passed to be engrossed with Senate Amendment A.

Thereupon, the House voted to reconsider its action whereby this bill was passed to be engrossed, and further voted that Senate Amendment A be adopted in concurrence.

Mr. BARWISE of Bangor: Mr. Speaker, may we have Senate Amendment A read?

(Senate Amendment A read)

Thereupon the bill as amended by Senate Amendment A was passed to be engrossed in concurrence.

On motion by Mr. Martin of Augusta, the House voted to take from the table majority and minority reports of committee on legal affairs on bill, An Act relating to police commission for Lewiston, House Document No. 4, and on further motion by the same gentleman, the reports were retabled and specially assigned for Thursday, March 29.

On motion by Mr. Clarke of Stonington it was voted to take from the table Senate Document No. 130, An Act relating to teachers' pensions, tabled by that gentleman March 7, pending first reading; and on further motion by the same gentleman, the bill had its first and second readings.

On motion by Mr. Sturgis of Auburn, the bill was tabled, pending its third reading.

The Chair presents out of order House report A of the committee on State lands and forest preservation, on bill, An Act to provide for the protection of white pine trees, reporting that the same ought to pass, the report being signed by the following: Senator Phillips of Hancock, Messrs. Granville of Parsonsfield, Melcher of Rumford and Plummer of Bridgton.

Report B of the same committee on the same bill, reporting that the same ought not to pass, being signed by the following: Senator Putnam of Washington, Messrs. Curtis of Brewer, Hammond of Van Buren and Piper of Jackman.

On motion by Mr. Granville of Parsonsfield, both reports were tabled, pending acceptance of either, and the new draft was ordered printed.

On motion by Mr. Rounds of Portland it was voted to take from the table, bill, An Act in relation to the new charter of the city of Portland, tabled by that gentleman earlier in the day; and on further motion by the same gentleman, the bill had its first and second reading, and tomorrow was assigned for its third reading.

On motion by Mr. Rounds of Portland, that gentleman was granted permission to present the following order, out of order:

Ordered, that there be printed 1000 additional copies of bill, An Act to grant a new charter to the city of Portland.

The order received passage.

On motion by Mr. Conant of Buckfield, it was voted to take from the table, House Document No. 215, resolve making appropriation for support and maintenance of State Experiment Station, tabled by that gentleman March 26, pending final passage.

On motion by the same gentleman, the House voted to reconsider its action whereby this resolve was passed to be engrossed. Thereupon Mr. Conant offered House Amendment A as follows: House Amendment A to resolve making an appropriation for the support and maintenance of the Maine Experiment Station.

Amend said resolve by striking out the words "ninety-five hundred," and inserting in place thereof the words 'ten thousand,' and by striking out the word "seventeen" and inserting in place thereof, the word 'ten,' and further amend said resolve by striking out the words "year nineteen hundred and twenty-four," and inserting in place thereof the words 'fiscal year commencing July first nine hundred and twenty-three,' and by striking out the words "year nineteen hundred and twenty-five," and inserting in place thereof the words 'fiscal year commencing July first nineteen hundred and twenty-four.'

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

On motion by Mr. Conant of Buckfield it was voted to take from the

table House Document 208, resolve providing for display at Eastern States Exposition, tabled by that gentleman March 26, pending final passage.

On further motion by the same gentleman the House voted to reconsider its action whereby this resolve was passed to be engrossed, and the same gentleman offered House Amendment A and moved its passage as follows:

House Amendment A to resolve providing for an annual display of the agricultural products and resources of the State of Maine at the Eastern States Exposition.

Amend said resolve by striking out all after the word "resolve" in the first line, and inserting in place thereof the following: 'that there be and hereby is appropriated the sum of thirty-five hundred dollars for the fiscal year commencing July first nineteen hundred and twenty-three, and fifteen hundred dollars for the fiscal year commencing July first nineteen hundred and twenty-four, to be expended under the direction of the commissioner of agriculture for the purpose of making an appropriate display during the respective years of the agricultural products and resources of the State of Maine on the grounds of the Eastern States Exposition at Springfield, Massachusetts.'

The amendment was adopted, and the resolve as amended by House Amendment A was passed to be engrossed.

On motion by Mr. White of Bowdoinham, it was voted to take from the table House document 453, an act relating to inventory of exempt live stock and fowl, and that gentleman offered House amendment A and moved its passage as follows:

House amendment A to House bill No. 453.

Amend said bill by striking out the word "fifty" and inserting the words "one hundred" in the fifth line of section sixteen.

Mr. REED of Harmony: Mr. Speaker and gentlemen: It seems to me that there is a tendency either to go back wholly on the reports of committees or by amending what seems to me to be very careful consideration of the subjects that are placed before them after due and proper advertising of the fact. Now, there has been much talk during this session of the Legislature regarding exemptions, and although this in a way may seem to be a small matter, if the

members would give or have given investigation to the subject they would see that it really is of considerable magnitude. Now this matter was placed before the Agricultural committee primarily because the promoters of the bill believed that if it was of vital interest to anybody, it might be to them rather than the regular taxation committee. The purpose was not to place more taxes upon the farmers, who I think it is conceded by all are bearing their just proportion of the taxes of the State of Maine, but that their neighboring poultryman, who has been escaping taxation wholly might bear his just burden.

Now as far as I have been able to learn, from what statistics are available here, the average flock of poultry owned by what we will term as farmers, will fall below the fifty as recommended in the new draft of the bill, and I see no reason why the exemption should be further exempted doubling that amount, and for that reason I hope that the House will not adopt Senate amendment A.

Mr. WHITE of Bowdoinham: Mr. Speaker, I will say in regard to this amendment that I have consulted quite a number of people in regard to it who are of the opinion that the amendment will not affect the commercial poultryman which it is the desire of the bill to tax, and I am not sure that I should be in favor of taxing that class of people. Also I have consulted a great many who agree with me that many of the farmers of the state keep one hundred fowls. This includes their turkeys, geese and ducks, and they feel as though they were paying all the tax that they can pay at the present time. The farmers of the State at this time are not in a very prosperous condition. Of course, it is a small matter. Another thing to consider is that when anyone has, say one hundred fowl, the ladies receive the pin money, as we say, from the income on the fowls: and that is why I offered the amendment so as to increase it in order not to touch that class of people. And this does not in any way, that I can see affect the intent of the bill.

Mr. THOMAS of Leeds: Mr. Speaker, it seems to me that fifty would be all that anyone would have for their own personal use. I have spoken to quite a number of my people at home about this matter, and the most of

them seem perfectly satisfied to call it fifty. It seems to me that that is all anyone would naturally have for their own personal use, and I would rather see the bill go on as it originally was rather than have anything added to it.

Mr. CONANT of Buckfield: Mr. Speaker, in the agricultural committee we discussed this bill quite thoroughly and we came to the conclusion that fifty would be a fair exemption, and it was the unanimous vote of the committee that the bill ought to pass in that way, that the exemption of fifty ought to be satisfactory all the way around. I consulted some of my constituents when I was at home last week and they were perfectly satisfied and hoped it would be passed in that way.

The SPEAKER: The question is on the adoption of the amendment. As many as are in favor of its adoption will say "aye, those opposed, "no."

A viva voce vote being taken, the amendment failed of passage.

Thereupon the bill had its third reading and was passed to be engrossed.

On motion by Mr. Ranney of Winn,

that gentleman was granted unanimous consent to present a bill out of order.

Mr. RANNEY: Mr. Speaker, I would state that this is just an act to legalize the doings of the town meeting of Prentiss, March 26th, 1923.

Thereupon that gentleman presented out of order by unanimous consent a bill relating to the proceedings of the town meeting in the town of Prentiss held March 26th, 1923, and on further motion by the same gentleman the bill had its two readings at this time under suspension of the rules without reference to a committee, and tomorrow was assigned for its third reading.

On motion by Mr. Maher of Augusta that gentleman was granted unanimous consent to introduce out of order a resolve providing for a State landing for aeroplanes; and on further motion by the same gentleman the resolve was tabled pending reference.

On motion by Mr. McIlheron of Lewiston, adjourned until tomorrow morning at nine o'clock.