

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

Thursday, March 29, 1923.

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

Prayer by the Rev. Mrs. Hadley of Hallowell.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate, Resolve in favor of D. D. Coombs of New Gloucester for portrait of Governor Parkhurst.

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

In the House, on motion by Mr. Rounds of Portland, read twice under suspension of the rules and passed to be engrossed in concurrence.

From the Senate: Final report of committee on Governor Parkhurst's portrait, reporting that they have acted on all matters referred to them.

In the Senate report read and accepted.

In the House, report read and accepted in concurrence.

Senate Bills in First Reading

Senate 251: Resolve in favor of the State School for Girls for Maintenance and other purposes.

Senate 266: Resolve for the construction and equipment of an Infirmary and Dispensary at the State School for Girls.

Report of the Committee on Public Utilities and Ways and Bridges jointly on Resolve amending Article IX of the Constitution increasing the amount of bonds to be issued for the purpose of building a bridge across the Kennebec river between the city of Bath and the town of Woolwich, reporting same in a new draft under same title and that it "Ought to pass."

Report was signed by the following members:

Messrs. CARLTON of Sagadahoc,
STEVENS of York,
ADAMS of Kennebec,
—of the Senate.

SMITH of Somerset,
BARTLETT of Waterville,
DRAKE of Bath,
BECKETT of Calais,
STORY of Washburn,
DUNN of No. Yarmouth,
—of the House.

Report B of the same Committees reporting "Ought not to pass" on the same Resolve.

Report was signed by the following members:

Messrs. SPENCER of York,
—of the Senate.

BLAISDELL of Sullivan
DUNBAR of Orland,
HEAL of Weston,
KEEF of Vanceboro,
LUDGATE of Patten,
HODGKINS of Bangor,
GRANVILLE of Parsonsfield
KEENE of Belfast,
—of the House

In Senate report A read and accepted and the new draft passed to be engrossed.

In the House:

Mr. HODGKINS of Bangor: Mr. I move that the reports be tabled.

The SPEAKER: Does the gentleman care to assign? In asking that question, the Chair will state that we hope we are drawing to the close and it seems best that these matters go on as fast as possible.

On motion by Mr. Hodgkins of Bangor, the reports were specially assigned for Friday, March 30.

From the Senate: Resolve appropriating money for the construction and equipment of an Industrial Building at the State Reformatory for Men.

This was passed to be engrossed in the House March 22.

In the Senate, indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Tilden of Hallowell, that body voted to adhere to its former action.

From the Senate: Resolve appropriating money for the purpose of operating the Fish Hatcheries and Feeding Stations for Fish, for the protection of fish, game and birds, and for printing the report of the Commissioner of Inland Fisheries and Game, and other expenses incident to the administration of the Department of Inland Fisheries and Game.

This was finally passed in the House March 20, and passed to be engrossed March 14.

In the Senate, passed to be engrossed as amended by Senate Amendment A in non-concurrence.

In the House, that body voted to reconsider its action whereby the resolve was finally passed. It further voted to reconsider its action whereby the resolve was passed to be engrossed.

The SPEAKER: The question now is on the adoption of Senate Amendment A, and the Clerk will read the amendment.

(Senate Amendment A read by the Clerk.)

On motion by Mr. Crafts of Greenville, Senate Amendment A was adopted in concurrence, and the bill as thus amended was passed to be engrossed in concurrence.

Mr. O'Connell from the Committee on Inland Fisheries and Game on Resolve appropriating money to aid in the screening of Cobbosseecontee Lake, in the county of Kennebec, with statement of facts, reported that same be placed on file, as the subject matter has been incorporated in another bill.

Mr. Kitchen from same Committee reported legislation inexpedient on Bill An Act to amend Section 46 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 133 of the Public Laws of 1919, and by Chapter 218 of the Public Laws of 1921, relating to the protection of fur-bearing animals.

Mr. Lord from same Committee reported same on Bill An Act to amend Section 53 of Chapter 219 of the Public Laws of 1917, as amended by Section 19 of Chapter 196 of the Public Laws of 1919, relating to bounties on bob cats.

Mr. Kitchen from same Committee reported "Ought not to pass," on Resolve appropriating money to aid in the screening of Lake Winnecook, or Unity Pond, in the towns of Burnham and Unity, in the county of Waldo, with statements of facts.

Mr. O'Connell from same Committee reported same on Resolve appropriating money to aid in screening the Outlet of Long Pond, of the Belgrade chain of Lakes, in the county of Kennebec, with statement of facts.

Reports read and accepted and sent up for concurrence.

Mr. Lord from same Committee on Resolve in favor of establishing a feeding station for fish on the Outlet of Upper Shin Pond, in the town of Mt. Chase, in the county of Penobscot, reported same in a new draft under same title and that it "Ought to pass."

Mr. Crafts from same Committee on the following:

Resolve, appropriating money to aid in the screening of Pleasant Pond, in the plantations of Caratunk and The Forks, in the county of Somerset.

Resolve in favor of screening Nicaous Lake, in Hancock county, with statements of facts.

Resolve, appropriating money to aid in the screening of the Outlet of Walkers Pond, in the towns of Sedgwick and Brooksville, in the county of Manock with statement of facts.

Resolve in favor of screening Peabody Pond, in Cumberland county, with statement of facts.

Resolve, in aid in screening Sibley Pond in Canaan in Somerset county, with statement of facts.

Resolve, in favor of screening Hot Brook Lake, in town of Bancroft, in the county of Aroostook.

Resolve, appropriating money to aid in screening Meddybemps Lake, in the county of Washington, with statement of facts.

Resolve in favor of screening Pleasant Pond, in the town of Island Falls, in the county of Aroostook.

Reported same in a new draft under title of "Resolve appropriating money in the screening of certain lakes and ponds" and that it "Ought to pass."

Reports read and accepted the new drafts ordered printed under the Joint Rules.

Mr. Lord from same Committee reported "Ought to pass" on Bill An Act to amend Section 86 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917, and by Chapter 142 of the Public Laws of 1919, and by Chapter 93 of the Public Laws of 1921, relating to the disposition of money collected under the provisions of the Inland Fish and Game Laws.

Report read and accepted and the bill ordered printed under the Joint Rules.

First Reading of Printed Bills and Resolves

House 471: An Act with reference to the jurisdiction of the Courts in certain cases under Chapter 120 of the Revised Statutes, relating to desertion and non-support of families.

(The rules were suspended, and the bill given its three several readings and passed to be engrossed.)

The SPEAKER: The Chair will state at this time that it is the purpose in assigning the third reading of these bills at the present time to expedite the printing, and if there are no objections, we will continue that policy. Does any member of the House think it unwise? (A pause). The Chair hearing no objections will proceed.

House 472: An Act to amend Section 98 of Chapter 82 of the Revised Statutes, as amended by Chapter 39 of the Public Laws of 1921, relating to the exchange of justices of Superior Courts.

(The rules were suspended, and the bill given its three several readings and passed to be engrossed.)

House 474: An Act to incorporate the Ogunquit Beach District.

House 475: An Act to amend Section 18 of Chapter 34 of the Revised Statutes relating to the apportionment of State Aid to County and Local Agricultural Societies.

(The rules were suspended, and the bill given its three several readings and passed to be engrossed.)

House 477: An Act additional to "An Act providing for retirement of Justices of the Supreme and Superior Courts and their re-appointment as Active Retired Justices."

(The rules were suspended, and the bill given its three several readings and passed to be engrossed.)

Passed to be Engrossed

Senate 186: An Act for the better protection of banks in Particular Transactions.

Senate 270: An Act to amend Chapter 38 of the Public Laws of 1919, relative to Retiring and Pensioning Employees of the State.

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

Senate 272: An Act relating to Adoption.

Senate 276: An Act amending Section 33 of Chapter 127 of the Revised

Statutes of Maine, relating to the disposal of intoxicating liquors declared forfeited.

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

Senate 282: An Act to change the name of Number 21 Plantation in Hancock county, to Osborn Plantation.

House 74: An Act to amend Chapter 37 of the Private and Special Laws of 1917, as amended by Chapter 124 of the Private and Special Laws of the Special Session of 1919, relating to the salaries of Chief of Police and Police Captains of the city of Lewiston.

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 several 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 473: An Act to grant a new charter to the City of Portland.

(Tabled by Mr. Rounds of Portland temporarily for the purpose of amendment.)

House 64: An Act to provide a new charter for the City of Rockland, and to repeal Chapter 482, Private and Special Laws of 1885.

An Act to increase the salary of the clerk of courts of Franklin County.

An Act to legalize and make valid the proceedings of the Town Meeting in the Town of Prentiss held on March 26, 1923.

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

Senate 257: Resolve in favor of the Penobscot Tribe of Indians for the General Care, Maintenance and Education thereof.

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

Senate 274: Resolve appropriating money to purchase and install a new engine for the State Boat "Pauline."

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

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

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 thereof, and for maintenance.

House 470: Resolve appropriating \$3000 for the purpose of investigating the tax exemption laws of the State of Maine as found in Section 6, Chapter 10, of the Revised Statutes.

Mr. LORD of Wells: Mr. Speaker, I would like the privilege to introduce under suspension of the rules, and out of order a bill validating the action of the town of Wells in the Ogunquit Village Corporation, and validating issuance of its series of bonds by the town of Wells. This is for the purpose of building a sewer and road in the Ogunquit Village Corporation. There are \$10,000 of these bonds held by the York Trust Company at this time, with \$22,000 of them not yet issued. This sewer for which these bonds were put out is about three-quarters completed, and it is absolutely necessary before the summer season opens to complete it.

The SPEAKER: The gentleman from Wells, Mr. Lord, asks the privilege of introducing an act, out of order, under suspension of the rules. Now the Chair proposes at this time to state the position which it finds itself in, and it is only in fairness to every man here that the Chair feels called upon to make this statement. If the Chair does not make it there are several members here who have a perfect right to say that the Chair has not kept its word, and that the Chair does not propose to give them an opportunity to do. There have been several matters of this kind brought to the office of the Speaker since the eighth

day of February. The Chair realizes that it is out of order now, and any member may call the Chair to order if he so desires. Since the eighth day of February, the Chair has told every man that, so far as it was concerned, if the rules were suspended, every man should have a square deal and have a chance to put in the bill which he had. I think the Chair has told no less than thirty-five members that same thing. If the Chair did not state its position at this time, it would be breaking faith with those men. If the House sees fit to introduce, or allow introduced, these various measures, under suspension of the rules, it might be very proper for all members to be allowed the same privilege if the House sees fit to do so. The Chair fully realizes that it is not in position to make motions, or even suggestions, but thoroughly believes in a square deal and that every man here should be given the same privilege as the other fellow. The Chair trusts it has stated its position plainly.

Mr. ROUNDS of Portland: Mr. Speaker, being one of those referred to, I would like to ask first, through the Chair if this is a matter that has come up lately.

The SPEAKER: The gentleman from Wells, Mr. Lord, may answer the question of the gentleman from Portland, Mr. Rounds, through the Chair.

Mr. LORD: I will say, Mr. Speaker, that it has just been discovered this last week. This was a special town meeting and the doings of it were not absolutely legal.

The SPEAKER: The members will understand that the Chair is offering no discourtesy to the gentleman from Wells, Mr. Lord, but is merely stating the position which it finds itself in.

Mr. ROUNDS: Mr. Speaker, as one of those that you have referred to, I am willing to give the gentleman from Wells (Mr. Lord) consent to put his bill in.

Mr. BARWISE of Bangor: Mr. Speaker, we have a rule that applies to private special legislation, and I should not want to see that rule broken, or the door opened; but now the case that we had yesterday was to ratify the acts of a town meeting. If those acts are not ratified, it puts the town in a very awkward position. It is not like granting special charters to different companies to drive logs and to do all sorts of things. This is simply ratifying the

acts of a town meeting, and I think that if we open the door that far, and no farther, if we merely allow any of these towns that have made mistakes within the last week or two to have their acts ratified, we will not be delaying legislation to any great extent. But we should not admit any other kind of private legislation, except ratifying the acts of towns that have made mistakes.

Mr. McLLHERON of Lewiston: Mr. Speaker, in view of the fact that this seems to be an emergency measure, I rise to second the motion of Mr. Rounds of Portland.

The SPEAKER: The Chair quite agrees that it is an emergency matter. Is it the pleasure of the House that the gentleman from Wells, Mr. Lord, be given the privilege of introducing an act out of order.

Permission to do so being granted, the rules were suspended and Bill, An Act validating the action of the town of Wells in the Ogunquit Village Corporation, and validating issuance of its series of bonds by the town of Wells, was given its three several readings at the present time, under suspension of the rules, without reference to a committee, and passed to be engrossed.

Passed to be Enacted

An Act to amend Section 30 of Chapter 55 of the Revised Statutes, relating to preference or rebate as to rates for service.

An Act to constitute Ganeston Park in the cities of Augusta and Hallowell, in Kennebec county, a game sanctuary.

An Act relating to the duties of the superintendent of public buildings.

An Act to amend Section 63 of Chapter 33 of the Revised Statutes as amended by Chapter 219 of the Public Laws of 1917, and Chapter 196 of the Public Laws of 1919, relating to the employment of guides by non-residents in certain cases.

An Act to amend Section 10 of Chapter 118 of the Revised Statutes, relating to costs to be taxed for parties and attorneys.

(On motion by Mr. Nichols of Portland, tabled pending passage to be enacted, and especially assigned for tomorrow morning.)

Finally Passed

Resolve in favor of the Augusta State Hospital for maintenance during the years July 1, 1923 to June 30, 1924, and July 1, 1924 to June 30, 1925.

Resolve to increase the pension of Lester Patten of Hermon.

Resolve in favor of Mary S. Hillman for State pension.

Resolve in favor of Mary E. Ames of Stockton Springs, for State pension.

Resolve in favor of State pension for Levi Holden.

Resolve to increase the State pension of Charles D. Preble of Kittery.

Resolve appropriating money for the establishment of a test laboratory at Caribou in the county of Aroostook.

Resolve in favor of James P. Lewis, representative of the Penobscot Tribe of Indians.

Resolve in favor of Samuel Dana, representative of the Passamaquoddy Tribe of Indians.

Orders of the Day

On motion by Mr. Rounds it was voted to take from the table, House Document No. 473, An Act to grant a new charter to the city of Portland.

Mr. ROUNDS: Mr. President I now offer House Amendment A and move its adoption.

House Amendment A to House Document No. 482.

Section thirty-three of House Document number four hundred seventy-three is hereby amended by striking out the paragraphs designated "Plan 1," "Plan 2," and "Plan 3" under title of "Forms of Charter," and by inserting in place thereof the following:

Plan 1. Present form of charter with mayor, board of nine aldermen, and common council of twenty-seven members elected by wards and with party designation.

Plan 2. Forms providing mayor and board of fourteen councillors elected for a term of two years, one from each ward and with five at large with party designation retained.

Plan 3. Council-manager form providing for a city council of five members elected one each year for a term of five years from the city at large without regard to ward lines and without party designation, and a city manager elected by the council.

The SPEAKER: The question is on the adoption of Amendment A as

moved by the gentleman from Portland, Mr. Rounds.

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

The SPEAKER: Under orders of the day, the first matter for the House to act upon is that which is today assigned, namely, Majority and minority reports of the committee on Legal Affairs on Bill, an act relating to Police Commission for Lewiston, it being House Document No. 4 and 464, tabled by the gentleman from Augusta, Mr. Martin, on March 28th., pending acceptance of either report.

Mr. MARTIN of Augusta: Mr. Speaker, I move the acceptance of the minority report.

The SPEAKER: The gentleman from Augusta, Mr. Martin, moves the acceptance of the minority report.

Mr. MARTIN: Mr. Speaker and gentlemen: This is a matter in which I have no particular interest in the city of Lewiston but which appeals to me because it involves a fundamental question of Government, that is, the right of any town or city or plantation to govern itself, the right of home rule. From the beginning of the formation of our statutes in New England the right of a town to govern itself has always been conceded and it has been the policy of this Legislature to recognize that right.

Now the facts of this case are simply these: In 1917 the Legislature was petitioned to have a commission form, a police commission form of government; that is, applying only to the police department, and a referendum clause was in that Act by which it was to be referred back to the people of Lewiston for their acceptance or rejection. You will recall that the Legislature of 1917 was very busy. We were in the midst of the World War and through some reason or other the referendum clause was left out and the police commission became a law without the voters of Lewiston voting thereon.

Now to this Legislature there is introduced An Act, in fact there are two Acts, by which a new form of police commission government would be referred to the people of Lewiston. The first Act was slightly different from the second and a new draft was made from both in the minority report, but practically the

only difference between the Act now in force in Lewiston and the Act which the minority report asks you to accept is this: in the present Act there are three commissioners appointed by the Governor of this state to run the police department in Lewiston, and there is no question but that it is run in an effective manner and that the commissioners are efficient men who receive small salaries and do the work for the love of it,—and the only change that is made, practically, is this; that three commissioners be appointed to take the place of those three commissioners and that they be appointed by the Mayor of the city instead of by the Governor of the state; in other words, to submit to the people of Lewiston the question whether they prefer to have their commissioners appointed by the mayor of their city or whether to retain the present form and allow the Governor to appoint.

The rest of the Act will be the same. The same police officers who are in Lewiston today will be there ten years from today unless any one of them is removed by reason of misconduct. The force will still remain out of politics and under civil service, in a way. There is no fundamental change asked for. I say this involves a question of government because it involves the right of the people to decide upon matters of home rule for themselves and I say that it is a question that you all have voted upon time and time again in this present Legislature, and there has not been one dissenting vote on any measure against any matter of local home rule which has been brought before you. The gentleman from Brewer, Mr. Curtis, has An Act which will be referred back to the people of Brewer for their approval or disapproval, and I do not imagine that many members of this Legislature can even state what that Act is, but they are satisfied to let the people of Brewer decide upon it. I think there is An Act from the city of Eastport to be referred back, and in this Kennebec valley there are three Acts which you have passed, and I doubt if many of you can tell the details of those Acts. There is one from Augusta and one from Hallowell—and that one has to do with the police officers down there. There is one from Gardiner. All those have the referendum clause and will be submitted to the people in the respective cities.

We all know, through one of the Portland papers, of the turmoil that is in Portland and we have heard here this morning three different measures which will be submitted to the people, and is there any question that that will go through the Legislature, and with an unanimous vote. They in Lewiston do not care how Portland is governed, and do not particularly care whether they have a city council or a mayor, or what-not, but we do care and we do feel that the people in Portland have the right to decide for themselves a matter of local interest. There is hardly a county in this state that has not had some matter referred back to it.

And then we come to the city of Lewiston and for some reason there seems to be a feeling on the part of some, as evidenced by the majority report, that for some reason the people of Lewiston do not seem to have the same rights or privileges that the people in every other city and town and plantation in this State have. Or, in other words, our form of government ple in every other city and town and every city throughout the State except when applied to the city of Lewiston.

The opponents of this act were represented here by a most able attorney from Lewiston and there was one other citizen, I think, with him, and the able attorney said, and I quote his words: "The burden of my song"—he said in closing—"the burden of my song is just this: 'Let well enough alone'" Gentlemen, I do not doubt that in every other city and town you will find some signers who will sing "let well enough alone" but does the Legislature listen to that? The Legislature does not. Where there is a substantial demand they refer it back to the people knowing that the people can be trusted.

It seems to me that possibly back of this whole measure—and I regret to say it as a Republican—that there may be some feeling of politics, but it would seem to me as a Republican to be very poor politics, because the city happens to be Democratic to make an exception of it and not to allow it the same rights and privileges as are allowed to every other city and town in this State. I understand that this matter has been an issue in the town of Lewiston in some of the recent elections and the people of Lewiston would like to have this matter referred to them, and there is no question—it was, I think, before the Legislature in 1919 for reference, and if you look back over

the various elections you will see that the city of Lewiston apparently does not feel that the Republican legislatures have treated them fairly, because where there used to be about 200 or 300 majority Democratic, it has grown until it is over 3000, and you can search the ballot boxes of Lewiston in the last election and you will not find a single Republican ballot because there was no Republican candidate. I say that not in argument but as a fact and to show that the people of Lewiston possibly resent the reception they have received from the hands of the Republican legislatures.

My argument is simply this, and I believe that there is no argument against it. I cannot see how you can allow every city in this State to have matters referred back and then not allow Lewiston the same privilege. If this matter is referred back to the people there is going to be no fundamental change in the police force. The three commissioners will be appointed by the mayor instead of by the governor but the same officers will remain there, and I say this; I say that I believe it is unnecessary to show what the change will be because we do not go into that in the case of other towns, but I have spoken of this because there might be some uneasiness in the minds of some and if there is any uneasiness as to what will happen, you may rest assured that there will be practically no change. And, although this is a small matter it is an important one, and in our whole system of government every precedent in this Legislature is for the referring of this matter to the people of Lewiston. How the people of Lewiston will vote I do not know and I do not care, but I do know that it is only fair to give the people of Lewiston a chance to vote upon it.

The Speaker of this House a few minutes ago, in no way in connection with this matter or in connection with any other matter, said that he wanted to see fair play, to have a square deal, and for every man the same privileges, and I say that his words apply to this same matter here, because all that I ask is that you members here in supporting the minority report, give to the city of Lewiston the same square deal, the same justice, and the same rights that you have repeatedly, time after time, given to nearly every other city, town and plantation that has asked for it. (Applause).

Mr. GAGNE of Lewiston: Mr. Speaker and gentlemen, I will not have

much to say, after what the previous speaker has said, but I want to tell you gentlemen that it has always been a very sore spot with the people of Lewiston that they should be under the guardianship of the Governor. I can tell you, Mr. Speaker and gentlemen of this House, and Lady Pinkham, that we have as good people in Lewiston as you will find anywhere in this State. Lewiston is a cosmopolitan city, made up of many nationalities, but we all live together in peace and in harmony there. You never hear of a riot or strike in Lewiston, and I do not see any reason why we should be put under the guardianship of the State.

All we ask of you, gentlemen, in the name of justice, is to give us the same right as you have given other cities, and I tell you, gentlemen, no matter how you vote, even if you vote against us, I know that I for one would not feel sore at all. I will always be, while I am with you, as happy as I have been among you, but, gentlemen, I would like to see justice done to the city of Lewiston. (Applause).

Mr. STURGIS of Auburn: Mr. Speaker and gentleman: For many years I was a resident of the city of Lewiston and I have seen police courts in Lewiston that I was not strictly proud of. At that time there were a few republicans in that city and I think you will find a few there now, although they may not be in the limelight. I now live in Auburn but I lived long enough in Lewiston—and there is only a river between Lewiston and Auburn—and I have seen the police force in Lewiston raised to a high standard. It is not a political organization and, although not living in Lewiston, I have been approached by old friends who live there and by prominent men there and I would guarantee that seventy-five per cent. of the leading business men of Lewiston desire to have the law remain as it is. And I feel—although I am not one of the citizens of Lewiston at this time—that it would be doing the right thing to pass this act.

(At this point Mr. Granville of Parsonsfield assumed the Chair)

Mr. MORRISON of Phillips: Mr. Speaker and gentlemen: I realize that this is a matter that affects the city of Lewiston chiefly, and is a local matter geographically, but as it came before the committee of which I was a member I would like to say a few

words in regard to it. I hardly agree with the gentleman who has just spoken that this is not a political matter. The same kind of bill came before the committee on judiciary in the 80th Legislature and was reported, as I understand it unanimously, ought not to pass. This year it came before the committee on legal affairs. Now, the question is what the people of Lewiston want. The gentleman from Augusta told about the opponents of this measure, that there were only two who spoke before the committee on legal affairs. I would like to say just a word with regard to the opponents of this bill. The matter came before the legal affairs committee and it was duly advertised for hearing and the members of the committee anticipated that fifty per cent. or more of the inhabitants of the city of Lewiston would be present at that hearing. They thought that a great deal of interest would be had among the citizens of that city, and the hearing was held in the Senate Chamber. Imagine our surprise when we found that this bill was indorsed by just three citizens who appeared before the legal affairs committee. Two of those proponents who spoke in behalf of the bill were members of this House and the other proponent was a member of the Senate, but not one single citizen from the city of Lewiston came over here on purpose to appear before our committee to sustain this bill. Now, I submit to you, it has been said, the city of Lewiston is being abused, that it was in disgrace and under the guardianship of the State, and if the people of Lewiston felt that way about it, do you not suppose that at the hearing before our committee, the sons and daughters of that fair city, would have flocked here to the Capitol by scores to defend their rights and protect their native city, but not one of them appeared and to my mind, by their absence, it is corroborating the statement of one of the attorneys who appeared in opposition to this bill who in his closing remarks said, "We have at last got the police commission of the city of Lewiston out of politics. We are well satisfied with the conditions, and all we ask is for you to let well enough alone."

Mr. GAGNE: Mr. Speaker, just another word in answer to the gentleman who just spoke. I would like to say that at the hearing there were two representatives and one senator,

as he said, just three men, but the men whom Lewiston sends as representatives for the people of Lewiston are here representing the whole city of Lewiston, and I would like to say to the gentleman that there would have been a great many of the citizens of our city there, but they are poor men, the same as I, poor, working people, who cannot afford to come here and spend a day for nothing, and they have faith in their representatives and know that they will faithfully represent them. (Applause).

Mr. HAYES: It seems to me, Mr. Speaker, that it is up to the people of Lewiston to say whether they want this, or whether they do not want it, I say let them say whether they want it or not.

Mr. HOLMES of Lewiston: Mr. Speaker, if the members of the House will do me the favor to bear with me a few minutes I wish in part to answer something that was said by the gentleman from Auburn, Mr. Sturgis, and something said by the gentleman from Phillips, Mr. Morrison, because, being a member of the committee on Legal Affairs, I also, had information, and in approaching the point of what these two gentlemen said, I wish first to emphasize the fact that, as you will see by the printed bill, the explanation given by the gentleman from Augusta, Mr. Martin, is strictly correct. The bill, in Section 2 says: "Two of said commissioners shall be members of the political party polling the largest vote in the city of Lewiston at the last preceding election held on the second Monday of September, and one shall be a member of the political party polling the next largest number of votes at said election." Then,—and I read this to show how carefully we are protected, and that neither the gentleman who is chief of police nor the gentlemen who are captains of police, nor the matron, nor any of the patrolmen, will be injured by this bill if it is submitted to the people of Lewiston—Section 9 says: "Said commissioners, upon taking office, shall not remove any member of the police force, including the police matron serving at the time when this Act takes effect, unless for cause and for misconduct as provided in Section Thirteen of Chapter Thirty-seven, and all said members of the police force, including the police matron, shall remain in of-

fice until removed or disqualified for cause or misconduct."

Then the closing section, the referendum provision provides that it shall not go into effect until accepted by the people and that the election shall be next September. Notice; not when there is a state election when the issue may be beclouded in the minds of the people by political issues of state-wide interest, economic, and so on, but at a special election when probably there will be no other issues of very great importance. So you can see that every precaution has been taken to be careful to protect everybody's rights.

Now, the whole purpose of this is to get a referendum, as has been said. As the gentleman from Phillips, Mr. Morrison, has referred to the Legal Affairs Committee, I will now call to witness, if any of the other gentlemen of the committee consider it necessary to corroborate me or consider it necessary to dispute me if I state it wrong, that in conversation with the whole committee together I said and I said that I spoke after consideration and after consultation with my colleagues from Lewiston, including the Senator from Androscoggin, that I, as I was the one who presented this original bill, different from the present one, that I would let any gentleman on that committee draft any bill he pleased and I would vote for it, provided it had a referendum to the people of Lewiston, and I say further now, that if it were possible under the rules, Mr. Speaker, which I presume it is not, for any other bill to be drafted by any representative of this House, provided it had a referendum to the people of Lewiston, I would vote for it.

I have no personal pride in this matter at all because I happened to write the original bill out of which grew this new draft. The gentleman from Phillips (Mr. Morrison) has referred to the hearing and who were present as proponents, and that a vast throng were not present. Does the gentleman forget that I asked the committee to put in an order to the House to ask authority from the Legislature to permit the Legal Affairs Committee to hold this public hearing in Lewiston and advertise it there, and that when that matter was considered it was suggested that perhaps it would be establishing a bad precedent and

immediately I seeing the force of that argument, withdrew my proposition, and the answer is, as the gentleman from Lewiston, my colleague, Mr. Gagne, has said, that men and women who are working hard at their daily occupations for their living every day, are not able to leave their work and lose a day's pay and a day's time.

But, gentlemen, who were in opposition? Two lawyers from Lewiston. Not another soul in opposition, and when they were asked by somebody if the Chamber of Commerce of Lewiston was behind them, they were not able to say that it was. And as representing any voices but their own what did they have? Certain letters from certain millmen in Lewiston and from certain banking men in Lewiston. Now who composes the present commission in Lewiston? One Bates College professor, one mill paymaster, and one banking man. I have no quarrel with the competent gentlemen who are agents of the mills at Lewiston, but you all know that mill agents come and go and come and go. They are here today and they are offered a better salaried position in Pawtucket, or Fall River, or Lawrence, or Lowell, and they are gone tomorrow.

The gentleman from Auburn, Mr. Sturgis, said if I understood him correctly—although at this end of the hall his voice was a little indistinct and perhaps I misunderstood him, and if so I hope to be corrected—but I understood him to say that in 1917 a petition was brought to this Legislature asking for this kind of a commission. Now, if that is what he meant, he is in error. I have here the legislative record of 1917 which contains the debate on the final passage in the House. Now, the fact was that the Chamber of Commerce of Lewiston presented a petition with a bill which they proposed and it had a referendum clause in it. The Chamber of Commerce wanted a referendum, but that was not the bill that was reported out of the judiciary committee. The bill that that committee had is the present commission law under which we live today, without a referendum.

Now on March 7th it came up in the House on its final passage. I will read from the record of that date:

"Mr. EMERSON of Lewiston: The original bill was recommended by the

Chamber of Commerce of Lewiston, carrying with it a referendum to the people, and in that bill it provided that the city marshal should be elected by the people. It comes out of the committee instead of having a referendum to submit to the people and an emergency clause to enact it forthwith with a provision that the city marshal shall be elected by the commission instead of by the people, just reversing the whole proposition.

"This bill was tabled in the House by me February 27th for the purpose of having 1500 copies printed. The following day the bill was automatically called from the table for the acceptance of the report of the committee. Immediately on the acceptance of the said report, the bill was rail-roaded through the House by suspending the rules and passed to be engrossed, without even giving the citizens of Lewiston an opportunity to see the contents of the bill thus inflicted upon them. I appeal to you, gentlemen of the House, in all fairness and as fairminded men, as I believe you to be, to put yourselves in our place, and apply the Golden Rule to do unto others as you would have others do unto you. We believe in home rule, which is always more satisfactory.

"Remonstrances of hundreds of names of the legal voters of the city of Lewiston have been presented and read before this House against this bill, unless the referendum clause is embodied in the bill. This is a very dangerous precedent to establish to take away the rights and privileges of the inhabitants of any city."

Now, members of the House, as I said to members of the committee and they will bear me out, I say to you now, I disavow, as far as I am concerned, all charge of politics. As the gentleman from Augusta has intimated, the war was on and you may recall to your minds the situation. About the last of January the Imperial German Government declared its unrestricted submarine warfare, the President of the United States had the Secretary of State hand the papers to the Imperial German Ambassador, and relations were broken off. War was not then declared until April, but the war spirit had spread throughout the country and the war fears, unreasoning war fears, spread through the states, and many legislatures enacted

war measures some of which in different states they have since been ashamed of and have quietly removed from the statute books. Now, what I believe was the fact is this. You will remember that some time in February, I think it was, a soldier, a sentinel on guard at Fort Preble, was shot at night. Now, it was spread-eagled in screaming headlines in the papers of of Maine, and for the moment people thought that it was an enemy plot, but after investigation by a military court of inquiry several weeks afterwards it was decided that it was actually some jealous scrape involving some woman that the soldiers had some jealousy over. But at the time, it was a signal for the demand upon this Legislature to enact war measures and it was easy to pass, here or in any Legislature, any measure at all which carried the word "emergency." The country was at war and was in an emergency, and that word "emergency" became part of the nerves and tissues of all of us.

Now I believe that that was what animated the gentlemen of the two branches of the Legislature at the time when they passed this bill under the emergency clause of the Constitution. When those two lawyers who were before the legal affairs committee to oppose the passage of this bill, and when they were being questioned, I asked one of them this question: whether or not in his opinion, if this measure to bring back the appointment of the police commissioner to some legally elected authority in Lewiston, were passed and submitted to the people, how in his opinion the people would vote, and he said that he did not have any doubt but that they would vote for this measure and vote down the present commission law.

Now if that gentleman was correct it is what we call in law an admission against interest. That, then, disposes entirely of the argument that the people of Lewiston do not demand the change. Now if it is also true, as intimated by the gentleman from Auburn, Mr. Sturgis, that the police department in the past was under the influence of politics and might come back under the influence of politics again, if we submitted that to the people of Lewiston for their vote, if that is true, why would it not be better to go further if such a thing were possible, and to make sure that the police affairs of Lewiston will be forever beyond the temptations of politics, have

the commissioners appointed by the President of the United States, or further still, and better still, by the Chief Justice of the Supreme Court of the League of Nations at the Hague? And I will say to you gentlemen, members of this House, without intending the slightest reflection upon the gentleman who is the present Chief Executive of this State, that so far as I am concerned I would rather see the police department of Lewiston controlled by the Chief Justice of the Supreme Court of the League of Nations sitting at the Hague, than by the Governor of the State of Maine, if the only question were removing the police officers of the city of Lewiston far beyond the control of local politics.

But what is the matter with us in Lewiston? We elect three assessors of taxes by vote of our city council and they handle the assessments amounting to millions of dollars, and they have every opportunity in the world to play politics, and does anyone say that they ever have? It has been hinted that in the past—perhaps I draw the wrong inference,—that there has been nullification of the liquor law in Lewiston. I want to say that if there has ever been nullification of the liquor law in Lewiston, there was nullification in every other city and town in the State. Lewiston never invented nullification. Now I will say, and I believe that I represent the overwhelming majority of the people of Lewiston in saying it, that now that prohibition is in the Constitution of the United States and is a fundamental law of the land, it must and shall be enforced, and I do not think that anyone need have any fear at all of a police department so surrounded by safeguards as this amendment proposes.

The people of Lewiston are progressive, sober and industrious, members of the House. Now I have laid on your desks this morning a little pamphlet got out by the Chamber of Commerce, called, "We travel along together hand in hand." We are really all one community in the city of Lewiston. We have some of the largest industries of various kinds—cotton goods, shirts, boots and shoes, and other kinds of industry—in New England and we have one of the finest school systems in the State of Maine. We have some of the best theatres in the New England states for the legitimate drama and for moving pictures, and for vaudeville. Our people are a happy, healthy, laughter-loving people, but they are a slow-minded and steady people also. Look

at Lewiston on a Sunday morning and see the streets thronged with people going to church—and not all of one denomination, but of many denominations. They are a good, law abiding, industrious, sober people and I am proud to be one of them.

Perhaps the members are beginning to suspect that I am partial to my native city. I am. We are an ambitious people there also. We have not got a State pier, but a few years ago we had a vision and we seriously proposed to build a ship canal from the sea right to Lewiston, but the War Department at Washington sat down on us hard.

I hope you will forgive me, Mr. Speaker and members of the House, for talking so long on this subject. It is not that I considered that argument was necessary, but it is close to my heart. I love that city. (Applause)

(At this point Speaker Holley resumed the chair)

Mr. HALE of Portland: Mr. Speaker and members of the House, it is impossible for me to approach this subject without paying a tribute to the sincerity of my friend, the gentleman from Lewiston (Mr. Holmes). He sees the great principle of municipal home rule and he asks this House to accept that principle and ignore everything else. The committee was not blind to the principle but it did feel that there were other considerations. In 1917 the Legislature passed An Act in reference to the police force of the City of Lewiston. That Act is Chapter 37 of the Private Laws of 1917 and it contains an emergency preamble. It is dated, by the way, on the 8th day of March, about a month before the United States entered into the war. It is as follows: "Emergency preamble. Whereas, the chamber of commerce of the city of Lewiston through its duly authorized committee and many citizens of said city have urged the enactment of a bill creating a police commission for said city and the reorganization of the police department thereunder, and,

"Whereas, it has been urged that said police department as now constituted is inefficient and indifferent to the enforcement of the laws of this state and that the same have been notoriously nullified in said community, and,

"Whereas, it is the purpose of said bill to remove said police department

from the influence of partisan politics, to place the same with respect to appointments thereto and to continuance in office upon a merit system and to thereby secure a more general enforcement of all laws, and,

"Whereas, in the opinion of the Legislature such result will make for the public peace and safety of said city and of the State and the need therefor constitutes an emergency within the meaning of the provisions of the constitution of this State, now, therefore, Be it enacted by the people of the State of Maine as follows:"

The act goes on to provide for a police department to consist of "a board of police commissioners of three members, a chief of police, and thirty-one patrolmen, two of whom shall be designated as captains, and a police matron."

Then in Section 2: "Said board of police commissioners shall consist of three resident citizens of Lewiston. The commissioners shall be appointed by the governor with the advice and consent of his council. In the first instance one shall be appointed for six years, one for four years, and one for two years. At the expiration of each of said terms a commissioner shall be appointed for a full term of six years."

Now, what was the effect of that act on the police department of the city of Lewiston? I do not understand that the gentleman from Lewiston (Mr. Holmes) or anyone else denies that the police force of Lewiston has been greatly improved as the result of that act and I think it is proper to read some letters which the committee received from representative citizens of Lewiston, even though some of those people may have committed the crime of becoming members of the Bar. A representative of a textile company says: "I am quite certain that a large majority of the business men of this city feel strongly that the commission has resulted in a vastly more satisfactory condition of police affairs, and that it would be almost criminal to throw our force back to the old condition, where it was a political shuttlecock."

The treasurer of a bank says: "We seriously believe that any change effecting the present status of the administration of the Police Commission of the city of Lewiston would be a grave mistake. They are doing splendid work and should be allowed to continue without change."

The cashier of a bank says: "To the best of my observation and belief, the present Police Commission of the city of Lewiston is giving the best and most efficient administration we have ever had, and it would seem to the writer most unwise at this time to make any change that would have a tendency to make this department the football of local politics."

The representative of a large textile mill: "I feel, in view of the excellent manner in which our Police Department is being handled, under the present Police Commission, that it is surely unwise to make any change."

The representative of a bleaching and dye works: "We are well satisfied with the selection and the method under which this Commission now operates and strongly believe the proposed change would not be only less desirable but detrimental to public interest."

The representative of a large manufacturing company: "I understand that there are several measures before this Legislature calling for changes in our present police commission. I have lived in Lewiston since January 1880 and to my mind the present police system under this Police Commission is the best we have had. I wish to protest against any law or measure which will change this system."

The representative of another mill: "In our entire experience our city is better policed at present than ever before."

The recording secretary of the Board of Managers of the Young Women's Christian Association: "We heartily endorse the work of the Lewiston Police Commission and wish to register our opposition to any change in the present form. We have forty girls living in our residence, under our care, our interest and work is with all girls of the city in every walk of life. We are often called upon to work with the police department in individual cases and we take pleasure in commending their courtesy, promptness and thorough action."

A leading lawyer—and the gentlemen may make the most of that: "You will hardly find a citizen of Lewiston, regardless of political affiliations or previous belief, who will not admit that the police department under the present law has been and is much superior to what it was be-

fore the present law became operative.

"There has been some criticism that it is more costly, and the figures show, I think, that the annual expenditures are considerably increased. I cannot say how much of this is due to prevailing conditions over which the department has no control, nor how much might be avoided. This I can say,—a very small proportion of those who pay the taxes, taken in amount, are in favor of a change. They are not the ones who complain.

"It is particularly significant that even the proponents of the pending bills do not advocate a return to the conditions which the existing law was intended to remedy. It has remedied those conditions because it has removed the police department entirely from the exigencies of municipal elections,—just as the courts are removed from such things by common consent. Any step back toward the conditions which formerly prevailed is a step away from the present situation which is conceded to be so much better than the former. And even a referendum on the proposed amendment will involve for the time being all the evils of mixing the police department up in ward politics.

"Whatever may be said about home rule in theory, the proponents of these measures neither wish nor dare to apply it absolutely to the police department, and it would be a serious error to weaken the present situation at all."

And lastly, the probation officer of the court says: "I have been thoroughly familiar with the police affairs of Lewiston for many years and have no hesitancy in most heartily endorsing the present system."

Now, Mr. Speaker, the control of the police department of the city of Lewiston is, under the law, with the State and with the State Executive. It may be—and often is—in the discretion of the State to delegate to municipalities that authority, and I admit that in most cases those municipalities maintain full control, but there are very conspicuous exceptions as there are in many of the largest cities of this country. You are all familiar with the conditions in Boston when nobody knows what serious consequences might have ensued but for the strong action of the Governor of Massachusetts and the Police Commissioner, who is his appointee.

In this matter it seemed to the Legal Affairs committee that there was something more than a mere political question, there was the safety and welfare of a large population at stake, and the committee did not feel that the state would be benefited by referring this bill back to the voters of Lewiston to involve the police department further in political controversies, when there was no dispute whatever that the law and order were better maintained in that city than they had been before.

Mr. CHERRY of Eastport: Mr. Speaker and members of the House: I do not propose to take but just a few moments of your time. I am willing to concede that the people of Lewiston are able to take care of their own matters intelligently as any other community. I notice that the gentleman from Lewiston (Mr. Holmes) in reading the second section of this act, failed to read a large part of the bill after the sixth line. It appears to me that with this remaining in the bill it would clothe the chief executive of that city with authority that might work to disadvantage of someone at some future time. It reads: "The commissioners shall be appointed by the mayor of Lewiston. It shall not be necessary for such appointment to be confirmed by the city council."

Gentlemen, I submit to you the proposition is not safe to give any community a bill for their guidance with such a provision as that contained therein.

Mr. MARTIN of Augusta: Mr. Speaker, may I say in answer to the last speaker that I think perhaps I was responsible for those particular words that the last gentleman has read. The city of Augusta, about six years ago, through this very Legislature, obtained an act whereby the mayor of the city of Augusta appoints every subordinate officer without the consent of the council. It is not even referred to the council, and I believe that this Legislature will bear me out in this, that whether we have a republican mayor or a democratic mayor, the city has been to all purposes well governed.

The SPEAKER: The question is on the motion—

Mr. McILHERON of Lewiston: Mr. Speaker, I do not want to take up much of the time of the House in regard to this matter; but at the last

session of this Legislature I introduced a similar bill to give the people of Lewiston the right to govern themselves. They are the people to consider and they are the people who are capable of taking care of their own affairs. As I looked upon the matter two years ago in this House. I look at it from the same viewpoint today. This involves a great American principle, a fundamental American principle for which your forefathers shed their blood on the battlefield that there should be maintained the right of independence, the right to govern yourselves. That is all that the city of Lewiston asks for, is to be let alone and given the right to manage their own affairs; and the man who deprives them of that right is as much a traitor to the principles of this country as the man who would tear that flag from where it stands today. The principle is just the same. Now, I know a great deal about this and there is a great deal of personal matter and personal influence in it. I can tell when a man gets up and talks, and trace it to where it belongs and where it originates and it is a shame to abuse the city of Lewiston in that manner. I think, gentlemen, that this House, as I thought the previous House was, is a good, conscientious House, and that the members want to do the right thing. Gentlemen, I believe you want to do the right thing if you can see it as it is. You want to be fair, you want to be just to your fellowmen. You want to treat them right, and I think, gentlemen, that you will do so. I have confidence in this House that if you see the thing as it is, you will in justice and fairness give the city of Lewiston the right to manage its own affairs. I still retain that confidence in this House, and I think that you will do the right thing.

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

A viva voce vote being doubted,

A division of the House was had,

Sixty-eight having voted in the affirmative and 45 in the negative, the minority report was accepted.

On motion by Mr. Holmes of Lewiston, the rules were suspended, and the new draft (House Document 466) was

given its two several readings at this time and tomorrow assigned for the third reading.

On motion by Mr. Morrison of Phillips, that gentleman was permitted to present the following order, out of order:

Ordered, that the Governor be requested to return to the House bill, an act relating to improvements on Nash Stream and east and west branches thereof in Coplin Plantation and in the township of Redington in the county of Franklin.

The order received passage.

The SPEAKER: In accordance therewith the Chair presents an act relating to improvements on Nash Stream and on the east and west branches thereof in Coplin Plantation and in the township of Redington in the county of Franklin.

On motion by Mr. Morrison of Phillips, the House voted to reconsider its action whereby this bill was passed to be enacted; and on further motion by the same gentleman the House voted to reconsider its action whereby this bill was passed to be engrossed.

Thereupon, Mr. Morrison offered House amendment A as follows:

House amendment A to bill, An Act relating to improvements on Nash Stream and on the east and west branches thereof in Coplin Plantation and in the township of Redington in the county of Franklin.

Amend said bill by adding thereto the following section:

"The State of Maine reserves the right to take over by proper legislation the property, rights and franchises hereby granted upon the payment of just compensation to the owners thereof; but such compensation shall not include the value of the franchises hereby granted."

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

The SPEAKER: Is there any other business under orders of the day?

On motion by Mr. Granville of Parsonsfield it was voted to take from the table Senate Document No. 58, majority and minority reports of committee on education on Resolve proposing an amendment to the constitution prohibiting the use of public

funds for sectarian schools, tabled by that gentleman March 27, pending acceptance of either report.

Mr. GRANVILLE of Parsonsfield: Mr. Speaker, I now move the acceptance of the minority report, and I would like to say a word in support of my position.

The Constitutional law of this State, of course, is our fundamental law. That law provides for different branches of our State government, provides even the functions of this Legislature, and it provides also for its amendment whenever at any time there is a fundamental reason for doing so.

We have had before us this session a bill called the "Barwise bill," providing for an amendment to this Constitution. That bill was to withdraw public moneys from private institutions, and it quite generally took in all of the private institutions. The principle in that bill, and the reason for my support of it, was the public supervision of the expenditure of public moneys. I thought perhaps that great principle might be of serious consideration enough to warrant its being injected into the Constitution by amendment. The present bill before us eliminates everything except schools, and it takes from succeeding Legislatures, if approved by the people, the right to appropriate money for that purpose. It not only, as I understand it, prohibits future Legislatures from doing that, but it also would prohibit a town or a city from doing likewise.

The "Barwise bill" also had another feature which, to my mind, was commendable, and that was that this aid or support was withdrawn gradually. It extended over a term of years until 1930.

The bill before us today contains no provision for the absorption of the shock of the withdrawal of the public support, and in a great many instances that would be fatal to some of our public institutions. They tell us that it will not take away from many of our academies—and academies are what I am particularly interested in myself, having three in my district—because they can easily and readily evade the law.

Now, gentlemen, I do not think that it is wise to amend the Constitution in such a serious matter as that and at the same time show us the way for

its evasion. I have never heard it questioned or argued in this House at any time that the money which past Legislatures have provided for private institutions has not gone for a good purpose and been well expended. Now, if this is the case, and it has gone to the support of many of our benevolent institutions of the State, hospitals and the school system, I do not think that it is necessary at this time, through fear that some future Legislature will not be as wise as others have been in the past, to inject such an amendment into the Constitution; and I shall maintain at this time that it is unwise and inexpedient.

Mr. BARWISE of Bangor: Mr. Speaker, this amendment is the Brewster amendment. The fundamental propositions underlying this have been thoroughly discussed. I do not think that anything in the way of analyzing the reasons for this bill is necessary at this time. The amendment which I introduced some little time ago was a little bit broader than this one. This amendment is a plain, straight, square-edged educational proposition, with no other qualifications or applications. It has no hospital need to it, it has no orphan's homes need to it or anything of the kind. It is a plain, straight, educational proposition as to whether or not public money shall be held in the future for public schools. That is the question, the whole question, and all there is to it. I am not going to take the time of the House to go into the reasons why this should be so. The House all understand the reason now. This is a straight, educational question and I think we should vote on it as speedily as we may.

The SPEAKER: The question is on the motion of the gentleman from Parsonsfield, Mr. Granville, 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 was doubted.

The SPEAKER: The Chair is in doubt. As many as favor the acceptance of the minority report on the motion of the gentleman from Parsonsfield, Mr. Granville,—

Mr. ROUNDS of Portland: Mr. Speaker, I would like to ask what the minority report was.

The SPEAKER: The minority re-

port is ought not to pass. As many as favor the acceptance of the minority report will rise and stand in their places until counted, and the monitors will return the count.

A division of the House being had. Fifty-six voted in the affirmative and 57 in the negative, and the motion to accept the minority report failed of passage.

Mr. BARWISE of Bangor: Mr. Speaker, I move the acceptance of the majority report.

A viva voce vote was doubted.

The SPEAKER: As many as are in favor of the acceptance of the majority report will rise and stand until counted.

Mr. BARWISE of Bangor: Mr. Speaker, when that vote is taken, I would like to have the members in the corridors brought in.

Mr. ROUNDS of Portland: Mr. Speaker, I move that the vote be taken by the yeas and nays.

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

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

Mr. STURGIS of Auburn: Mr. Speaker, I move that the doors be closed until we vote.

The SPEAKER: The gentleman from Auburn, Mr. Sturgis, moves that the doors be closed. The Chair assumes that the gentleman is willing to admit members.

Mr. STURGIS: Yes, sir.

The SPEAKER: The doors will be closed until the vote is taken, and the door-keeper will conduct himself accordingly.

Mr. SANDERS of Portland: Mr. Speaker, I think it would be a good idea in order that all of us may understand just the position of the committee, that the two reports be read.

The SPEAKER: The wish of the gentleman shall be granted, and the Clerk will read the report.

The CLERK: Majority report of the committee on education on Resolve proposing an amendment to the Constitution prohibiting the use of public funds for sectarian schools, reporting that the same ought to pass, the report being signed by the fol-

lowing: Senators Emery of Washington, Allen of York, Speirs of Cumberland, Representatives Barwise of Bangor, Wood of Bluehill, Brewster of Dexter, Pierce of Sanford, Dudley of Woodstock, Hutchinson of Brunswick.

Minority report of the same committee on the same resolve reporting that the same ought not to pass, the report being signed by the lady from Fort Kent, Mrs. Pinkham.

The SPEAKER: And the question is on the motion of the gentleman from Bangor, Mr. Barwise, that the majority report be accepted, that report being ought to pass. The yeas and nays have been ordered by the House. Is there any further discussion? Is the House ready for the question? Those who favor the acceptance of the majority report will answer yes when their names are called. Those who oppose the acceptance of the majority report 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, Adams of Litchfield, Barwise, Beckett, Bickford, Bisbee, Blaisdell, Boman, Bradbury, Brett, Brewster, Brown, Cates, Chalmers, Cherry, Crafts, Cummings, Curtis, Dain, Douglas, Drake, Dunn, Farley, Fickett, Foss, Gamage, Gile, Gilmore, Gordon, Greenleaf, Hayes of Chelsea, Hayes of Gorham, Hayford, Hobbs, Hodgkins, Hutchinson, Jacobs, Jewett, Johnson, Jones, Jordan of Cape Elizabeth, Jordan of Westbrook, Kitchen, Knight, Lamson, Leathers, Littlefield, Lord of South Portland, Lord of Wells, Macomber, Moody, Morse of Bath, Nevins, Newcomb, Nichols, Nickerson, Oakes, Palmer, Pendleton, Perry, Pierce, Plummer, Ranney, Reed, Rogers, Rounds, Sanders, Saunders, Sayward, Siddall, Small, Smith, Sparrow, Staples, Stevens, Stitham, Stratton, Sturgis, Tarr, Thomas of Leeds, Tilden, White, Whitney, Williams, Willis, Wing, Winslow, Wood—88.

NAY—Archibald, Atwood, Ayer, Baker, Bartlett of Hanover, Bartlett of Waterville, Belliveau, Boulter, Burns, Conant, Crowley, Dilling, Downing, Dudley, Edwards, Finnell, Gagne, Gagnon, Gardiner, Gauvin, Goldthwaite, Granvills, Hale, Hallett, Hamilton, Hammond, Heal, Holmes, Houghton, Keef, Keene, Leland, Ludgate, Maher, Martin, McDonald, McIlherson, Melcher, Morrison, Nadeau, O'Connell, Overlock,

Owens, Perkins, Pinkham, Piper, Ramsdell, Ray, Storm, Story, Thomas of Chesterville, Towne, Weeks, Winn—54. ABSENT—Benoit, Clarke, Dunbar, Gillespie, Morse of Greene, Phillips, Rowell, Teague—8.

The SPEAKER: Eighty-eight having voted in the affirmative and 54 in the negative, the majority report was accepted. (Applause.)

On motion by Mr. Rounds of Portland, the rules were suspended and this resolve had its two several readings at this time and was passed to be engrossed.

On motion by Mr. Nichols of Portland, it was voted to take from the table House Document 320, An Act relating to incontestable clause in insurance policies, tabled by that gentleman March 26, pending third reading.

Mr. NICHOLS of Portland: I yield the floor to the gentleman from Bath, Mr. Drake.

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

Mr. DRAKE of Bath: Mr. Speaker, I offer House Amendment A to House 320, and move its adoption.

The SPEAKER: The clerk will read the amendment.

House Amendment A to House Document 320

House Document 320 is hereby amended by adding thereto after the word "copy" in the second line, the words "or photograph" and after the word "application" near the end of the second line the words "without the medical examination," so that said section when amended shall read as follows:

"That the policy of insurance together with the application therefor, a copy or photograph of which application without the medical examination shall be endorsed upon or attended to the policy and made a part thereof, shall constitute the entire contract between the parties and shall be incontestable after it shall have been in force during the life time of the insured for two years from its date, except for non-payment of premiums and except for violations of the policy relating to the naval or military service in time of war and at the option of the company provisions relative to benefits in the event of total and permanent disability and provisions which grant additional insurance specifically

against death by accident may also be excepted."

The SPEAKER: The question is on the adoption of the amendment. Is it the pleasure of the House that House Amendment A be adopted?

Thereupon the House voted to adopt House Amendment A, and the bill thus amended was given its third reading under suspension of the rules and passed to be engrossed.

On motion by Mr. Sturgis of Auburn, it was voted to take from the table Senate Document No. 130, An Act to amend Section 169 of Chapter 16 of the Revised Statutes, relating to teachers' pensions, tabled by that gentleman March 28, pending assignment for third reading.

On further motion by the same gentleman the bill then had its third reading and was passed to be engrossed.

On motion by Mr. Rounds of Portland it was voted to take from the table Senate Document 264, An Act relating to Cumberland County Power & Light Company, tabled by that gentleman March 27, pending its third reading.

On further motion by the same gentleman, the bill had its third reading and was passed to be engrossed.

On motion by Mr. Holmes of Lewiston, it was voted to take from the table House Document 240, An Act to define and fix the order of preference in which State aid highway construction funds shall be apportioned to towns, tabled by that gentleman March 27, pending third reading.

On further motion by the same gentleman, the bill received its third reading and was passed to be engrossed.

On motion by Mr. Maher of Augusta, it was voted to take from the table House Document 459, resolve amending Constitution relating to the amount of bonds to be issued for the purpose of building State highways, tabled by that gentleman March 27, pending third reading.

Mr. GRANVILLE of Parsonsfield: Mr. Speaker, I have an amendment which I would like to offer before it goes to third reading.

The SPEAKER: The Chair will state to the gentleman that the bill

may have its third reading and then the amendment be offered.

Thereupon the bill received its third reading, and Mr. Granville of Parsonsfield offered House Amendment A as follows.

House amendment A to House document No. 459.

House document No. 459 is hereby amended by striking out the word "article" in the second line of paragraph one and inserting in place thereof the word "amendment"; by inserting after the word "constitution" in said second line the words "and as further amended by article forty-two of the constitution"; by striking out the word "article" in the third line and inserting the word "amendment"; by striking out the word "adding" in the fourth line of said paragraph and inserting the word "inserting."

Paragraph two is hereby amended by striking out the word "three" in the sixth line and inserting in place thereof the word "eight."

Paragraph three is hereby amended by striking out the word "article" in the first line and inserting in place thereof the word "amendment"; and said Resolve is further amended by adding thereto the following:

"Resolved: That the aldermen of cities, the selectmen of towns and the assessors of the several plantations in this State are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives on the second Monday in September following the passage of this Resolve, to give in their votes upon the amendment proposed in the foregoing resolution and the question shall be:

Shall the constitution be amended as proposed by a resolution of the Legislature providing for an increase in the amount of State bonds to be issued for the purpose of building State highways, State-aid highways and intrastate, interstate and international bridges, and by adding to the purposes for which bonds may be issued the following: State aid highways.

And the inhabitants of said cities, towns and plantations shall vote by

ballot on said question, those in favor of the amendment voting "yes" upon their ballots and those opposed to the amendment voting "no" upon their ballots and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and return made to the office of the secretary of State in the same manner as votes for governor and members of the Legislature and the governor and council shall count the same and if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendment the governor shall forthwith make known the fact by his proclamation and the amendment shall thereupon as of the date of said proclamation become a part of the constitution.

Resolved: That the secretary shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing Resolve accompanied by a copy thereof."

The pending question being the adoption of the amendment, the amendment was adopted.

Mr. ROUNDS of Portland: Mr. Speaker, I rise at this time to say that I am opposed to a six million dollar bond issue, and that is what I understand this is. We are going to have come into this House within the next three days a bill for three million dollars to build a bridge that is not an interstate bridge, but a bridge in our own State. That will bring us up to about \$19,500,000 in debt, and I do not want to see this Legislature, or any other Legislature, go ahead so fast. It is all right to have good roads, but when we go back home and find the people saying, "What are you doing? You are pushing this State into debt so fast that it never will get out." Therefore, I am opposed to this, and I move that it be tabled until we can find out whether the bridge bill at Bath will pass or not.

The SPEAKER: The Chair will state that the amendment has already been adopted unless the vote is doubted; and the gentleman from Portland, Mr. Rounds, now moves that the matter be tabled, pending its passage to be engrossed, as amended.

The motion to table prevailed.

On motion by Mr. Granville of Parsonsfield, it was voted to take from

the table House document 457, An Act to provide for an issue of State aid or second class highway bonds, tabled by that gentleman March 27, pending third reading.

On further motion by the same gentleman the bill received its third reading.

Thereupon Mr. Granville of Parsonsfield offered House amendment A as follows:

House amendment A to House document No. 457.

"Section 4 of House document No. 457 is hereby amended by inserting after the word "Statutes" in the second line, the words "as amended"; by striking out in the seventh, eighth and ninth lines the words "and under Chapter forty-four of the Private and Special Laws of nineteen hundred and nineteen," and by striking out in the thirteenth, fourteenth and fifteenth lines the words "and in Chapter forty-four of the Private and Special Laws of nineteen hundred and nineteen."

The amendment was adopted.

Mr. ROUNDS of Portland: Mr. Speaker, I would like to inquire of the gentleman from Parsonsfield, Mr. Granville, through the Chair, if that is an amendment to spend \$2,500,000 on second class roads.

The SPEAKER: The gentleman from Parsonsfield, Mr. Granville, may answer the question through the Chair.

Mr. GRANVILLE: Mr. Speaker, I would answer the gentleman from Portland, through the Chair, that this provides for the issuance of \$2,500,000 of the next bond issue, if authorized, for State-aid roads.

The SPEAKER: The amendment having been adopted, is it the pleasure of the House that the bill be passed to be engrossed as amended by House amendment A?

Thereupon, the bill was passed to be engrossed as amended.

On motion by Mr. Granville of Parsonsfield, it was voted to take from the table House document No. 461, An Act relating to State highways and to the creation and expenditure of the mill tax highway fund, tabled by that gentleman March 27, pending third reading, and on further motion by the same gentleman, the bill received its third reading and was passed to be engrossed.

On motion by Mr. Chalmers of Bangor, it was voted to take from the table Senate document No. 54, An Act relating to intoxicating liquor, tabled by that gentleman, March 27, pending its third reading.

Mr. CHALMERS of Bangor: Mr. Speaker, I yield to the gentleman from Orrington, Mr. Phillips.

Mr. PHILLIPS of Orrington: Mr. Speaker and Members of the House: This is an amendment to the existing statutes and relates to the fine resulting from prosecution. According to this bill the fines resulting from prosecution will be returned to the city or town where the seizure is made. I think I can see the intent of the amendment, which presumably is to encourage, perhaps better enforcement by city and town officials. The wisdom of that I do not know as need be questioned, perhaps. There are plenty of statutes now whereby cities and towns can handle that proposition, and this matter would perhaps be only an encouragement or a bribe for our officials to do their duty. Now this act says nothing regarding the cost of prosecution, who is to pay the bills. As I interpret this act, the result would be this: Take it in my own county, for instance, the city of Bangor. The county pays \$1000 for the rent of the court house or the court room, pays the salary of the judge, the salary of the recorder and the salaries of the two or three stenographers. So, throughout the county, the county pays the bills and the city or town receives the fines. Well, that is a pretty good proposition where bootlegging predominates; but in the small country towns where it is not so great, and the seizures are not numerous, they pay the bills but get no receipts. Of course in the most of our counties the larger proportion of our counties are made up of small country towns, and they, of course, would have to pay under this bill for the enforcement, but the county would receive no benefit from the fine. They pay the cost of prosecution and the cities or towns get the fine. It does not seem to me that anything would be accomplished in regard to enforcement under this act. I do not think you would encourage your city or town officials to prosecute any more than they are doing now, and you would to my mind work a great detriment to our small country towns which have got about all the tax rate they want, in our county paying about 23 per cent increase in our county tax. I would

move you, Mr. Speaker, and gentlemen of the House, the indefinite postponement of this bill.

The SPEAKER: The gentleman from Orrington Mr. Phillips, moves the indefinite postponement of Senate Document No. 154.

A viva voce vote being taken, the motion to indefinitely postpone prevailed.

On motion by Mr. Weeks of Fairfield it was voted to take from the table Senate Document 244, An Act relating to salary of county attorney of Somerset county tabled by that gentleman March 28, pending passage to be engrossed; and on further motion by the same gentleman, the bill was passed to be engrossed.

Mr. GRANVILLE of Parsonsfield: Mr. Speaker, I would like to ask the gentleman from Portland, Mr. Rounds, through the Chair, who just tabled House Document 459, if he will permit it to be taken from the table and passed to be engrossed, and then rettable, so that we may advance printing?

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

Mr. ROUNDS: I certainly will do so. I do not want to delay business.

Thereupon, on motion by Mr. Rounds of Portland, it was voted to take from the table, House Document No. 459, resolve amending the Constitution, relating to the amount of bonds to be issued for purpose of building State highways; and on motion by Mr. Granville of Parsonsfield, the bill was passed to be engrossed.

The SPEAKER: Out of order, the Chair presents bills in the first reading.

House 476: An Act additional to and amendatory of Chapter 139 of the Revised Statutes, as amended by Chapter 188 of the Public Laws of 1917, relating to transfer of insane or feeble minded inmates.

(The rules were suspended, and the bill given its three several readings and passed to be engrossed).

House 478: An Act relating to fishing in certain waters in Franklin and Oxford counties.

(The rules were suspended, and the bill given its three several readings and passed to be engrossed).

House 479: An Act relating to plug fishing for landlocked salmon and trout in Mooselucmeguntic and Richardson lakes, in the counties of Oxford and Franklin.

(The rules were suspended, and the bill given its three several readings and was passed to be engrossed.)

House 480: An Act relating to the protection of black bass in lake Walden and Hancock lake, so-called, situated wholly or partly in the town of Denmark, in the county of Oxford, and in the town of Sebago, in the county of Cumberland.

(The rules were suspended, and the bill given its three several readings, and was passed to be engrossed.)

House 481: An Act additional to Chapter 219 of the Public Laws of 1917, as amended, fixing the legal length of, and also daily limit on, trout and land-locked salmon which may be taken in certain Rangeley waters in Franklin and Oxford counties.

(The rules were suspended and the bill given its three several readings, and passed to be engrossed.)

House 482: An Act to amend Section 38 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 37 of the Public Laws of 1919, and as amended by Chapter 117 of the Public Laws of 1921, relating to the protection of deer.

(The rules were suspended, and the bill given its three several readings and passed to be engrossed.)

The following committee reports were presented out of order:

Mr. Archibald from the committee appointed to consider the Cole report on bill, An Act creating the office of commissioner of public welfare, and defining his duties, reports that the same ought not to pass.

Mr. Wood from the committee on education on bill An Act to amend Sections 169, 170, 171, 172, 173, 174, 175, 176 and 177 of Chapter 16 of the Public Laws of the State of Maine relating to teachers' pensions reports same.

Mrs. Pinkham from the same committee on bill An Act proposing an amendment to the Constitution of the State of Maine relative to appropriations for private and sectarian purposes, reports same.

Reports read and accepted and sent up for concurrence.

On motion by Mr. Melcher of Rumford, the House voted to reconsider its action whereby bill, An Act to amend Section 38 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 37 of the Public Laws of 1919, and as amended by Chapter 117 of the Public Laws of 1921, relating to the protection of deer was passed to be engrossed; and on further motion by the same gentleman, the bill was tabled pending its passage to be engrossed.

Mr. Dunbar from the committee on ways and bridges, on bill An Act to amend Section 6 of Chapter 25 of the Revised Statutes, as amended by Chapter 258 of the Public Laws of 1917, and by Chapter 215 of the Public Laws of 1921, relating to authority in general of the State highway commission, being House document No. 272, reports that the same ought to pass.

The report was accepted, and the rules were suspended, and the bill had its three several readings at this time, and was passed to be engrossed.

On motion by Mr. Tilden of Hallowell, the House voted to reconsider its action whereby it assigned Senate document 251, Resolve in favor of the State school for girls for maintenance and other purposes for its second reading tomorrow morning; and on further motion by the same gentleman, the rules were suspended, and the Resolve had its second reading and was passed to be engrossed.

On motion by Mr. Tilden of Hallowell, the House voted to reconsider its action whereby it assigned Senate document 266, Resolve for the construction and equipment of an infirmary and dispensary at the State school for girls for its second reading tomorrow morning; and on further motion by the same gentleman, the rules were suspended and the Resolve had its second reading and was passed to be engrossed.

On motion by Mr. Winn of Lisbon, 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 that

gentleman March 28, pending passage to be engrossed.

Mr. WINN of Lisbon: I now move the indefinite postponement of the bill.

Mr. CUMMINGS of Portland: Mr. Speaker, I do not know for what reason the gentleman from Lisbon, Mr. Winn, desires to have this bill indefinitely postponed. I know of nothing wrong about this bill. It is very short and reads as follows:

"It shall be unlawful for any person, except an agent of enforcement who is lawfully in possession of intoxicating liquors to be used as evidence, to have in his possession in any public place any intoxicating liquors unless duly licensed under a written permit authorized by act of congress."

I assume that the purpose of this bill was to prevent a bootlegger from having a refuge in a room in a hotel, where he might have in his possession liquor for unlawful use.

The bill further says: "For the purpose of this act every place shall be deemed a public place except a dwelling house or that part of a hotel or boarding or lodging house, used as a permanent residence". Not taking away any rights which a man now has to have in his possession liquor in his residence or in any part of a hotel or boarding house used for that purpose: it takes away no existing right, it simply prevents the use of a room in a hotel or lodging house or a boarding house for the possession of liquor for an unlawful use. I do not believe that the gentleman understood the purpose of this act. It seems to me entirely proper and I hope that the motion to indefinitely postpone will not prevail.

Mr. BECKETT of Calais: Mr. Speaker, gentlemen and lady of the Legislature: It has been the policy of this state for a considerable period to prohibit the use of intoxicating liquors as a beverage. Our nation has now followed the example which the state of Maine has set. I am heartily in favor of any law that will give more teeth, as it has sometimes been said, to the enforcement of the prohibitory law. I do not believe that anyone can successfully show that the enforcement of prohibition over this state and over this nation has done anything but reduce disease, reduce poverty, and promote the happiness of the home, and of

the nation, and I sincerely hope that the motion to indefinitely postpone will not prevail.

Mr. WINN of Lisbon: Mr. Speaker and gentlemen: I want to say, as the previous gentleman has spoken, that I too am heartily in favor of the prohibitory law and I too am of the opinion at the present time that we have all the necessary equipment in this state and in the nation for the enforcement of the prohibitory law. The only thing that we lack is in some places people to execute the laws.

But it seems to me, and my objection to this bill was, that it possibly placed our young boys that might get into a dance hall or some place of amusement and have in their possession some of the things that are prohibited by the laws of this state and nation, into false positions, and we all know that young boys and young people are apt to innocently, it seems to me, fall under this law and be brought into court, and some innocent boy might possibly have a court record, and for that purpose I believe that the bill should be indefinitely postponed.

I have boys of my own, and from the average age of this House I assume that many of the other members have boys, and I am merely asking for the indefinite postponement of this bill as I believe that it might mean some injustice to those boys who are under our protection and advice.

I do not want my boy to go wrong, but if he does go wrong innocently he will find me by his side to protect him as all fathers should do, and I believe all the members of this Legislature want to do.

I am not opposed to this law or the enforcement of it, but I believe we have ample laws in the state and in the nation to enforce the restriction of the sale of intoxicating liquors at the present time, and I do not think that the people of the state of Maine are in favor of any more laws.

Mr. JACOBS of Skowhegan: Mr. Speaker and gentlemen: It has been my privilege to be a probation officer and in that capacity I have come in touch with courts on many occasions with regard to young men who had got in trouble at dance halls through intoxicating liquor. I am the father of two boys who, I am sorry to say, frequent dance halls

occasionally, but if those boys who have reached the age of discretion and know the law, want to break the law upon their own responsibility by taking liquor on their person into the dance hall or on the street, I am ready to go on record and say, let that boy take his medicine in the court.

Mr. STURGIS of Auburn: Mr. Speaker and Gentlemen: You probably know by this time where I stand on prohibition, and for an innocent boy, as someone has said, to go into a dance hall with liquor in his possession and then think that he can get out of the consequences by saying that he did not know what he was doing is absurd.

Now we all know from what we have heard in contact with different people with regard to the enforcement of liquor laws that evaders of those laws are one of the hardest kind of people to catch, and we would be in a deplorable condition if we got into a place where a young man could get into a dance hall or back alley or any place of amusement and have in his possession liquor.

He probably would want to go there and he might say he did not know it was there but if he can get a revenue in that method it would be going backwards to indefinitely postpone this act, and I am heartily in favor of this act.

Mr. CUMMINGS of Portland: Mr. Speaker, I merely want to say that I have no fear of my son being found in a dance hall with liquor in his pocket and I do not believe that my friend Mr. Winn has any fear that his son will be found in a similar situation. I think it is far fetched, this objection to this bill, and I hope, gentlemen, that you will support this bill and not vote to indefinitely postpone.

Mr. SPARROW of Pittston: Mr. Speaker, I have four boys and if they are caught with liquor, "sock it to them." (Applause and laughter).

Mr. OAKES of Portland: Mr. Speaker, I have always been a prohibitionist and I want to stand squarely on that basis. I have no sympathy with the suggestions of the previous speakers regarding the protection of young boys in dance halls but it seems to me that this law is breaking away from anything along the line of any theory of liquor prohibition that we have ever had. Our theory has always been along the lines of an intent to sell intoxicating liquors. The Federal Government has gone into the question of transportation and our law touches on

that question of transportation for the purpose of illegal sale, but to say that a man, simply to have liquor in his possession in a public place or in any other place is guilty of committing a crime, is too drastic a measure in my judgment, to be enforceable, and if a law is so drastic that it is not practical, it simply nullifies the law, and in my judgment to pass a law of this type is very unwise.

Mr. GOLDTHWAITE of Biddeford: Mr. Speaker, permit me to read just one line—"boarding or lodging house used as a permanent residence." I want to ask you gentlemen of this Legislature who are stopping in Augusta today if you consider this your permanent residence, and have you a right to have something in your room in any hotel, lodging house or boarding house? (Applause and laughter.)

I believe in enforcement of the law and I believe that should be changed right there.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker and gentlemen, I think the last speaker is insinuating something. However, I am heartily in favor of the prohibitory law and I am in favor of this bill. Anyone knows that if an officer should see a boy or a man who was innocent he would not do anything about it.

Mr. MAHER of Augusta: Mr. Speaker and gentlemen: I am a practical temperance man and an absolute teetotaler and have ever been such and will continue so to be. Never have I tasted in any form intoxicating liquor. I am perfectly delighted with the temper of that law because, as I peruse the statutes of the State with reference to temperance legislation, it is the first that is absolutely, squarely, all the time honest, in that it does not exempt cider.

Mr. OAKES of Portland: Mr. Speaker and gentlemen: I think the previous speaker, Mr. Littlefield, has hit the nail on the head when he said that we well know that if a man would have liquor in his possession innocently no sheriff would ever arrest him, and the law says specifically that if he have in his possession in any public place any intoxicating liquors he is guilty of committing a crime.

Now if this law were regulated to say that if he had liquor in his possession it would be prima facie evidence, that would be an entirely dif-

ferent matter, but if a man has intoxicating liquor he should not be considered a criminal.

Mr. WINN of Lisbon: Mr. Speaker, I am not going to make any extended remarks—

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

The SPEAKER: The gentleman from Auburn, Mr. Sturgis, may state his point of order.

Mr. STURGIS: The gentleman from Lisbon, Mr. Winn, has already spoken twice on this matter.

The SPEAKER: The point is well taken. The question is on the motion of the gentleman from Lisbon, Mr. Winn, to indefinitely postpone.

A viva voce vote being doubted.

A division of the House was had.

Fifty-seven having voted in the affirmative and 61 in the negative the motion to indefinitely postpone was lost.

Thereupon, on motion by Mr. Cummings of Portland, the bill was passed to be engrossed.

On motion by Mr. Thomas of Leeds, Recessed until two o'clock P. M. today.

AFTER RECESS

Papers from the Senate disposed of in concurrence.

(At this point ex-Governor Oakley C. Curtis, was escorted by the House Messenger to a seat beside the Speaker, amid the applause of the House, the members rising.)

From the Senate: Report of the committee on Appropriations and Financial Affairs on resolve for charitable and benevolent institutions for the care, support, and medical or surgical treatment of certain persons, and that it ought to pass.

In the Senate, report read and accepted, and the resolve passed to be engrossed.

In the House, on motion by Mr. Curtis of Brewer, the rules were suspended, and the resolve was given its first reading.

On motion by Mr. Boulter of Kittery, the rules were suspended and the resolve was given its second reading at this time, and passed to be engrossed in concurrence.

On motion by Mr. Ray of Old Town, the House voted to reconsider its action whereby this resolve was passed to be engrossed, and that gentleman offered House amendment A and moved its passage as follows:

House Amendment A to Senate Document 292.

Amend Senate Document No. 292, by adding thereto under the heading 'For medical and surgical treatment and care of children and adults,' etc. The following: "Oldtown Hospital for maintenance; one thousand dollars for the fiscal year nineteen hundred and twenty-four, one thousand dollars for the fiscal year nineteen hundred and twenty-five."

On motion by Mr. Sanders of Portland, the amendment and resolve were tabled, pending passage to be engrossed.

From the Senate: Report of the committees on Appropriations and Financial Affairs and School for Feeble Minded jointly on Senate Document 289, resolve in favor of the Maine School for Feeble Minded for additions and improvements, reporting same in a new draft under same title and that it ought to pass.

In the Senate, report read and accepted and the resolve passed to be engrossed.

In the House, the rules were suspended, and the resolve had its two several readings and was passed to be engrossed in concurrence.

From the Senate: Report of the committee on Judiciary on bill, an act to encourage co-operative marketing, Senate Document 291, reporting same in new draft under same title and that it ought to pass.

In the Senate, report read and accepted and the bill passed to be engrossed.

In the House, the rules were suspended, and the bill received its three several readings, and was passed to be engrossed in concurrence.

From the Senate: Report of the committee on Temperance on bill an act to amend Section 21, Chapter 127, Revised Statutes, as amended by Chapter 235, Public Laws of 1919, relating to intoxicating liquors, Senate Document No. 286 reporting same in

a new draft, under same title and that it ought to pass.

In the Senate, report read and accepted and the bill passed to be engrossed.

In the House, the rules were suspended, and the bill had its three several readings and was passed to be engrossed.

From the Senate: Report of the committee on Temperance on bill, an act to amend Section 22 of Chapter 127 of the Revised Statutes of Maine, as amended by Chapter 291 of the Public Laws of 1917, relating to the sale of flavoring extracts, Senate Document 288, reporting same in a new draft under title of an act to amend Section 22 of Chapter 127 of the Revised Statutes of Maine, as amended by Chapter 291 of the Public Laws of 1917, relating to the sale of intoxicating liquor, and that it ought to pass.

In the Senate, report read and accepted and the bill passed to be engrossed.

In the House, the rules were suspended, and the bill received its three several readings and was passed to be engrossed in concurrence.

From the Senate: Report of the committee on Temperance on bill, an act to amend Chapter 107 of the Revised Statutes, prohibiting the manufacture of intoxicating liquors, Senate Document 287, reporting same in a new draft under title of an act to amend Chapter 107 of the Revised Statutes, as amended by Section 17 of Chapter 62 of the Public Laws of 1921, prohibiting the manufacture of intoxicating liquors and that it ought to pass.

In the Senate, report read and accepted, and the bill passed to be engrossed.

In the House, the rules were suspended, and the bill received its three several readings and was passed to be engrossed in concurrence.

From the Senate: Report of the committee on Cole report reporting ought to pass on bill, an act to encourage and provide for a system of uniform accounting in cities, towns and village corporations, Senate Document 296.

In the Senate, report read and accepted, and the bill passed to be engrossed.

In the House, the rules were suspended, and the bill had its three several readings and was passed to be engrossed in concurrence.

From the Senate: Report of the committee on Sea and Shore Fisheries reporting ought to pass on bill, an act to amend Chapter 260, Special Laws of 1911, relating to close time on lobsters in waters of Winter Harbor, Senate Document 284.

In the Senate, report read and accepted and the bill passed to be engrossed.

In the House, the rules were suspended and the bill had its three several readings and was passed to be engrossed in concurrence.

(At this point Ex-Governor Curtis retired from the House amid the applause of the House, the members rising.)

From the Senate: Final reports of committees on Claims, Interior Waters, Library, Mercantile Affairs and Insurance, Feeble Minded, and State Lands and Forest Preservation.

In the House, read and accepted in concurrence.

From the Senate: Bill, an act to legalize and make valid the proceedings of the town meeting of the town of Washburn, held on March 26, 1923.

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

In the House, the rules were suspended and the bill given its three several readings and passed to be engrossed in concurrence.

From the Senate: Resolve in favor of the State Department of Health.

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

In the House:

Mr. ROUNDS of Portland: Mr. Speaker, is that resolve printed?

The SPEAKER: It is not printed.

Mr. ROUNDS: I move that it be tabled pending its second reading.

(The Clerk reads the resolve in response to an inquiry as to it by the gentleman from Auburn, Mr. Wing.)

Mr. WING: Will the gentleman

from Portland (Mr. Rounds) now allow the resolve to be taken from the table?

Mr. ROUNDS: Mr. Speaker, I think it is in a good place now. I would like to discuss the bill, and if they want to discuss it I will take it from the table and discuss it now.

On motion by Mr. Rounds of Portland, the resolve was taken from the table.

Mr. ROUNDS: Mr. Speaker and gentlemen of the House: As I understand it, this is a resolve to purchase a garage down here that has no cellar under it, and they are trying to put offices into a garage. The way the thermometer was this morning, they would have to spend another \$35,000 to put it into shape to run it. Now they claim that the Insane Hospital is taking away the building where they had a fire over there, but they cannot take it away unless they have permission from the Governor and Council to do so, and I do not think the Governor and Council will give them permission at the present time. Therefore, I do not think we want to spend another \$35,000, and it seems to me as though we are just shoving in resolves, \$2000 here and \$35,000 there and Lord knows where it will end in the next two or three days. I have seen the thing happen so often in this Legislature in past years that I am suspicious of these things being shoved through here in the last few days of the session after the Speaker has got his watch. I am a little suspicious of some of these bills and resolves that are going through. Therefore, I would like to indefinitely postpone this unless the Governor and Council will take care of it out of the Contingent Fund.

The SPEAKER: The gentleman from Portland, Mr. Rounds, moves to indefinitely postpone this resolve.

Mr. GREENLEAF of Auburn: Mr. Speaker and gentlemen of the House: This is an emergency matter. This fire occurred I believe a week ago last Saturday or Sunday night, and the vital statistics were very nearly lost at that time. The law says that the Department of Health shall be provided with a suitable laboratory. That is the law and they must find a home and quickly. A doctor from my home town came over here to see the Department of Health in regard to this matter, and, through his recommendation, I was asked to

go down there and look over this garage to see if I thought it advisable to purchase it and change it over for the Department. Of course I have no way of knowing what the needs of the Department are, but I was told that this building with a few changes would be suitable for them for at least ten years to come. In one end of the building there are two rooms which are about 24 by 24. These would make excellent laboratories for the purposes for which they are needed. Then there is a large room in the center, about 24 by 48, which by building in partitions can be cut up into offices. There is a steam heating plant already in. There are drains in every room to the sewer. The building stands well back from the street, and this building can be purchased today at what it cost to build it two years ago, and with some slight alterations it can be fixed over into what the Department assures me will be excellent quarters for them. On the other end of this building there is a room 24 by 50 in which they plan to build a large vault to take care of the vital statistics. Heretofore they have not been properly housed, and came very near to being lost. If they had been lost, it would have been an irreparable loss to the State and would have set us back tremendously as I understand; and I can assure the members of the House that as a commercial venture this would be mighty hard to beat.

As to the needs of the medical department, I do not know about those. I have been told what they need by the head of the Department there, and as he represented it, it was excellently suited for their purpose, and it is not going to take any \$35,000, or one-third of that even, to fix this over into what they tell me they want.

Mr. WING of Auburn: Mr. Speaker, I hope the motion of the gentleman from Portland (Mr. Rounds) will not prevail in spite of his very long and creditable experience in this body. This embraces a place in the science of the art of healing as to which we can all agree. I am convinced that this particular feature of the State's activities helps the health of every man, woman and child in the State; particularly as relates to the cleanliness and purity of the water supply it performs a service to innumerable citizens. I understand that this resolve has re-

ceived the tacit approval of the great committee on Appropriations, and I see no reason why at this time we should not at least take care of this division of the public activities, in view of the fact that the apparatus and entire mechanism across the river has been seriously hampered by this fire. I hope that the motion of the gentleman from Portland (Mr. Rounds) will not prevail.

Mr. ROUNDS: Mr. Speaker and Gentlemen of the House: I would like to have the Department of Health housed in a good place, but the way garages have been burning and everything;—and this is not suitable for anything of the kind. It will cost as much more as it would to clear the garage off and have the land and start and build a new building for the Department of Public Health. Furthermore, I do not think there is so much in the Department of Public Health as there is in what is going on here at Augusta, where a man has got into difficulty, shut the garage up and got out of town, and now his creditors are trying to foist something on the State. It looks to me as though it was time that we stopped such business as that, if we want to save a little money.

Mr. EDWARDS of Bethel: If they want to take garages, why don't they take the one upon the side of the hill. They have got plenty of room there.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Rounds, that this resolve be indefinitely postponed. As many as are in favor of its indefinite postponement will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Forty-seven voting in the affirmative and 50 in the negative, the motion to indefinitely postpone failed of passage.

Mr. WING of Auburn: Mr. Speaker, I move that the rules be suspended and the resolve take its several readings at this time.

Mr. ROUNDS: Mr. Speaker, I shall object to that until the resolve is printed.

The SPEAKER: The question is on the suspension of the rules. As many as are in favor of suspending the rules for the purpose of giving this resolve its second reading will rise and stand until counted.

A sufficient number not having arisen, the rules were not suspended for the purpose of giving this resolve its second reading.

The SPEAKER: The Chair awaits a motion.

Mr. WING of Auburn: Will the Chair please state the parliamentary situation?

The SPEAKER: The parliamentary situation is that the resolve has had its first reading.

On motion by Mr. Wing of Auburn, it was voted that the resolve be assigned for its second reading tomorrow morning at nine o'clock.

From the Senate: Report of the committee on Claims reporting ought not to pass on Resolve in favor of the town of Prentiss.

This was accepted in the House, March 28.

In the Senate, resolve referred to the next Legislature in non-concurrence.

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

From the Senate: Bill, an act to incorporate the towns of South Thomaston and Owl's Head, in the county of Knox, into a single town.

This was passed to be engrossed as amended by House Amendment A in the House March 28.

In the Senate, indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Wing of Auburn, tabled and specially assigned for tomorrow morning.

From the Senate: Bill, an act to amend Section 14 of Chapter 78 of the Revised Statutes, relative to conveyances not effectual against others unless recorded.

This was passed to be engrossed in the House, March 27.

In the Senate, indefinitely postponed in non-concurrence.

In the House, on motion by Mr. Sanders of Portland tabled and specially assigned for tomorrow morning.

From the Senate: Report of the committee on Insane Hospitals reporting ought to pass on resolve in favor of the Banger State Hospital for maintenance.

In the Senate, report read and ac-

cepted, and the resolve passed to be engrossed as amended by Senate Amendment A.

In the House, the report was accepted in concurrence, and the resolve had its first reading.

(Senate Amendment A read)

Thereupon, the amendment was adopted in concurrence, and the resolve had its second reading as amended by Senate Amendment A under suspension of the rules, and was passed to be engrossed in concurrence.

From the Senate: Report of the committee on Temperance on bill an act to amend Chapter 294, Public Laws of 1917, as amended by Chapter 63 Public Laws of 1921, relating to intoxicating liquors, reporting same in a new draft, under same title and that it ought to pass.

In the Senate, report read and accepted and the new draft passed to be engrossed as amended by Senate Amendment A.

In the House, the report was accepted in concurrence, and the bill given its three several readings.

(Senate Amendment A read).

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

Thereupon, the amendment was adopted in concurrence under suspension of the rules.

On motion by Mr. Oakes of Portland, tabled pending passage to be engrossed.

From the Senate: Report of the Portland Delegation on bill an act to grant a new charter to the city of Portland, reporting same in new draft, under same title, and that it ought to pass.

In the Senate, report read and accepted, and the new draft passed to be engrossed, as amended by Senate Amendment A.

In the House, on motion by Mr. Rounds of Portland, tabled pending first reading.

From the Senate: Majority and minority reports of the committee on legal affairs on bill, an act to amend Section 22 of Chapter 51 of the Revised Statutes, relating to corporate records and stock lists; of which the minority report was accepted in the House, March 28.

In the Senate, majority report accepted in non-concurrence and the new draft passed to be engrossed.

In the House, on motion by Mr. Holmes of Lewiston, that body voted to insist on its former action and ask for a committee on conference.

The SPEAKER: The Chair will later appoint that committee.

From the Senate: Resolve amending Section 8 of Chapter 9 of the Constitution as amended by Article XXXVI of the Constitution providing for a tax upon income derived from intangible property.

This was passed to be engrossed in the House March 27.

In the Senate, report of committee, reporting ought not to pass accepted in non-concurrence.

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

From the Senate: Bill, an act to amend Section 19 of Chapter 37 of the Revised Statutes, relative to the sale of milk.

This was passed to be engrossed in the House March 21.

In the Senate, passed to be engrossed as amended by Senate Amendment A in non-concurrence.

In the House, that body voted to reconsider its action whereby this bill was passed to be engrossed.

The question being on the adoption of Senate Amendment A, Senate Amendment A was read by the Clerk, and the House voted to adopt Senate Amendment A in concurrence, and the bill as thus amended was passed to be engrossed in concurrence.

From the Senate: Resolution relative to the Kennebec Reservoir Company, being Senate Document No. 303, comes from the Senate read and adopted.

In the House:

Mr. MAHER of Augusta: Mr. Speaker, apprehending that all the members have read this resolution, I will make the motion that it have passage, and preliminary thereto I have one or two thoughts that I wish to advance.

Our theory of the State is that it exists for the individuals and not the reverse, that the individual exists by the grace of government.

The State, we believe, was conceived

as, dedicated to and limited by the idea of a governmental agency of the people, "in order to establish justice, insure tranquility, provide for a mutual defense, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty."

We have ever held that equally true is the postulate that the "inalienable right * * * of acquiring, possessing and protecting property" belongs to the individual. We hold this to be still the true function of our State, namely, a governmental agency. We concede the people have an unqualified right to "alter, reform or totally change the same when their safety and happiness require it." But for one, I am not persuaded by anything I have yet heard, either in argument, message, or proclamation, to "deem it necessary" to take any step to change this State from a governmental agency to a business corporation.

The State in its governmental capacity has relation to property, both real and personal, in but two ways:

First, that when as to public lots, it has title to the same in trust.

Second, that which comes under the taxing power, so-called.

Having regard to these two aspects, full provision for complete payment for said public lots is contained in the act incorporating the Kennebec Reservoir Company; and no exemption from taxation is asked for by this Company or given to it by this Legislature. No new right of charging or of contracting is conferred on this Company. We believe that the State will not depart from the tried role of a governmental agency in order to embark on the uncharted course of a business corporation. Let there be less politics in business, and more business in politics.

There is, however, presented by this proclamation of our Governor a certain phase which appeals to me as of greater moment than economic politics—greater even than that abstract theory of government—greater far than the transient fortunes of any member of the Eighty-First Legislature, and that is, the unwitting but implied reflection upon the memory of a man of Maine who by his life, his learning, and his heroic sacrifice sheds luster upon this State today and upon all its people. "In 1868, the Governor of Maine, acting

under authority granted him by the Legislature, deeded to a private corporation millions of acres of timberland that belonged to the people.

In 1923, the Eighty-first Legislature has just granted to another private corporation water storage and power privileges worth millions of dollars.

These privileges are all that remain of the people's once great natural inheritance.

Th end is not yet, for in 1923 the people possess power they did not have in 1868."

In 1868 "a Governor of Maine"—in 1923, the Governor of Maine issues this proclamation under the solemn seal of this State. Mr. friends, Gettysburg is quiet today with the calm that belongs to peace, its silence emphasized but by the notes of song-birds. How readily fancy pictures that place and how readily in the twilight haze we can see those contending hosts of sixty years ago! My mind turns to a boy born in Bangor, educated at Bowdoin college, graduated from the Bangor Theological Seminary, a tutor in Bowdoin College, a professor there. When there came that test which sifted out the hearts of men before the judgment seat, answering a lady later who asked him how he happened to be in the war, he said "Madam, I did not happen. When my country called, I gave the best there was in me to it." And what was that best? In front of Petersburg, shot through the arm twice, in the breast three times, and made a Brigadier-General upon the field of battle; at Fair Oaks leading the charge and made a Major-General on the field of battle; in the fury of battle three horses shot beneath him; and on July 3rd, 1863, when the forces of Rebellion were swaying against the sustainers of the Union, he, commanding the troops at Little Round Top, turned back the tide; and April 9th, 1865, leading the last charge of the war; and that man was designated by the Commander-in-Chief of the Union forces to formally receive the surrender of Lee at Appomattox Court House. He returned to Maine, and in 1867 he was elected Governor, and I think that he was the only man three times elected Governor, serving until 1871. I say that I can wish this Legislature no greater honor than to have been coupled by reference with that man, and that I can wish no servant of

the State, even the Chief Executive, any greater honor than that his name may be preserved by Maine in memory as enduring and grateful as is that of Joshua L. Chamberlain. (Applause.)

I move you, sir, that the resolution introduced by the Senator from Kennebec and adopted in the upper body be given passage.

Mr. DOUGLAS of Lamoine: Mr. Speaker and members of this House: As the son of one of those men who was with that brave general at Petersburg and Gettysburg, I resent any stigma whatever upon the name of Joshua L. Chamberlain, and am glad to second the motion of the gentleman from Augusta.

Mr. CUMMINGS of Portland: Mr. Speaker, I would like to inquire, first, the purpose of this Senate Document 303, and secondly, what the result of its passage in the House will be?

The SPEAKER: Is the gentleman addressing his question to the Chair?

Mr. CUMMINGS: To the Chair or to some member. I care not who answers the question.

The SPEAKER: The gentleman from Augusta, Mr. Maher, may answer the question through the Chair, if he desires.

Mr. MAHER: Answering the query of the gentleman from Portland (Mr. Cummings) I will simply say that my understanding after several readings of that resolution is simply this, that the Legislature takes this stand, that the gauntlet has been thrown down by challenge with reference to the integrity of the acts of this body, and we say that we accept the challenge and that we want to go to the people, but that we do not care to "play the game" upon the rules of any particular individual, with that particular individual acting as umpire. (Applause.)

Mr. CUMMINGS: Mr. Speaker, I am not informed in my own mind in regard to the passage of this resolution. What I particularly desire to know is, if within this bill there is that which is equivalent to the introduction of a resolve which would require a reference of the Kennebec Storage proposition to the people in 1923 instead of 1924. I want to know whether that is the result, or would be the result of the passage of this resolution.

The SPEAKER: The gentleman

from Augusta (Mr. Maher) may answer the question if he wishes.

Mr. MAHER: I will simply say, Mr. Speaker, that the way that resolution strikes me in its legal effect is that it is a request that in the event a referendum is invoked, that the Chief Executive exercising the discretion which rests within him as to the time when a referendum shall be called unless the thing is specifically asked for in the petitions,—that exercising that discretion, that it is the sense of the Legislature that the people of the State of Maine can better pass upon the issue now raised, unclouded by a political campaign or by any other State issue,—in other words, that it is the sense of this Legislature that a referendum ought to be had free from any distracting influences, or any distracting issues, at the first possible moment.

Mr. CUMMINGS: Mr. Speaker, would the passage of this resolution compel the reference of this matter to the people in 1923 or would it be left at the option of the Governor?

The SPEAKER: The gentleman from Augusta (Mr. Maher) may answer through the Chair, if he wishes.

Mr. MAHER: I think, Mr. Speaker, that there is nothing in that resolution, nor do I think that the Legislature could put anything into that resolution that would compel the Executive to exercise his discretion other than his own judgment dictates.

Mr. CUMMINGS: I thank you. I wanted to be sure in regard to this matter whether there was anything compulsory in it, or whether it merely left it open.

Mr. HALE of Portland: Mr. Speaker, I think that possibly the members of the House will be enlightened if they read carefully the last three paragraphs of the resolution on Page 12 and 13. I would say that "there is no reason for delaying its decision until 1924, as advocated by the Governor. There is every reason for prompt action in a matter which so vitally concerns the future prosperity of the State. We join with the Governor in calling for a referendum on this act, but we insist that such a referendum should take place at the earliest possible date.

"To delay until 1924, as advocated by the Governor, means one more year when the flood waters of the Kennebec can run to waste.

"We therefore urge all good citi-

zens of this State to join in signing petition calling for an election at which this issue may be decided, the same to take place during this year of 1923."

As I understand the Constitution, it provides that the referendum must be held at the next election unless the 10,000 petitioners request an earlier referendum, and I take it that the purpose of this resolution is to urge possible signatories to the petition to request the earlier date. If I am incorrect, I hope that I and the other members of the House will be corrected.

The SPEAKER: The question is on the adoption of the resolution.

Mr. CUMMINGS of Portland: Mr. Speaker, there seems to be a difference of opinion between Representative Maher and Representative Hale. Representative Hale understands that this would be binding if the petition signed by ten thousand was presented. As I understand, Representative Maher says it is advisory only, and that the option is really with the Governor. I would like very much to know which way it is.

The SPEAKER: The gentleman from Augusta (Mr. Maher) may answer through the Chair, if he wishes.

Mr. MAHER: Mr. Speaker, I think there is no difference between Representative Hale's position and my own. The people of the State of Maine can by petition addressed to the Governor with ten thousand signers apply for a referendum on any measure passed by this Legislature within ninety days following its adjournment; and as quickly as it appears to the Governor that ten thousand names have been filed asking for a referendum, he will at once by proclamation refer any act to the people. The people have a right to insert in the petition a request that a referendum shall be held at a special election. If the people do not do that, but simply sign a petition for a referendum without asking for a special election, then it is discretionary with the Governor either to send the matter to a general election or to call a special election; but should the people in the petition specifically ask for a special election neither the Legislature nor the Governor nor anybody else can prevent a special election. The matter is at all times in the hands of the people. Have I made myself clear?

Mr. CUMMINGS: Yes, sir, I think so.

Mr. HALE: Mr. Speaker, I wish to say that I did not mean to say anything in any way opposed to what the gentleman from Augusta (Mr. Maher) has said, and my understanding is the same as his; and if it would be of any assistance to the House I would like to read Section 17 of Article XXXI of the State Constitution which provides that "Upon the written petition of not less than ten thousand electors addressed to the governor and filed in the office of the secretary of state within ninety days after the recess of the legislature, requesting that one or more acts, bills, resolves or resolutions, or part or parts thereof, passed by the Legislature, but not then in effect by reason of the provisions of the preceding section," that is, the three months clause, "be referred to the people, such acts, bills, resolves or resolutions or part or parts thereof, as are specified in such petition shall not take effect until thirty days after the Governor shall have announced by public proclamation that the same have been ratified by a majority of the electors voting thereon at a general or special election. As soon as it appears that the effect of any act, bill, resolve, or resolution or part or parts thereof has been suspended by petition in manner aforesaid, the governor by public proclamation shall give notice thereof and at the time when such measure is to be voted on by the people, which shall be at the next general election not less than sixty days after such proclamation, or in case of no general election within six months thereafter," which is the case here, "the governor may, and if so requested in said written petition therefor, shall order such measure submitted to the people at a special election not less than four nor more than six months after his proclamation thereof."

As I understand this resolve it simply urges signatories to request the earlier date.

Mr. HAYES of Chelsea: Mr. Speaker, I would like to ask the gentleman from Augusta (Mr. Maher) just for my own satisfaction and personal information, if we did not pass this at all, would not the people of the State of Maine have the right to petition just the same, regardless of the Governor?

The SPEAKER: The gentleman from Augusta, Mr. Maher, may answer through the Chair, if he desires.

Mr. Maher: Mr. Speaker, the gentleman from Chelsea (Mr. Hayes) if I understand his question right, the people of the State would have the full right, regardless of the Governor and regardless of the Legislature to petition for a referendum either at a special or a general election.

Mr. MORRISON of Phillips: Mr. Speaker and gentlemen of the House: I wish to go on record at this time as being strongly in favor of the passage of this resolve. It has been intimated that the proponents of this measure were not actuated by the most honest motives. It has also been intimated that the members of this Legislature in voting the way they did have broken their faith with the people. I resent any such intimation as that from whatever source it may come. We all have our differences of opinion as to problems that may come before us. It is well, perhaps, that we do not all think alike; but I want to believe, and I do believe that the members of this House when they are voting upon a question that is presented to them, vote honestly and according to the dictates of their own consciences. And I believe that it is only fair to say, fair to the proponents of this measure who are entitled to some consideration, fair to the thousands of citizens who live up and down the Kennebec valley, and fair to the industries that are located along that river, that this matter should go to the people as soon as possible; and I sincerely hope that this resolve will receive a passage.

The SPEAKER: The question is on the adoption of the resolution on the motion of the gentleman from Augusta, Mr. Maher. As many as are in favor of the adoption of this resolution will say aye; those opposed no.

A viva voce vote being taken.

The resolution was adopted in concurrence.

The SPEAKER: The Chair presents out of order veto message from the Governor.

STATE OF MAINE
Office of the Governor

Augusta, March 28, 1923.
To the Honorable Senate and House
of Representatives of the 81st
Legislature:

I return herewith without my approval:

"An act to amend Chapter 204, Public Laws of 1917, authorizing the Treasurer of State to negotiate a temporary loan."

Under the present law the Governor and Council and Treasurer of State are authorized to negotiate temporary loans to the amount of \$300,000. The proposed act seeks to increase the authority of the Governor and Council and Treasurer so that they can borrow up to \$800,000 without Legislative sanction.

I do not believe it is either wise or necessary to pass the act before you.

In case of serious troubles, such as war, insurrections, or great catastrophes the Governor has the power to immediately convene the Legislature, and if the emergency warrants an extra session can be assembled in a few days notice. I am opposed to extending the borrowing capacity of the State. Although there is a provision in the Constitution to the effect that \$800,000 may be borrowed without Legislative sanction, a doubt exists as to whether this lawfully can be done without an amendment to our Statute as is here proposed. I believe this very uncertainty in the future will serve as a check upon unwarranted borrowing.

It is easy to enlarge the State's borrowing capacity but once it is done it is practically impossible to reduce it. There always exists a temptation on the part of public officials to avail themselves of whatever power is in them, especially when by its exercise large sums of money are made available.

If this Legislature constructs a financial program for the State for the coming two fiscal years upon a sound basis there should be no need of the State's borrowing money to meet its ordinary running expenses. The ideal before us all is to hold expenditures within bounds so that the tax rate will not be unduly burdensome to the people.

The Act I am returning, notwithstanding its importance and the fact that it can be used to increase the debt of the State a half million dollars, never was referred to a committee and this of itself is sufficient reason why it should not be passed in the rush of the closing hours.

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

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

In the House:

The SPEAKER: The question is shall this bill become a law notwithstanding the objections of the Governor?

Mr. BARWISE of Bangor: Mr. Speaker, the inference that may be drawn from that veto message is that in some way we should be giving extra power to the Executive Department to spend money. Such is not the case. We have already passed upon that matter. The people of Maine have voted upon it in a Constitutional amendment some years ago increasing the temporary borrowing capacity to \$800,000 instead of \$300,000. Now the money that comes into the State of Maine from various sources does not flow in evenly and equally from month to month, but at the end of the year it all gets in. There are months along, however, when the treasury is very low. As a matter of fact the State Treasurer has had to use some of the bond money, some of the money that we have received for selling bonds, in order to tide over temporary shortages. Of course when it came back in, it was replaced in the account. This proposition is in no way increasing the power which the people have already given by Constitutional amendment some years ago. This is merely a question of making it easier for the Treasurer to manage the financial affairs of the State, and there is no danger whatsoever. No Governor or Council would ever borrow any money, or authorize the borrowing of any, unless there was an actual temporary shortage for a few weeks in the treasury. There is no danger to be apprehended upon this point, and I hope that we shall pass this matter over the veto.

The SPEAKER: The question is, shall this bill become a law notwithstanding the objection of the Governor? It is a Constitutional question, and the yea and nay vote is necessary. As many as are in favor of this bill becoming a law notwithstanding the objections of the Governor will answer yea when their names are called. Those who wish to sustain the veto of the Governor will answer no when their names are called. The Clerk will call the roll.

Yea—Atwood, Baker, Bartlett, Hanover, Barwise, Blaisdell, Boman, Boulter, Bradbury, Brett, Brown, Cherry, Conant, Crafts, Curtis, Douglas, Edwards, Farley, Foss, Gagne, Gagnon, Gamage, Gardiner, Gile, Gillespie, Greenleaf, Hamilton, Hammon, Hayford, Hodgkins, Holmes, Houghton, Hutchinson, Jacobs, Johnson, Jones, Lamson, Lord, S. Port'd, Lord, Wells, Ludgate, Maher, Morrison, Newcomb, O'Connell, Overlock, Palmer, Pinkham, Piper, Plummer, Ramsdell, Ranney, Rogers, Rounds, Sanders, Saunders, Siddall, Small, Smith, Thomas, Ch'ville; Tilden, Towne, Weeks, White, Wing—63.

Nay—Adams, Liberty; Adams, Litchfield; Ayer, Bartlett, W'ville; Beckett, Belliveau, Bickford, Bisbee, Brewster, Burns, Cates, Chalmers, Clarke, Crowley, Cummings, Dain, Dilling, Downing, Dudley, Dunbar, Dunn, Fickett, Finnell, Gauvin, Gilmour, Goldthwaite, Gordon, Hale, Hallett, Hayes, Chelsea; Hayes, Gorham; Heal, Hobbs, Jewett, Jordan, Westbrook; Knight, Leathers, Leland, Littlefield, Macomber, Martin, McDonald, McIlheron, Melcher, Moody, Nadcau, Nevins, Nichols, Nickerson, Oakes, Owens, Pendleton, Perry, Phillips, Ray, Reed, Sayward, Sparrow, Staples, Stevens, Stitham, Storm, Stratton, Sturgis, Tarr, Thomas, Leeds, Whitney, Williams, Wills, Winn, Winslow, Wood.—72

Absent—Archibald, Benoit, Drake, Granville, Jordan, C. Eliz'h; Keef, Keene, Kitchen, Morse, Bath; Morse, Greene; Perkins, Pierce, Rowell, Story, Teague.—15.

Negative—72.

Affirmative—63.

Absent—15.

The SPEAKER: Sixty-three having voted in the affirmative and 72 in the negative, the objections of the Governor are sustained.

First Reading of Printed Bills Presented of Order

House 483: An act to amend Section two of Chapter 33 of the Public Laws of 1921, relating to sanitation of schoolhouses.

(The rules were suspended, and the bill was given its third reading and passed to be engrossed).

Mr. PHILLIPS of Orrington: Mr. Speaker, I would like to table that bill.

On motion by Mr. Phillips of Orington, the House voted to reconsider its action whereby this bill was passed to be engrossed; and on further motion by the same gentleman, the bill was tabled, pending passage to be engrossed.

House 484: An act relating to the distribution of decisions of the Supreme Judicial Court, Revised Statutes and Session Laws.

(The rules were suspended, and the bill was given its third reading and passed to be engrossed).

House 484: Resolve in favor of the University of Maine.

(The rules were suspended, and the resolve was given its second reading and was passed to be engrossed).

Conference Report Out of Order

The Chair presents, report of the committee of Conference on the disagreeing action of the two branches of the Legislature on bill an act to repeal Chapter 183 of the Public Laws of 1919, entitled an act to assist in the commercial utilization of the dog fish, reporting that the Senate recedes and concurs with the House in the indefinite postponement of the bill.

Thereupon the House voted to accept the report of the committee.

Reports of Committees Out of Order

Mr. Bisbee from the committee on Appropriations and Financial Affairs on resolve in favor of J. F. Wood, Secretary to committee on Education, for expenses incurred by committee visiting the University of Maine, reporting that the same ought to pass.

The report was accepted and the resolve was given its several readings under suspension of the rules, and passed to be engrossed, and sent up for concurrence.

Mr. Tilden from the committee on Banks and Banking, on bill an act to permit Savings Banks to pay quarterly as well as semi-annual dividends if they desire, reporting that the same ought not to pass.

The report was accepted and sent up for concurrence.

On motion by Mr. Rounds of Portland, Senate Document No. 293, An act to grant a new charter to the City of Portland, tabled by that gentleman earlier this afternoon, was taken from the table.

Mr. ROUNDS of Portland: Mr. Speaker, I would like to say a few words in regard to this matter.

The SPEAKER: The gentleman from Portland, Mr. Rounds, may address himself to the matter.

Mr. ROUNDS: Mr. Speaker and gentlemen of the House: You have read during the last few months, those of you who take the Portland Press Herald, a good deal about the proposed change in the form of government of the city of Portland, and also a good deal about the commission form of government in other cities. Now I wish to say some things that we cannot seem to get into the papers regarding the commission form of government in other cities and especially in one city that they hold up as a model of this commission form of government.

In the city of Norfolk, Virginia, in 1917, a commission form of government was adopted and at that time they had a net debt of \$8,962,186. At the present time they have a gross debt of \$27,194,000 and a net debt of \$23,920,930. Now that shows that, while they have about the same tax rate as the city of Portland, they have increased from eight million and some odd thousand dollars to over twenty-three—almost twenty-four—million dollars in their net debt.

Now they have what is called a "license tax, under which everything in the city of Norfolk is taxed," imposing taxes on the shares of stock of the capital of banks, banking associations, trust and security companies, for the year beginning February 1, 1921, and imposing licenses for the period from May 1, 1921, to and including April 30, 1922, except as otherwise provided, for the payment of interest on the city debt and to meet the general appropriations for the fiscal year of 1921." Now I want to show you just a few of the items that they tax in the city of Norfolk:

"Banks, Banking Associations, Trust and Security Companies, 2. No tax shall be assessed upon the capital of any bank or banking association organized under the authority of this State or of the United States, nor upon the capital of any trust or security company doing a banking business, chartered by this State, but the stockholders in such banks, banking associations, trust and security companies shall be assessed and taxed on the market

value of their shares of stock therein at the rate that is assessed and taxed by this ordinance, as herein-after provided. Each bank, banking association, trust and security company, aforesaid, as soon as possible after this year, shall make up and return to the Commissioner of Revenue of this City a report in which shall be given the name of the stockholders, their residences, the number of shares owned, or held, or controlled by each, and the market value of said stock," etc.

Mr. HALE of Portland: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman from Portland, Mr. Hale, may state his point of order.

Mr. HALE: I would like to inquire to what the gentleman from Portland, Mr. Rounds, is addressing himself.

The SPEAKER: The gentleman from Portland, Mr. Rounds, is addressing himself to the first reading of the bill, it being the pending motion before the House.

Mr. ROUNDS: The gentleman from Portland (Mr. Hale) will hear it quite a lot, perhaps, next summer in Portland.

Mr. HALE: That is the reason I do not want to hear it now.

The SPEAKER: There will be no discussion carried on in the House except through the Chair.

Mr. ROUNDS, continuing: Now, gentlemen, the city of Portland has no such tax as that. The State of Maine takes that tax and we have no right to tax on that. Now what the city of Norfolk has is an increased bond of over \$16,000,000 in five years, and they have the right to tax bank stock and everything of that kind, to take care of it.

Now, again, here is. "Licenses: Agents, Auctioneers, Common Criers, etc. 4. Agents for selling books, each \$12 per year; for a less time, \$2.50 per month. 5. Land and real estate agents, rental agents and real estate auctioneers, each person or firm \$125."

Then, "Artists, Photographers, etc: Artists, daguerrean or photograph, \$50 per year; for a less time \$10 per month."

"Attorneys-at-law, physicians," etc., "from one to five years \$10, over five years, \$25." "Conveyors, \$100 not pro rated."

Just think of it, gentlemen. A man who draws a deed in the city of Norfolk has to pay \$100. What would you say to that in conservative Maine? Architects and civil engineers pay \$150 a year. "Awning, sail or tent makers, alone or in connection with any other business, \$150" a year. "Automobile repair shops, unless otherwise licensed, \$100." "Motor bicycles, each 2 H. P. \$2.50. Over 2 H. P., \$5. Motorcycles, \$5 each. Everything that is taxed by the State, is taxed by the city of Norfolk. Barbers pay \$15 per year. "Barrels. Any person who shall purchase, barter or exchange any kind of second-hand barrels, shall pay a license tax of \$50, not pro rated." "Bricks. Any person who shall engage in the business of selling bricks" etc., "shall pay a license tax of \$50 not pro rated." "Billiards, Pool, etc. A license tax of \$20 shall be paid for each table." "Brokers dealing in chemicals, fertilizer materials and not paying a merchant's license, \$100." "Boot-blacks for each chair, \$4 per year or any part of a year." "Building and loan associations." I will not read the whole of it, but there is a tax on everything. "Ferry boats, \$2,000." I read that because that is a business that I am interested in. To run a ferry-boat across the waters of the Kennebec river you would have to pay \$2,000.

Now, gentlemen, everything is taxed, and one man who was very much interested in that form of government asked me, "how much will I have to pay?" I said, "I do not know." And he looked it up and said, "\$10 would be the minimum tax and \$25 the maximum." And he said, "there is a provision in there that would make my tax \$125." Now he was converted right off against the commission form of government.

Now, why I mention all this at this time is because there is no other way to get it before you, because our newspapers are kind of consolidated and all they will tell in Portland is one side of the question. They tell only half-truths and do not tell the other side. There has been a tax of over \$799,000 in the city of Norfolk for only ten square miles of territory, but in order to increase their borrowing capacity they have taken in 26 miles more of territory. Why gentlemen, if we should take in Westbrook, Falmouth, Cumberland, Standish, Gorham, Scarborough, South Portland and

Cape Elizabeth, why, we should have a bigger population and a bigger borrowing capacity on our five per cent. than they have on their eighteen per cent.

Mr. HALE of Portland: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman from Portland, Mr. Hale, will state his point.

Mr. HALE: I do not think that the gentleman's argument is germane to any question before the House.

The SPEAKER: The Chair is inclined to give the gentleman from Portland, Mr. Rounds, some latitude and rules that the gentleman is in order and will proceed.

Mr. ROUNDS, continuing: Gentlemen I want to say that the United States Government has put into that town \$250,000,000 which is more than they have put into the State of Maine in the last hundred years, and not only that, but they are still putting money in. Why, every one of you who buys stock of the city of Norfolk has to pay a tax to pay for the two miles of railroad they have got there.

Now, if we had any such thing as that in Portland, we could get along a good deal easier and not tax the people what they have. But as I understand it, the gentleman from Portland, Mr. Hale, does not want to hear the facts. I do not know whether his folks are stockholders in that paper yet that is telling such half truths, but I want the whole truth —

The SPEAKER: The gentleman from Portland, Mr. Rounds, will endeavor to keep within the rules.

Mr. HALE: Mr. Speaker, I move that we now adjourn.

The SPEAKER: The Chair realizes that a motion to adjourn is not debatable. The Chair may very well state to the members at this time that it is the plan of those who have the interest of these matters at heart, to recess until eight o'clock tonight. Does the gentleman from Portland, Mr. Hale, wish to amend his motion, to recess until eight o'clock tonight?

Mr. HALE: Mr. Speaker, I wish to make the amendment to my motion that we recess until eight o'clock tonight.

A viva voce vote being doubted,

A division of the House was had.

Seven having voted in the affirma-

tive and 75 in the negative the motion as amended did not prevail.

The question of a quorum being raised by Mr. Perry of Saco, a division of the House was had.

One hundred and twelve were present which constituted a quorum.

Mr. WING of Auburn: Mr. Speaker, I move that when this House adjourns it adjourns until tomorrow morning at nine o'clock.

The motion did not prevail.

The SPEAKER: The gentleman from Portland, Mr. Rounds may proceed.

Mr. ROUNDS, continuing: Mr. Speaker, I have only a few more words to say on this subject. I would like to say this, that the city of Norfolk's interest account is larger than that of the state of Maine, or will be if you pass the six million dollar bond issue, and I move that this bill have its first reading.

Thereupon the bill had its two several readings.

The SPEAKER: The question now is on the adoption of Senate Amendment A in concurrence.

Thereupon, on motion by Mr. Rounds of Portland, Senate Amendment A was adopted and, under suspension of the rules, the bill as amended received its third reading and was passed to be engrossed.

The SPEAKER: The Chair will now announce the Committee of Conference created under the motion of the gentleman from Lewiston, Mr. Holmes, on bill an act relating to corporate records and stock lists:

Mr. Holmes of Lewiston, Mr. Weeks of Fairfield, Mr. Burns of Eagle Lake.

The SPEAKER: The Chair presents out of order reports of committees.

Mr. Saunders from the committees on taxation and ways and bridges on bill, An Act providing for the imposition of a specific excise tax on gasoline and all other fluid internal combustion fuels except kerosene, it being the Whitney bill, reports that the same ought not to pass.

The same gentleman from the same committees, on bill, An Act requiring an excise tax on gasoline, it being the Maher bill, reports that the same ought not to pass.

The reports were accepted and sent up in concurrence.

The same gentleman from the same committees, on bill, An Act providing a tax upon gasoline and other products used in operating internal combustion engines, it being the Leland bill, reports same in a new draft under same title and that it ought to pass.

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

On motion by Mr. Phillips of Orrington it was voted to take from the table House Document No. 483, An Act relating to the sanitation of schoolhouses, tabled by that gentleman earlier this afternoon; and upon further motion by the same gentleman the bill was passed to be engrossed.

On motion by Mr. Douglas of Lamoine.

Recessed until 8 o'clock this evening.

Papers from the Senate received out of order and disposed of in concurrence.

After Recess

From the Senate: Report of the committee on legal affairs on bill, An Act to amend Chapter 84 of the Private and Special Laws of 1919 entitled "An Act to provide for the building of Public wharves and for the establishment of adequate port facilities and for the advancement of commerce," as amended by Chapter 123 of the Private and Special Laws of the special session of 1919, reporting same in a new draft under same title and that it ought to pass.

In the Senate read and accepted, and the bill passed to be engrossed.

In the House, the report was read and accepted in concurrence and the bill received its two several readings, and upon motion by Mr. Hale of Portland, tabled pending third reading.

From the Senate: House 425, bill An Act to amend Section 15 of Chapter 55 of the Revised Statutes, relating to public utilities; which was indefinitely postponed in the House March 28th.

In the Senate passed to be engrossed in non-concurrence.

In the House, on motion by Mr. Rounds of Portland the House voted to insist on its former action and ask for a committee of conference.

The SPEAKER: The Chair will later appoint the committee.

From the Senate: House 424, resolve appropriating money for the con-

struction and equipment of an industrial building at the State Reformatory for Men. On which the House voted to adhere to its former action earlier in the day.

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. EATON of Oxford,
WADSWORTH of Kennebec,
MORRISON of Penobscot.

In the House, on motion by Mr. Tilden of Hallowell, that body voted to recede and concur with the Senate and that a committee of conferees be joined.

The SPEAKER: The Chair will later appoint the committee.

From the Senate: Senate 54: Bill, "An Act to amend Section 45, Chapter 127, Revised Statutes, as amended by Chapter 291, Public Laws of 1921, relating to 'Intoxicating Liquor,'" which was indefinitely postponed in the House earlier in the day.

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

Messrs. HINCKLEY of Cumberland,
SPENCER of York,
CLARK of Lincoln.

In the House, on motion by Mr. Adams of Liberty, that body voted to recede and concur with the Senate and that a committee of conferees be joined.

The SPEAKER: The Chair appoints as conferees on the part of the House: Messrs. Phillips of Orrington, Chalmers of Bangor, and Morrison of Phillips.

From the Senate: Bill, An Act relating to the incontestible clause of life insurance policies.

In the Senate, passed to be engrossed as amended by House Amendment A earlier in the day, and by Senate Amendment A, in non-concurrence.

In the House, on motion by Mr. Nichols of Portland, that body reconsidered its former action whereby the bill was passed to be engrossed. Senate Amendment A was read and adopted in concurrence and the bill as amended by House Amendment A and Senate Amendment A was passed to be engrossed in concurrence.

The SPEAKER: Under the motion

by Mr. Tilden of Hallowell, for a committee of conference on House Document 424, Resolve appropriating money for the construction and equipment of an industrial building at the State Reformatory for Men, which motion was carried, the Chair appoints, Messrs. Tilden of Hallowell, Jordan of Westbrook and Staples of Oxford.

The SPEAKER: Under the motion by Mr. Rounds of Portland for a committee of conference on House Document 425, An Act to amend section fifteen of chapter 55 of the Revised Statutes, relating to Public Utilities, which motion was carried, the Chair appoints, Messrs. Rounds of Portland, Clarke of Stonington and Small of Standish.

The SPEAKER: The Chair will state at this time in the matter of appointments of committees of conference, it is required by the rules that we appoint the committee representing the action of the House. When there is not a yea and nay vote it is rather hard to appoint the committees correctly. For that reason the Chair proposes to call to the desk members making a motion for a committee of conference, that it may obtain knowledge.

On motion by Mr. Rounds of Portland,

Recessed for twenty minutes.

After Recess

Passed to be Enacted

An Act to repeal certain laws relating to the alewife fishery of the State of Maine.

An Act to amend Section nineteen of Chapter five of the Revised Statutes as amended by Chapter Sixty-nine of the Public Laws of 1917 and Chapter 171 of the Public Laws of 1921, relating to the duties of boards of registration of voters.

An Act to regulate the sale of vinegar.

An Act to amend Chapter 14 of the Revised Statutes, relating to Indian tribes.

An Act to amend Chapter Eighty-three of the Public Laws of Nineteen Hundred and Twenty-three, relating to close time of scallops, for the purpose of correcting a clerical error.

An Act to amend Section Four of Chapter One Hundred and Seventy-three of the Public Laws of Nineteen Hundred and Twenty-one, relating to the State School Fund.

An Act to amend Section Fifty-two of Chapter One Hundred and Seventeen of the Revised Statutes, as amended by Chapter Thirty-four of the Public Laws of Nineteen Hundred and Nineteen, relating to the Board of Osteopathic Examination and Registration.

An Act to amend Section Twenty-nine of Chapter Thirty-three of the Revised Statutes, as amended by Chapters Two Hundred and Nineteen and Two Hundred and Forty-four of the Public Laws of Nineteen Hundred and Seventeen and Chapter One Hundred and Ninety-six of the Public Laws of Nineteen Hundred and Nineteen, relating to transportation of fish under tag without the owner accompanying the same.

An Act to amend Section one hundred and twenty-one of Chapter four of the Revised Statutes, as amended by Chapter one hundred and thirty-five of the Public Laws of nineteen hundred and twenty-one, relating to fish weirs.

An Act to amend Section fifty-five of Chapter ninety-one of the Revised Statutes, relating to trustee process.

An Act to amend Section one hundred and sixteen of Chapter four of the Revised Statutes, pertaining to the right to kill dogs.

An Act to provide for the establishment of the Portland Stadium and Athletic Field Commission.

An Act to amend Section seven of Chapter two hundred and ninety-three of the Public Laws of nineteen hundred and seventeen, relating to the director of the Sea and Shore Fisheries.

Finally Passed

Resolve in favor of the State school for boys for maintenance and other purposes.

Resolve appropriating money to increase the salmon on the Maine coast.

Resolve appropriating money for Maine school for the deaf.

Resolve providing aid in the control and suppression of the European corn borer.

Resolve in favor of the Bath Military and Naval Orphan Asylum.

Resolve in favor of the Northern Maine Sanatorium, at Presque Isle, Aroostook county, for personal services, maintenance, repairs and improvements.

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

Reports of Committees Out of Order

The following reports of committees were taken up out of order under suspension of the rules:

Final report of the committee on Public Utilities reporting that they have acted on all matters referred to them.

Report was read and accepted and sent up for concurrence.

Majority report of the committee on judiciary reporting ought not to pass on bill An Act to amend Section 36 of Chapter 67 of the Revised Statutes relating to jury trials in probate appeals.

Report was signed by the following members:

Messrs. Buzzell of Waldo, Hussey of Aroostook,—of the Senate, Gardiner of Gardiner, Wing of Auburn, Weeks of Fairfield, Archibald of Houlton,—of the House.

Minority report of the 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:

Messrs. Hinckley of Cumberland,—of the Senate, Nichols of Portland, Maher of Augusta, Saunders of Lubec,—of the House.

On motion by Mr. Maher of Augusta both reports and accompanying papers were tabled pending acceptance of either report.

On motion by Mr. Bartlett of Waterville, the new draft of the minority report was ordered printed.

Mr. Hayford from the committee on banks and banking on bill An Act to amend Chapter 197 of Public Laws of 1921, by adding a new Section 4, and making present Section 4 into Section 5 unchanged, relating to taxation of Savings banks reported same in a new draft under title of "An Act to amend Section 61 of Chapter 9 of the Revised Statutes, as amended by Chapters 156 and 221 of the Public Laws of 1919 relating to taxation of Savings banks and that it ought to pass.

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

Mr. Granville from the committee on Cole report on bill An Act relating to the salary of the State land agent and the forest commissioner reported same in a new draft under title of "An Act to abolish the title of land agent" and that it ought to pass.

Mr. Gardiner from the joint committees on judiciary and labor on bill An Act to amend Section 1 of Chapter 350 of the Laws of 1915, relative to hours of labor of minors, reported same in a new draft under same title and that it ought to pass.

Mr. Keene from the committee on ways and bridges on bill An Act to require gravel construction of roads, except in cases where a different type is especially authorized reported same in a new draft under same title and that it ought to pass.

Mr. Dunn from same committee on bill An Act concerning the maintenance of bridges reported same in a new draft under title of "An Act providing for an investigation and survey of bridges" and that it ought to pass.

Mr. Story from same committee on bill An Act to withdraw from the contingent fund the sum of five hundred thousand dollars, and transfer same to fund for construction of State aid roads reported same in a new draft under title of "An Act to withdraw from 'The Contingent Fund' the sum of five hundred thousand dollars, and to transfer the same sum to the fund for construction of State aid highways, and to amend Section 87 of Chapter 2 of the Revised Statutes, as amended by Chapter 96 of the Public Laws of 1921, accordingly", and that it ought to pass.

Reports were read and accepted and the new drafts ordered printed under the joint rules.

Mr. Dunbar from the same committee reported ought to pass on bill "An Act to amend Chapter 319, Public Laws of 1915, as amended by Chapter 304, Public Laws of 1917, and by Chapters 140, 162, and 243, Public Laws of 1919 and by Chapters 50 and 143 Public Laws of 1921, providing for State and county aid in the construction of highway bridges.

Report was read and accepted, and

the bill having already been printed (House document No. 327) was read once under suspension of the rules.

On motion by Mr. Archibald of Houlton, the bill was tabled pending second reading.

Passed to be Enacted
(Emergency Measure)

An Act to expedite highway and bridge construction work under legislative appropriations.

The SPEAKER: This being an emergency measure, and requiring under the construction the affirmative vote of two-thirds the entire membership of the House on its passage to be enacted, all those who are in favor of the passage of the bill to be enacted will rise and stand in their places until counted, and the monitors will return the count.

A division being had,

One hundred and thirty-one voted, and all in the affirmative, so the bill was passed to be enacted.

(Emergency Measure)

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 March, as required by law.

The SPEAKER: This being an emergency measure, and requiring under the constitution the affirmative vote of two-thirds the entire membership of the House on its passage to be enacted, all those who are in favor of the passage of the bill to be enacted will rise and stand in their places until counted, and the monitors will return the count.

A division being had,

One hundred and twenty-eight voted, and all in the affirmative, so the bill was passed to be enacted.

Passed to be Enacted

An Act additional to and amendatory of Chapter 211 of the Public Laws of 1921, relating to lights on motor vehicles.

An Act to authorize the city of Lewiston to issue bonds for the construction of school houses in the city of Lewiston.

An Act to amend Section 2 of Chapter 32 of the Revised Statutes, relating to traveling circuses.

On motion of Mr. Maher of Augusta, the bill was tabled pending passage to be enacted.

An Act to amend Section 56 of Chapter 16 of the Revised Statutes as amended by Chapter 188 of the Public Laws of 1917 and by Chapter 26 of the Public Laws of 1921, relating to the time of electing superintendents of schools in towns comprising school unions.

An Act to repeal Sections 74, 75, 76, and 77, of Chapter 45 of the Revised Statutes, and enacting a new law for the better protection of smelts.

Passed to be Enacted

An Act to amend Section 77 of Chapter 10 of the Revised Statutes, relating to assessors making abatements and recording and reporting abatements.

An Act to amend Section 93 of Chapter 45 of the Revised Statutes, as affected by Chapter 293 of the Public Laws of 1917, relating to settlement of violations of law, and repealing Section 87 of Chapter 219 of the Public Laws of 1917, relating to same subject.

Resolve authorizing the attorney-general to procure pictures of former attorneys-general and appropriating money therefor.

Resolve in favor of Mary A. Grant for State pension.

Resolve appropriating money for the repair of the historic block house at the junction of the St. John River and the Fish River at Fort Kent.

At this point the Governor entered the hall of the House of Representatives, the members rising and applauding, and spoke as follows:

GOVERNOR BAXTER: Mr. Speaker and Gentlemen of the House: It has been my sad duty during the past few weeks to send in to you a number of messages that are called "vetoes" in the language of parliamentary law, and I thought that this evening I would bring to you another sort of a message in return for the very pleasant greetings which you just gave me in the council chamber, so I have brought with me several boxes of vetoes and I want to leave them with you, hoping that you will enjoy them during the remainder of the session this evening.

I want to say that it is not a pleas-

ant thing for a governor to indulge in vetoes. I take no credit to myself for doing it. It is simply a matter of duty as I look at it. It is your duty to pass these measures if you see fit, and my duty to act upon them, and I say to you here in a very frank and open way and from my heart, that I have absolutely no personal feelings in these matters, and I think that you really have no such personal feelings.

I am one part of the Legislature. I have to work with you and I hope that the people of the State, when this session is all done and we go back home, will say that the members of the 81st Legislature, the Senate, the House and the Governor, have done their duty as they saw it, and that their record has been an honorable one and a creditable one.

I am really sorry from my heart that this session is drawing to a close. I can sit here this year and next, and I shall miss the Legislature every day when I come into the State Capitol. It will be a lonesome place after you gentlemen have left us, and I want to say that whenever you come back to Augusta if you do not come up to the State House and come into the Governor's office and say a word of greeting and sit down and talk matters over, I shall really be disappointed.

Now, we have some very important measures coming before us during the next few days and I believe we are going to handle them wisely, and I want you to know that I want to work with you in every way, for there is just one thing that is before us all, and that is the welfare of the State.

With just these few words of greeting and appreciation of the visit you made upon me, I am going to leave you to enjoy this new variety of "vetoes." (Applause).

Thereupon the Governor left the hall of the House of Representatives amidst the hearty applause of the members standing.

Mr. DOUGLAS of Lamoine: Mr. Speaker, I rise to a question of personal privilege for the purpose of telling a story.

The SPEAKER: The Chair recognizes the gentleman from Lamoine, Mr. Douglas, for that purpose.

Mr. DOUGLAS: A long, long time ago, in France, on the shores of a beautiful bay, there was an old man living in a thatched-roof, white-washed, stone cottage, a beadmaker by trade. On the hill back of his cottage was a monastery, the home of

some of the Jesuit Fathers, who at that time were visiting the New World and christianizing the Indians. He furnished those Jesuit Fathers with beads, and, as they returned from their different trips across the Atlantic into the New World, they brought back to the old beadmaker wonderful stories of that beautiful country and the chance they had of christianizing those Indians.

At the feet of the old man played a grandson, Francois Dupar. A childhood friend of Francois, a Mademoiselle Lavelle, dwelt in the chateau on the hill back of the village. They, too, listened to the Jesuit Fathers and the old man as they told those wondrous tales brought from the New World, and they became embued with the spirit and the thought that as they grew up they would like to visit that wonderful country. Sure enough, when the young man grew up, he became an officer in the French Navy. The girl grew to womanhood, her parents died, and she became an heiress. Being a Protestant, she had a different idea of christianizing the Indians, and her idea was to take her wealth, go to the New World and found a city, making of the Indians mechanics, artisans, tradesmen, and teach them and civilize them until they became a city self-supporting in itself. She took her wealth and came across to Philadelphia. In Philadelphia, she chartered a vessel, bought a grant of land in the then Province of Maine. She sailed along our coast until she came to the rock-bound shores of Maine, and she gazed in wonderment and awe at that beautiful green world, clad in the verdure of June; and, as she came along our coast, she came to the beautiful high mountain that is now Lafayette Park or Mount Desert island. She landed at the small settlement at Fernald's Point; but she found when she got ashore there that it was a Jesuit settlement and she was not welcome, and it was not her grant of land. The vessel that she was in then proceeded further east until she entered that beautiful bay called Frenchman's Bay, the largest landlocked harbor in the world today; and, as she sailed up that beautiful Frenchman's Bay, she saw a pine point jutting down into the bay that was her grant of land, and from that point of land she had another view of Lafayette Park, another view of that grand range of

mountains on Mount Desert Island. There she proceeded to build her home, her log cabin, forty feet wide, eighty feet long, and two and one-half stories high, in which she kept in one end her cattle and in the other end she lived with her retinue of servants, artisans and mechanics. She donned male attire which at that time was knee pants, probably the first knickerbockers ever worn in the New World by a woman. She went into the woods with her engineers, laid out streets upon which she intended to build this large city. She found that the mill that she had bought in Philadelphia was not large enough for her needs and that she needed more mechanics. So she chartered a vessel and sailed again to Philadelphia, there to purchase what she needed. In Philadelphia she met again Francis Von Barte, commander of a French frigate. They fell in love and were married. Before she was married she decided that grant of land to her secretary, Louis Dupar Desisles. Soon after she sailed for Barbadoes, and we know nothing further of her. But that beautiful point of land, jutting out into Frenchman's Bay is there still; and, you, men of the eighty-first Legislature, if you ever wish to stand on that land on which Mademoiselle Lavelle stood, if you ever wish to take that view of that beautiful range of mountains that she took, if you wish to partake of the lobsters that are within a cable fow's length of the shore 'neath the broad Atlantic, where the tide rises and falls twice in twenty-four hours,—if you dare to come down and partake of those lobsters that are caught there, and of the clams that are in abundance on its shores,—accept the invitation of SHERM DOUGLAS and come to Shore Acres on Saturday, the sixteenth of June 1923, and we will there have a clam bake.

(Applause and cheers, the Legislature rising.)

Mr. DOUGLAS: Mr. Speaker, there seems to have been a misunderstanding, and I have been told that I did not include the Senate in this invitation. If I remember aright, I said the eighty-first Legislature.

The SPEAKER: The gentleman is correct.

Mr. McILHERON of Lewiston: Mr. Speaker, I move you that we extend to representative Douglas the thanks of this Legislature for his story, and

for his invitation and that it be done by a rising vote.

Thereupon the Legislature arose and applauded.

Mr. DOUGLAS: There seems to be a further misunderstanding here in regard to this matter. The invitation to this clam bake includes the Governor of the State, the Council and the heads of departments in this building. (Applause.)

The SPEAKER: The gentleman from Lewiston, Mr. McIlheron, thinks that we should signify in some manner our gratitude for this splendid invitation. The Chair would suggest that perhaps the best way to signify our gratitude will be to attend, and the Chair proposes to attend. (Applause.)

The SPEAKER: The House will come to order, and the members will kindly give attention.

Senate Papers Out of Order

From the Senate: Final report of the committee on education.

In the House, report accepted in concurrence.

Papers from the Senate received out of order disposed of in concurrence.

From the Senate: Report of the committee on inland fisheries and game on bill, An Act to amend Section 46 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 133 of the Public Laws of 1919, and by Chapter 218 of the Public Laws of 1921, relating to the protection of fur-bearing animals,—the Crafts bill, reporting the same in new draft under the same title and that it ought to pass.

In the House the report was accepted in concurrence, and the rules were suspended, and the bill had its three several readings and was passed to be engrossed.

From the Senate: Report of the committee on Maine School for Feeble Minded and appropriations and financial affairs on resolve in favor of the Maine School for Feeble Minded for maintenance, reporting the same in new draft, under title of resolve in favor of the Maine School for Feeble Minded for maintenance for the years 1924 and 1925, and that it ought to pass.

In the Senate, report read and ac-

cepted and the resolve passed to be engrossed.

In the House, report read and accepted in concurrence and the resolve had its two several readings under suspension of the rules, and was passed to be engrossed in concurrence.

From the Senate: Report of the committee to consider the Cole report on bill, An Act to amend Sections 19, 22 and 23 of Chapter 9 of the Revised Statutes, and Sections 28, 30 and 33 of Chapter 51 of the Revised Statutes, relating to corporations, reporting the same in new draft under title of An Act to amend Section 33 of Chapter 51 of the Revised Statutes, relating to corporations, and that it ought to pass.

In the Senate, report read and accepted, and the new draft passed to be engrossed.

In the House, report read and accepted in concurrence, and the bill had its three several readings under suspension of the rules, and was passed to be engrossed in concurrence.

From the Senate: Report of the committee on claims on the two communications from the State auditor, presenting certain claims against the State of Maine, reporting a resolve authorizing the payment of certain deficiencies and that it ought to pass.

In the Senate, report read and accepted, and the resolve passed to be engrossed.

In the House:

Mr. ROUNDS of Portland: Mr. Speaker, I understood that was to be put all in one resolve, but it seems that somebody has split it up, I would like to ask any member of the committee on claims if it was not understood that all matters should be in one resolve. If I am mistaken I would like to be corrected.

The SPEAKER: The gentleman from Carmel, Mr. Newcomb, may answer through the Chair, if he wishes.

Mr. NEWCOMB: There were to be two resolves, Mr. Speaker, the Austin report in one, and all the others in another.

The SPEAKER: Is the answer plain?

Mr. ROUNDS: Yes, Mr. Speaker.

Thereupon, the resolve had its two several readings under suspension of the rules and was passed to be engrossed in concurrence.

From the Senate: Report A of the

committees on public utilities and ways and bridges on bill An Act to provide for building a bridge across the Kennebec river between the city of Bath and the town of Woolwich, reporting the same in new draft under the same title, and that it ought to pass, the report being signed by the following: Senators Adams of Kennebec, Carlton of Sagadahoc, Smith of Somerset, Stevens of York; Representatives Bartlett of Waterville, Story of Washburn, Beckett of Calais, Dunn of North Yarmouth and Drake of Bath.

Report B of the same committees on the same bill reporting that the same ought not to pass, signed by Senator Spencer of York, Representatives Blaisdell of Sullivan, Dunbar of Orland, Heal of Weston, Keef of Vanceboro, Ludgate of Patten, Keene of Belfast, Hodgkins of Bangor, and Granville of Parsonsfield.

On motion by Mr. Granville of Parsonsfield, both reports were tabled, pending acceptance of either.

From the Senate: Report of the committee on education on bill An Act to provide for the reading of the Bible in the public schools of the State.

In the Senate, the bill was substituted for the report, and passed to be engrossed.

In the House, on motion by Mr. Sturgis of Auburn, it was voted that the bill be substituted for the report in concurrence; and on further motion by the same gentleman the bill received its two several readings under suspension of the rules and the present time assigned for its third reading.

On motion by Mr. Goldthwaite of Biddeford, the House voted to reconsider its action whereby the present time was assigned for its third reading; and on further motion by the same gentleman, the bill was tabled, pending its third reading and especially assigned for tomorrow.

From the Senate: Report of the committee on Inland Fisheries and Game on Resolve appropriating money to aid in screening Lake Winnecook or Unity Pond, reporting that the same ought not to pass, which report was accepted in the House earlier in the day.

In the Senate, the Resolve was re-committed to the committee.

In the House, on motion by Mr. Crafts of Greenville, that body reced-

ed and concurred with the Senate in the recommitment of the Resolve to the committee.

From the Senate: Bill, An Act providing for the location and operation of mines.

This was passed to be engrossed in the House, March 27.

Comes from the Senate indefinitely postponed.

The SPEAKER: The Chair awaits a motion.

On motion by Mr. Rogers of Rockland, the House voted to recede and concur with the Senate in the indefinite postponement of the bill.

On motion by Mr. Nichols of Portland, the House voted to reconsider its action of this morning whereby it specially assigned for tomorrow morning House document No. 426, An Act to amend Section 10 of Chapter 118 of the Revised Statutes, relating to costs to be taxed for parties and attorneys; and on further motion by the same gentleman, the matter was taken from the table; and on further motion by the same gentleman the bill was passed to be enacted.

On motion by Mr. Hale of Portland, it was voted to take from the table Senate document 281, An Act to amend Chapter 84 of the Private and Special Laws 1919, entitled, "An Act to provide for the building of public wharves and for the establishment of adequate port facilities and for the advancement of commerce," as amended by Chapter 123 of the Private and Special Laws of the Special Session of 1919; and on further motion by the same gentleman, the bill received its third reading under suspension of the rules and was passed to be engrossed.

On motion by Mr. Maher of Augusta, it was voted to take from the table bill relating to circuses.

Mr. MAHER: Mr. Speaker, I move that this bill be now indefinitely postponed, and I yield the floor to the gentleman from Bath, Mr. Drake.

Mr. DRAKE of Bath: Mr. Speaker, a few days ago Mr. Maher spoke to me about circuses, and I told him that I was very fond of them, and that I would be very sorry for them to pay \$500 for a performance. As a kid and as a man I have always been fond of circuses, and I hope I always will be. Perhaps many of you will recall your younger days when the first car came

in and you chased around in the early morning. You would get up at three or four o'clock in the morning and watch the cars come in, and chase down to the railroad station, and go to the circus grounds and help put the poles and tents up, and perhaps be invited in to a little bit of breakfast, a nice tough piece of beefsteak, or a lamb chop or something like that, with a cup of cold coffee to wash it down, or cold water. Then you would go back to your home, going down again to see the parade in the forenoon. Then perhaps in the afternoon you would carry water for the elephants, or something like that for the chance of getting in without paying, possibly crawling in under the canvas as I have done sometimes. Then you would see the performance, see the parade which they have first, the ring affairs, and the band and the wind up with the races. You have had a fine, nice, tired, dusty day; and in the evening, if you are lucky enough, you go and see the same thing over again. You chase it down to the railroad station at night and watch them go off. As a man it is a little bit different. I went last year to the circus with my young lad and my brother's three boys and three or four other lads we picked up on the street. It was hotter than Tophet, and those boys had one of the best times of their lives; in fact, a real day for a kid, is circus day. And, I hope gentlemen, that all of you who have children of your own, and those of you who have not, borrow someone's else, and when the next circus comes into the State, why attend it, and do not charge them five hundred dollars for the privilege. (Applause).

Mr. DOUGLAS of Lamoine: Mr. Speaker, it pains me very much to feel obliged to rise in opposition to those two good friends of mine, who had such a hard time at the circus. It seems to me that it would be in the line of good advertising, if we should charge a circus for coming into Maine and take that money that we get from them to use in advertising Maine. So on those grounds, I hope that the motion to indefinitely postpone will not prevail.

Mr. SAUNDERS of Lubec: Mr. Speaker, this seems to be the end of a perfect day, (Laughter), when we wind up with a circus after we have worked hard. Now, I do not know why it is, as I said before, that peo-

ple seem to want to misconstrue this matter of circuses. I want them to come here. Seriously, I feel that where all of the circuses that come here, before they get to this State are obliged to pay a license fee, in Connecticut they pay the sum of one thousand dollars—and without joking I believe that circuses should pay a license fee when they come to Maine as they have to pay in all other States in the Union, with the exception of New York State.

Mr. ROGERS of Rockland: Mr. Speaker, I would like to say a word in behalf, not the circus, but the people down in my section of the country. As I said a few days ago when this matter was under discussion, it is quite a job for the circuses to get to our section of the country, that being the end of the railroad. When they get through with one or two performances, they have to load up and go back across the Kennebec river. When you get to Rockland you have to stop or jump off and swim, and if this tax or license fee is put on the circuses, where we get perhaps two a year now, I do not believe we will get one in five years. Nothing but the smaller circuses come our way, and they cannot afford to pay any such tax from the small amount they get by coming into Knox and Lincoln counties. We have about three counties that attend the circuses at Rockland. We have no menagerie there, no place where boys and girls can see wild animals except when they go to a circus. That is the only chance they have to see any of the things that can be seen in the big cities, and I hope that the motion to indefinitely postpone will prevail.

Mr. WINN of Lisbon: Mr. Speaker, referring to the last gentleman who spoke (Mr. Rogers), I think it would be a good idea to have this bill indefinitely postponed until after the Kennebec bridge is built. (Laughter).

The SPEAKER: The question is on the motion of the gentleman from Augusta, Mr. Maher.—

Mr. ROUNDS of Portland: Mr. Speaker, does that include all the tax that they would have to pay in the State?

The SPEAKER: The gentleman from Augusta (Mr. Maher) may answer the question, through the Chair, if he wishes.

Mr. MAHER: Answering the question of the gentleman from Portland,

Mr. Rounds, through the Chair, they will have to pay that five hundred dollar tax, and in addition they will have to pay what any town or municipality wants to tax them.

Mr. ROUNDS: Mr. Speaker, would that include all the side shows, or would each one have to pay a tax?

The SPEAKER: The gentleman from Augusta (Mr. Maher) may answer if he has the knowledge, and wishes to.

Mr. MAHER: I cannot answer the gentleman how it would work out in every county, but up in Augusta, if they paid one hundred dollars there would be no limit.

Mr. KEEF of Vanceboro: Mr. Speaker, I understand that the State of Maine is the only State in the Union that does not have such a law, and I think that it is no more than right that they should pay to come into this State. They take the money out, and they do not bring much in. They charge in Vermont one thousand dollars instead of five hundred dollars for going there. This is just for the circus, it does not include the menagerie.

The SPEAKER: The question is on the motion of the gentleman from Augusta, Mr. Maher, that the bill be indefinitely postponed. As many as are in favor of its indefinite postponement will say aye, those opposed no.

A viva voce vote being doubted,

A division of the House was had.

Sixty having voted in the affirmative, and 61 in the negative, the motion to indefinitely postpone was lost.

On motion by Mr. Keef of Vanceboro, the bill was then passed to be enacted.

On motion by Mr. Sanders of Portland, the action of the House was reconsidered whereby it voted to table and assign for tomorrow morning House bill, No. 455, An Act to amend Section 14 of Chapter 78 of the Revised Statutes, relative to conveyances not effectual against others unless recorded.

On further motion by the same gentleman, the bill was taken from the table.

Mr. SANDERS of Portland: Mr. Speaker, I now yield the floor to the gentleman from Portland, Mr. Nichols.

On motion by Mr. Nichols of Portland, the House voted to insist on its

former action and asked that a committee of conference be appointed.

Thereupon the Chair appointed as such conferees on the part of the House, Messrs. Nichols of Portland, Saunders of Lubec and Barwise of Bangor.

On motion by Mr. Hale of Portland, the House voted to reconsider its action whereby it voted to assign Senate bill No. 268, An Act to establish a teachers' retirement system for tomorrow morning.

Mr. HALE of Portland: Mr. Speaker, I move to take the matter from the table and re-assign it for Monday morning, the reason being that the gentleman from Bangor, Mr. Barwise, who is particularly interested in the bill, made that request.

The SPEAKER: Does the gentleman wish to make an assignment into next week? The question on the as-

signment is debatable and the Chair awaits debate on the matter.

Mr. BARWISE of Bangor: Mr. Speaker, I would like to be heard on that matter when you do assign it.

Mr. HAMILTON of Caribou: Mr. Speaker, I think the better way would be to let it lie on the table, and then we can take it up when we are ready. I move that it be laid on the table without assignment.

The motion prevailed.

The SPEAKER: Is it the pleasure of the House that we reconsider the vote whereby bills and resolves have been assigned for their third reading tomorrow morning at nine o'clock.

The vote was reconsidered.

On motion by Mr. Melcher of Rumford,

Adjourned until tomorrow morning at ten o'clock.