

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

Monday, April 2, 1923.

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

Prayer by the Rev. Mr. McWhorter of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Report of the Committee on the disagreeing action of the two branches on Bill "An Act to repeal Section 43 of Chapter 19 of the Revised Statutes, relating to Local Health Officers," reporting a Bill entitled "An Act to amend Section 43 of Chapter 19 of the Revised Statutes relating to Local Health Officers" and that it be substituted for the original bill and that it ought to pass.

(Signed)

HUSSEY of Aroostook,
HINCKLEY of Cumberland,
—Committee on part of Senate.
LITTLEFIELD of Kennebunk,
ROUNDS of Portland,
RAMSDALL of Milo,
—Committee on part of House.

In the Senate Report read and accepted and the new 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.

From the Senate: Bill, an act to amend Section 37 of Chapter 117 of the Revised Statutes of 1916, relative to the salary of County Attorney of Somerset County.

This was passed to be engrossed in the House March 29.

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

In the House, the vote was reconsidered whereby this bill was passed to be engrossed, and Senate Amendment A was read by the Clerk. Thereupon, the Amendment was adopted in concurrence, and the bill as amended by Senate Amendment A was passed to be engrossed in concurrence.

Orders

On motion by Mr. Douglas of LaMoine, it was

Ordered, the Senate concurring, that there be paid to Rev. Ashley A. Smith the sum of twenty-five dollars for Lincoln Day address.

Reports of Committees

Mr. Baker from the Committee on Cole Report on Communications from the State Auditor and Governor concerning the Suggested Uniform Accounting for Towns and Cities, reported that same be placed on file.

Mr. Rogers from the Committees on Judiciary and Labor on Bill "An Act relative to the Hours of Employment of Men, Women and Minors" reported that legislation thereon is inexpedient pending initiated legislation.

Mr. O'Connell from same Committees reported same on Bill "An Act to amend Section 1 and 3 of Chapter 350 of the Public Laws of 1915, relative to the Hours of Employment of Women and Minors."

Mr. Drake from the Committee on Ways and Bridges on Petitions of Leon Brown and others; Laura M. Pooler and others; G. A. Wheeler and others; James A. Foster and others; William R. Pattangall and others; William J. Lanigan and others; Fred A. Gilbert and others; Forrest H. Colby and others; F. D. Clark and others; Frank Cough and others; J. H. Gray and others of Solon: praying that the road be built from Bingham to Jackman, reported that same be placed on file.

Reports read and accepted and sent up for concurrence.

First Reading of Printed Bills and Resolves

House 295: An Act in relation to the several examining boards.

Mr. McDonald of East Machias offered House Amendment A and moved its adoption as follows:

House Amendment A to House Bill 295.

House Bill 295 is hereby amended by striking out all of Section two of said bill.

The amendment was adopted.

House 491: 'An Act to provide for the construction of gravel roads in all cases except where a different type of construction is especially authorized.'

(Tabled by Mr. Rounds of Portland, pending third reading.)

House 492: "An Act to Provide for Investigation and Survey of Bridges."

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

House 493: "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."

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

House 495: "An Act to abolish the Title of Land Agent."

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

House 496: "An Act to amend Section 1 of Chapter 350 of the Laws of 1915, relative to Hours of Labor of Minors."

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

House 497: An Act to amend Sections, 4, 5 and 6 of Chapter 96 of the Revised Statutes, in relation to foreclosure of chattel mortgages.

Mr. ARCHIBALD of Houlton: Mr. Speaker, that bill was reported out of the Judiciary Committee ought to pass. We held this up in committee quite a while, redrafted this several times, and we have had it under discussion quite a lot since; and it is the unanimous opinion of the committee now that this should be indefinitely postponed, and I make that motion.

The motion prevailed and the bill was indefinitely postponed.

House 498: An Act to amend Chapter 6 of the Revised Statutes of 1916, and amendments thereto, relating to Primary and Caucus Laws.

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

House 502: An Act in relation to the fees to be charged by the Board of Registration for medicine.

(This rule was suspended, the bill received its several readings and was passed to be engrossed.)

Passed to be Enacted

(Emergency Measure)

An act to define and fix the order of preference in which State-aid

highway construction funds shall be apportioned to towns under existing law.

On motion by Mr. Granville of Parsonsfield, tabled pending passage to be enacted.

(Emergency Measure.)

An Act providing for inspection, registration and safety of vessels engaged in inland navigation under the jurisdiction of the Public Utilities Commission, and repealing Sections four to sixteen, inclusive of Chapter 59 of the Revised Statutes, and Chapter 195 of the Public Laws of 1921.

The SPEAKER: This being an emergency measure, and requiring under the Constitution the affirmative vote of two-thirds the entire membership of this 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-three voting and all in the affirmative, the bill was passed to be enacted.

Finally Passed

(Emergency Measure)

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.

(On motion by Mr. Granville of Parsonsfield, tabled pending final passage.

(Emergency Measure.)

Resolve proposing an amendment to the Constitution prohibiting the use of public funds for Sectarian schools.

(On motion by Mr. Holmes of Lewiston, tabled pending final passage.)

An Act to revise and consolidate the Banking Laws of this State.

An Act to require the investment in permanent securities of school funds and other trust funds held by city, town and State officers, and amending Section 72 of Chapter 2, Section 54 of Chapter 17, and Section 14 of Chapter 21 of the Revised Statutes.

An Act relating to the incontestable clause in life insurance policies.

An Act relating to the distribu-

tion of decisions of the Supreme Judicial court, Revised Statutes and Session Laws.

An Act to encourage and provide for a system of uniform accounting in cities, Towns and village corporations.

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

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

(Tabled by Mr. Oakes of Portland, pending passage to be enacted.)

An Act to amend Chapter 260 of the Private and Special Laws of 1911, relating to a close time on lobsters in the waters of Winter Harbor in Hancock county.

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.

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 as amended by Chapter 218 of the Public Laws of 1921, relating to the protection of fur-bearing animals.

(Tabled by Mr. Crafts of Greenville, pending passage to be enacted.)

An Act to provide for an issue of State aid or second class highway bonds.

An Act to amend Section 17 of Chapter 127 of the Revised Statutes, as amended by Chapter 62 of the Public Laws of 1921, prohibiting the manufacture of intoxicating liquors.

An Act to repeal Section 3 of Chapter 256 of the Private and Special Laws of 1907, as amended by Chapter 226 of the Private and Special Laws of 1913, relating to Cumberland County Power and Light Company.

An Act to amend Section 2 of Chapter 33 of the Public Laws of 1921, relating to sanitation of school houses.

An Act to amend Sections 20, 27 and 28 of Chapter 127 of the Revised Statutes, as amended by Chapter 291 of the Public Laws of 1917, relating to intoxicating liquors.

(Tabled by Mr. Oakes of Portland, pending passage to be enacted.)

An Act to amend Section 33 of Chapter 51 of the Revised Statutes, relating to corporations.

An Act to amend Chapter 84 of the Private and Special Laws of 1919, entitled "An Act to provide for the build-

ing 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.

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.

An Act to provide for the supervision, regulation and conduct of the transportation of persons over the public highways of the State of Maine by automobiles, jitney busses and auto stage by the Public Utilities Commission.

(Tabled by Mr. Hamilton of Caribou, pending passage to be enacted.)

An Act to amend Section 21 of Chapter 127 of the Revised Statutes, as amended by Chapter 235 of the Public Laws of 1919, relating to intoxicating liquors.

(Tabled by Mr. Oakes of Portland, pending passage to be enacted.)

An Act to amend Section 19 of Chapter 37 of the Revised Statutes, relating to the sale of milk.

An Act relating to improvements on Nash stream and the East and West branches thereof in Coplin Plantation, and in the township of Redington in the county of Franklin.

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

(Tabled by Mr. Maher of Augusta, pending passage to be enacted.)

An Act to amend Section 43 of Chapter 117 of the Revised Statutes, as amended by the Public Laws of 1919, and 1921, relating to the compensation of register of deeds of Knox county.

An Act to amend Chapter 66 of the Private and Special Laws of 1915 entitled, "An Act providing for pensions for employes of the city of Bangor."

An Act additional to Chapter 77 of the Revised Statutes, relating to who shall cite a trust officer to account.

An Act to amend Section 18 of Chapter 70 of the Revised Statutes, relating to allowance to minor children.

An Act to amend Section 55 of Chapter 68 of the Revised Statutes, relating to commissioners on disputed claims in the probate court.

An Act to change the board of directors of the Maine Institution for the Blind.

An Act to amend Section 13 of Chapter 80 of the Revised Statutes, relating to waiver of provisions of will.

An Act to incorporate the Winthrop Water District.

An Act to provide for the reading of the Bible in the public schools.

An Act to regulate the sale of vinegar.

An Act to supply to the town of Winthrop with pure water.

An Act to amend Section 5 of Chapter 67 of the Revised Statutes, relating to sessions of Probate Court.

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

An Act to amend Section 26 of Chapter 70 of the Revised Statutes, as amended by Chapter 40 of the Public Laws of 1919, relating to payment of legacies.

An Act to amend Section 12 of Chapter 76 of the Revised Statutes, as amended by Chapter 95 of the Public Laws of 1919, relating to sale of real estate of non-residents or minors out of the State.

An Act to amend Section 13 of Chapter 76 of the Revised Statutes, relating to proof of appointment.

An Act to change the name of Number 21 Plantation, in Hancock County to Osborn Plantation.

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

An Act to amend Section 35 of the Revised Statutes, as amended by Chapter 124 of the Public Laws of 1921, relating to adoption.

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.

An Act to amend Section 35 of Chapter 104 of the Revised Statutes, relating to reduction of bail by bail commissioners.

An Act entitled an 'Act to encourage co-operative marketing.

An Act validating the action of the town of Wells and of Ogunquit Village Corporation, and validating the

issuance of a series of bonds by the town of Wells.

An Act to amend Section 169 of Chapter 16 of the Revised Statutes, relating to teachers' Pensions.

(Tabled by Mr. Martin of Augusta, pending passage to be enacted.)

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

An Act to amend Section 22 of Chapter 127 of the Revised Statutes, as amended by Chapter 291 of the Public Laws of 1917, relating to the sale of intoxicating liquor.

(Tabled by Mr. Rounds of Portland, pending passage to be enacted).

An Act to legalize and make valid the proceedings of the town meeting of the town of Washburn, held on March 26th, 1923.

An Act to amend Section 40 of Chapter 117 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1921, relating to the salary of the clerk of courts of Franklin county.

(Tabled by Mr. Nichols of Portland, pending passage to be enacted).

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 landlocked salmon which may be taken in certain Rangeley waters, in Franklin and Oxford counties.

An Act to incorporate the Ogunquit Beach District.

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.

(Tabled by Mr. Maher of Augusta, pending passage to be enacted).

An Act to amend Section 16 of Chapter 9 of the Revised Statutes, as amended by Chapter 285 of the Public Laws of 1917, and Chapter 199 of the Public Laws of 1919, relating to inventory of exempt live stock and fowl.

An Act to provide for the preservation of archaeological objects and sites, and for the appointment of a commission of archaeology.

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.

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

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.

An Act to amend Section 6 of Chapter 25 of the Revised Statutes, as amended by Chapter 258, Public Laws of 1917, and by Chapter 215, Public Laws of 1921, relating to authority in general of the State highway commission.

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

An Act additional to Chapter 24 of the Revised Statutes, relating to highways.

An Act making it unlawful for any person to have intoxicating liquors in his possession in any public place.

(Tabled by Mr. Oakes of Portland, pending passage to be enacted).

Mr. OAKES of Portland: I think this is the bill I had in mind that I desired to table, and I move, if this is the proper time, that the others be passed to be enacted.

The SPEAKER: We will take that matter up under orders of the day.

An Act to legalize and make valid the proceedings of the town meeting in the town of Prentiss held March 26th, 1923.

An Act to incorporate the Ashland Water and Sewer Company.

An Act relating to the State Park Commission.

(Tabled by Mr. Martin of Augusta, pending passage to be enacted).

An Act additional to An Act providing for retirement of justices of the Supreme judicial court and Superior courts and their reappointment as active retired justices.

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.

An Act to authorize the sale by Sebec Dam Company and purchase by Milo Electric Light and Power Company of all the property, rights, priv-

ileges, immunities and franchises of Sebec Dam Company.

An Act to amend Paragraph XI of Section 6 of Chapter 10 of the Revised Statutes, relating to forest land exempted from taxation.

An Act to establish a ferry across Somes sound between Southwest Harbor and Northeast Harbor.

An Act to revise the military law of the State of Maine.

Finally Passed

Resolve granting a teacher's pension to Melville C. Smart of Gray.

Resolve providing a State pension for Mrs. Cora V. Swift of Portland.

Resolve in favor of the State reformatory for men for maintenance.

Resolve in favor of Hospital Trustees, for per diem, traveling and other expenses.

Resolve in favor of L. Mae Richmond, for special and extra work for aiding the members of the 81st Legislature.

Resolve appropriating money for the establishment of a Test Laboratory at Bangor in the county of Penobscot.

Resolve for Charitable and Benevolent Institutions, for the care, support and medical or surgical treatment of certain persons.

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

Resolve in favor of D. D. Coombs of New Gloucester for portrait of Governor Parkhurst.

Resolve in aid of navigation on the Lakes of Maine.

Resolve making appropriations for the Passamaquoddy tribe of Indians for the years July 1st, 1923 to June 30th, 1925.

Resolve in favor of establishing a feeding station for fish on the outlet of Upper Shin Pond, in the town of Mount Chase, in the county of Penobscot.

Resolve in favor of the State Department of Health.

(Tabled by Mr. Rounds of Portland, pending final passage)

Resolve authorizing the payment of certain deficiencies.

Resolve appropriating money to set forth the natural agricultural, industrial and recreational advantages of the State of Maine.

Resolve providing for an annual

display of the agricultural products and resources of the State of Maine at the Eastern States Exposition.

Resolve in favor of J. F. Wood, Secretary of committee on Education, for expenses incurred by committee visiting the University of Maine.

Resolve in favor of the University of Maine.

Resolve appropriating money to pay claims allowed by the committee on Claims.

Resolve in favor of the Maine School for Feeble-Minded for maintenance for the years 1924 and 1925.

Resolve in favor of the Maine School for Feeble Minded for additions and improvements.

Resolve in favor of the Bangor State Hospital for maintenance and other purposes.

Resolve in favor of the State School for Girls for maintenance and other purposes.

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.

(Tabled by Mr. Crafts of Greenville, pending final passage).

Resolve in favor of the Penobscot tribe of Indians for the general care, maintenance and education thereof.

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

Resolve appropriating money for the purpose of investigating the tax exemption Laws.

Resolve making appropriation for the support and maintenance of the State Experiment Station.

Resolve in favor of the Penobscot tribe of Indians for redrafting plan book.

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

Resolve appropriating money for continuance of white pine blister rust control.

Resolve to provide a teacher's pension for Fannie Marble.

Orders of the Day

On motion by Mr. Oakes of Portland it was voted to take from the table An Act to amend Section 33 of Chapter 127 of the Revised Statutes, relating to the disposal of intoxicating liquors declared forfeited, tabled by that gentleman pending passage to be enacted; and on further motion by the same gentleman, the bill was passed to be enacted.

On motion by Mr. Oakes of Portland, it was voted to take from the table An Act to amend Section 21 of Chapter 127 of the Revised Statutes, as amended by Chapter 235 of the Public Laws of 1919, relating to intoxicating liquors; and on further motion by the same gentleman, the bill was passed to be enacted.

On motion by Mr. Oakes of Portland, it was voted to take from the table, An Act to amend Sections 20, 27 and 28 of Chapter 127 of the Revised Statutes, as amended by Chapter 291 of the Public Laws of 1917, relating to intoxicating liquors; and on further motion by the same gentleman, the bill was passed to be enacted.

On motion by Mr. Rounds of Portland it was voted to take from the table, Senate Document No. 288, An Act to amend Section 22 of Chapter 127 of the Revised Statutes, as amended by Chapter 291 of the Public Laws of 1917, relating to the sale of intoxicating liquor.

Mr. ROUNDS: Mr. Speaker and gentlemen: If you gentlemen will turn to Senate 288 you will see that we have in Portland one of the largest concerns in the State that is making flavoring extracts and selling them, and they cannot make them so they will keep unless they put alcohol in them, and as this would put them right out of business, and we all like to have a little vanilla in our ice cream and some other things, it seems as though they should be allowed to manufacture and sell these extracts with alcohol in them.

They are not selling alcohol as a beverage. There may be some persons who will buy some of these extracts and drink them, in which case they will be breaking the law, but it seems to me that we are going a little too far in this law and I believe

that it is all right that we should allow a firm like that to make vanilla and other flavoring extracts, as they have been for fifty years, to my knowledge, making them, and have never been molested by any Legislature. Now we of the 81st Legislature are going to try to stop them and that will drive them out of the State, and I move the indefinite postponement of the bill.

Mr. BECKETT of Calais: Mr. Speaker, if I am not mistaken I was present at the committee hearing on that bill and there was considerable testimony given there which showed that that house could continue making all their extracts, and I hope that motion does not prevail.

Mr. ROUNDS: Mr. Speaker and gentlemen: Mr. Foss of Schlotterbeck and Foss was at my house last night and he told me that this would put them out of business in this State and they would have to leave the State and do their manufacturing elsewhere. That is why I am asking that this be indefinitely postponed. Mr. Foss knows what he is talking about because he has been in the business for years, and I think it is only fair that they should be allowed to continue making those extracts as they have been doing. I like a little vanilla—I am not a drinking man, but I do like to have a little vanilla extract in some of the things I eat, and as Mr. Foss said, it would put them out of business in this State to pass this bill, I think it is only right that they should be allowed to continue.

Mr. STURGIS of Auburn: Mr. Speaker, I was at that hearing. Now, I wish to tell you all that I am for prohibition, as I think you have all heard for years. This was brought up in that hearing and Sheriff Oliver asked a question of this Mr. Foss, about a drummer, who was around every week to sell extract and Mr. Foss scratched his head and then said that he could not remember what the drummer's name was. Now, I think, that if a member of a firm doing the amount of business they are doing, is unable to remember the name of a drummer or salesman, who has been there nearly a year, there must be something wrong in Israel. I was talking to the Sheriff and he said that he had wondered why that man was there so many times and he felt that it was not altogether just to sell extracts. They asked Mr. Foss if the

business had increased considerably in the last year and he said that it had because they had been doing a lot of advertising, but the Sheriff said that doubtless when the snow went off he could pick up extract bottles in that vicinity by the dozens and hundreds. I am against the indefinite postponement of this bill.

Mr. CUMMINGS of Portland: Mr. Speaker, I do not understand that Senate document No. 288 places Mr. Foss in jeopardy. If it does, I am not in favor of the bill. It was the intention of the committee on temperance to legalize the manufacture and sale of flavoring extracts for legitimate uses. If there is anything in this bill that prevents that, I am not in favor of this bill. That section which refers to this, reads as follows: "Whoever by himself, clerk, servant or agent sells any intoxicating liquors in this State, or who shall knowingly sell any extract or syrup for intoxicating beverage purposes, or who shall sell any of the same, under circumstances, from which the seller might reasonably adduce the intention of the purchaser to be to use them for such purposes, in violation of law", etc.

Now, it was my opinion that that sufficiently safeguards the manufacturer of extracts. If he sells them for beverage purposes he is liable under the law today and any manufacturer or wholesaler or retailer who sells the extracts today for beverage purposes is liable to the penalty, and it was certainly my opinion that that does not interfere with the manufacturer or sale of extracts in any way for legitimate purposes.

Mr. ARCHIBALD of Houlton: Mr. Speaker, I have had a good deal to do with prosecutions for violation of the prohibitory law but this is the first time that I have ever seen presented to a Maine Legislature a bill which made a man a criminal by acting as the agent of another, that did not make the principal equally guilty with that agent. Now, I wish the members would kindly read the last sentence of this bill with me: "Any person who aids in the sale of intoxicating liquor, by acting as agent, broker, clerk, employee, servant or otherwise, either for the seller or buyer, or in any manner aids or assists in violating any provision of law relating to intoxicating liquors, is equally guilty

with the principal and shall suffer like penalties."

Now, gentlemen, if you will go back to the first of the bill, you will see that the first sentence makes it an offense to sell intoxicating liquor but does not make the buyer liable. It looks to me, on a casual examination of this bill, as though I could go out and buy all of the intoxicating liquor I wanted to for myself without being guilty under this Act, but if I sent my friend, or some boy, or third person, to go and do it for me, he can go out and purchase all the liquor he wants to and he will be, if he is acting as my agent, clerk, or servant, guilty, under this Act, and I will not be responsible for anything. I think this is the first time I ever heard of a law attempting to pass which makes an agent guilty of a crime that does not make the principal equally guilty with him. It is a well settled law that the principal is equally guilty with the agent. If the agent is guilty then the principal is guilty. But this says that whether that agent be the agent of either the seller or the buyer he is equally guilty.

I was discussing this matter the other day with Mr. Owen who is interested in the passage of prohibitory legislation and he told me that he doubted the wisdom of legislation that makes an agent guilty for an offense and does not make the principal equally guilty with him. We discussed it informally for a few minutes and he did not say anything in particular about it, but when I raised that objection he did say that. It seems to me that if we are going to make the agent guilty we should make the principal equally guilty with him and I do not think this Act does that.

Mr. HAMILTON of Caribou: Mr. Speaker, I move that that lie on the table until tomorrow morning.

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

The SPEAKER: We are now working under orders of the day, and under the order passed Friday all matters come from the table automatically today. The first matter on the calendar—

On motion by Mr. Nichols of Portland, it was voted to take from the table An Act to amend Section 40 of Chapter 117 of the Revised Statutes, as amended by Chapter 219 of the

Public Laws of 1921, relating to the salary of the Clerk of Courts of Franklin, tabled by that gentleman earlier in the session; 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. Nichols offered House Amendment A, and moved its adoption as follows:

House Amendment "A" to bill An Act to amend Section 40 of Chapter 117 of the Revised Statutes as amended by Chapter 219 of the Public Laws of 1921, relating to the salary of the Clerk of Courts of Franklin County.

Amend said bill by striking out after the word "Cumberland" in Section 40, the word "twenty-five", and inserting in place thereof the word "twenty-eight."

Mr. NICHOLS of Portland: Mr. Speaker this amendment is in accord with a bill which has been passed by this Legislature. This amendment has nothing to do with the salary of the Clerk of Courts of Franklin County, but when the amendment was put in for Franklin County, we were not aware that a bill had been previously passed. Now this is cutting the salary of the Cumberland County Clerk of Courts down \$300. I understand that this was unintentionally done by the gentleman from Franklin County who introduced it. I merely ask that the amendment be adopted to correspond with the legislation earlier in the session.

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 to come from the table is report of committee on State Lands and Forest Preservation on bill, An Act relating to Maine Forestry District by adding a section, House Document No. 200, tabled by Mr. Burns of Eagle Lake on March 28, pending acceptance of the report.

On motion by Mr. Burns of Eagle Lake, the matter was re-tabled.

The SPEAKER: The next matter is reports A and B of committee on State Lands and Forest Preservation on bill. An Act to provide for the protection of White Pine trees,

tabled by Mr. Granville of Parsonsfield on March 28, pending acceptance of either report.

On motion by Mr. Granville of Parsonsfield, re-tabled until tomorrow morning.

The SPEAKER: The next thing is Resolve providing for a State landing for aeroplanes, tabled by the gentleman from Augusta, Mr. Maher, March 28, pending reference.

On motion by Mr. Maher of Augusta, the resolve was referred to the committee on Appropriations and Financial Affairs.

The SPEAKER: The next matter to take from the table is Senate Document No. 285, An Act relating to intoxicating liquors, tabled by the gentleman from Portland, Mr. Oakes, March 29, pending passage to be engrossed.

Mr. Oakes of Portland then offered House Amendment A.

House Amendment "A" to Senate Bill Number 285

Senate Bill No. 285 is hereby amended by striking out after the word "forfeited" in the fourth line of the second section thereof, the words "unless the possession or control of the person using the same for the unlawful transportation aforesaid shall be without the knowledge of the person or corporation claiming such right, interest or title" and inserting in place thereof the words, "unless the use of the same for the transportation of intoxicating liquors as aforesaid was without his knowledge or consent" and said section two of said bill is further amended by striking out after the word "and" in the second line of the third paragraph of said section the words, "prove that the possession and control of the same was without his knowledge or consent or the knowledge or consent of any person holding title under or by virtue of a contract with him" and inserting in place thereof the words, "prove that the use of the same for the transportation of intoxicating liquors as aforesaid was without his knowledge or consent and the court may determine in the proceeding on said claim the right, interest or title, if any, of said claimant."

On motion by Mr. Cummings of Portland, it was voted that the bill and amendment be re-tabled, and that the amendment be printed.

The SPEAKER: The next matter on the calendar is House amendment A, to bill, An Act establishing a teacher' retirement system tabled by the gentleman from Caribou, Mr. Hamilton, March 29, pending adoption of the amendment.

Mr. HAMILTON of Caribou: I move the indefinite postponement of the amendment.

Mr. BARWISE of Bangor: Mr. Speaker, I have been conferring with Mr. Hale who had this matter tabled last week, and we have been over some possible amendments that I think will make this bill satisfactory to all parties,—at least satisfactory to Mr. Hale and myself, and I imagine to others who have been objecting to it; so I move that it be tabled and specially assigned for Wednesday morning.

Cries of "No", "No".

The SPEAKER: The gentleman moves that the matter be tabled and assigned for Wednesday morning next. As many as are in favor of this motion will say aye; those opposed no.

A viva voce vote being taken, the motion to table was lost.

The SPEAKER: The question is now on the motion of the gentleman from Caribou, Mr. Hamilton, to indefinitely postpone the amendment.

Mr. BARWISE: Mr. Speaker, this retirement system which we are considering is a bill that will gradually supplant the present teacher's pension law. The provisions of this bill call for less money than the old law itself. It will give the teachers an annuity which is larger than that of the old law. It is one in which they contribute half of the money themselves. This law is working very well in seventeen states. The principle involved is the same which the Federal government uses in their pensions. It is the same which the steel trust uses in the pensioning of their employees and it is the same principle that all of the big corporations are now using.

If anyone believes in the pension principle at all for our teachers it is difficult.—

Mr. HAMILTON of Caribou: Mr. Speaker, I would like to inquire through the Chair whether the gentleman is speaking on the amendment or on the bill.

The SPEAKER: The gentleman from Bangor, Mr. Barwise, the Chair believes, is in order when he talks either on the bill or on the amendment because one is so vitally concerned with the other.

Mr. BARWISE: Mr. Speaker, I understood that the motion was to indefinitely postpone the bill.

The SPEAKER: The motion was to indefinitely postpone the amendment.

Mr. HAMILTON: Mr. Speaker, I move the indefinite postponement of the bill and the amendment.

The SPEAKER: The gentleman from Caribou, Mr. Hamilton, amends his motion, making the motion to indefinitely postpone both the bill and the amendment.

Mr. BARWISE, continuing. The committee on education very carefully considered this matter and, as you know, there was a very large hearing at which the Maine Teachers' Association was represented in large numbers and prominent associations from different counties and different cities were represented, and there was not a single voice raised in opposition to this bill with the exception of two or three insurance people, at that time. The opposition since then has developed through a very well managed insurance lobby at the Augusta House which has been there constantly for the last two weeks working against this bill. No teachers' organization, and as far as I know no single teacher in the country, no educator in the country, is against this bill. The interests that are against the bill are wholly selfish interests of certain insurance companies that fear they may lose some little business.

This bill is, I believe, sound in principle. I think that nobody has really pointed out there is anything about this bill that can be fundamentally unsound. Now, in the light of the facts as developed in other states and in the light of what plain mathematics would show anybody in this State, it is plain that this old teachers' pension system, which is wholly gratuitous, is more burdensome to the State than this new combination system which is only partly gratuitous and under which one half of which the teachers receive, they contribute themselves. I believe that there should be one or two amendments

which are material as to the main proposition of the bill. I think there should be an amendment, perhaps, allowing one of the retiring board to be the insurance commissioner and I think there should be another amendment of a line or two to the effect that teachers entering employment after July 1st, 1923 or 1924, immediately in the future, shall not become eligible under the old pension law, so that gradually as the old pension recedes and the older teachers die out the newer pension law will begin gradually to take its place.

Under such a system there can be no question that if the same number of teachers went into it as went into the old system, there can be no question at all but what the newer system is less expensive for the State and, in a certain way better for the teachers, because they contribute a certain part of their earnings and it is just like a Savings bank proposition.

There is no possibility of a teacher losing anything under this system. Whatever money they put in, whether they contribute for one, two or fifteen years, whatever money they put in, under this system, they can withdraw if they retire, together with four per cent. They are protected always at all times. There is no danger whatever of the teachers losing anything. On the other hand, there is no danger of the State losing anything because the State can invest this money, and anyone, at least with the business ability of the treasurer of the State, can invest money so as to cover any possible loss through paying four per cent interest. The State can invest in government bonds now at four and one quarter per cent. and we can also invest in our own road bonds, if there is any surplus accumulation. There is no possible loss to the State.

Some objection has been made that there might be quite an accumulation of surplus under this plan, but I have never heard of an accumulation of surplus being a burden to the State. In that case all we need to do is appropriate a little less money to carry on this system. If we find that our interest income on the investment of this money is slightly larger than what we pay, and if we find we are making money as a State, in the course of the next twenty-five years, then we should have to appropriate

nothing. The plan would be self supporting.

In either event, and in any event, it is a preferable system to the one we are now under. I had in my possession at least forty letters from different teachers in Penobscot county, and from those and from what I have learned in talking with other members of the House, I imagine that there is very little or no real opposition to this bill. I know that the educators of the State of Maine are for this bill. They have studied it and they know something about it, and I sincerely hope that the motion of the gentleman from Caribou (Mr. Hamilton) will not prevail.

Mr. HALE of Portland: Mr. Speaker, may I inquire as to the parliamentary situation? Am I correct in saying that the bill is awaiting its third reading?

The SPEAKER: The question now before the House is the indefinite postponement of the amendment and the bill, on motion of the gentleman from Caribou, Mr. Hamilton. If the bill is not indefinitely postponed the pending question will then be its passage to be engrossed, it having had its third reading.

Mr. HALE: Mr. Speaker, if the motion were defeated and the bill were passed to be engrossed, would it then come up for enactment tomorrow or Wednesday?

The SPEAKER: That would depend on the engrossing department as you all doubtless know.

Mr. HALE: Mr. Speaker, the point I wish to make is that while I believe that the passage of the bill in its present form would be most unfortunate, I would oppose the motion of the gentleman from Caribou (Mr. Hamilton) because I think amendments can be presented which will correct the defects of the bill, and a number of people interested in the bill had planned a conference tomorrow at which this amendment would be gone into very carefully, and we would value the co-operation of the gentleman from Caribou (Mr. Hamilton). If the gentleman will withdraw his motion and permit the bill to be passed to be engrossed now and —

The SPEAKER: The Chair will state that after a bill is engrossed if it is amended it has to go back over the same course and be re-engrossed. The proper procedure would be, after

acting on the motion of the gentleman from Caribou, Mr. Hamilton, unless he wishes to withdraw his motion, to place the matter on the table and not assign it for any particular time.

Mr. HAMILTON: Mr. Speaker, for the benefit of those interested, I will withdraw my motion, and make a motion to table it.

Thereupon, unanimous consent being given, the gentleman from Caribou, Mr. Hamilton, withdrew his motion to indefinitely postpone; and on further motion by the same gentleman, the amendment was tabled unassigned.

The SPEAKER: The next matter is House document No. 482, An Act relating to the protection of deer, tabled by the gentleman from Hanover, Mr. Bartlett, March 30, pending passage to be engrossed.

On motion by Mr. Bartlett of Hanover, the bill was re-tabled until tomorrow.

The SPEAKER: The next matter is House amendment A to bill, An Act providing for building a bridge across the Kennebec river, House document No. 302, tabled by the gentleman from Augusta, Mr. Maher, March 30, pending adoption.

On motion by Mr. Maher of Augusta, the matter was re-tabled.

The SPEAKER: Next to come from the table are reports A, B and C of the committee on Legal Affairs, on bill, An Act to provide for nomination of candidates by political parties, House document No. 183, tabled by the gentleman from Greenville, Mr. Crafts, pending acceptance of any report.

Mr. CRAFTS of Greenville: Mr. Speaker, I yield the floor to Mr. Clarke of Stonington.

Mr. CLARKE of Stonington: Mr. Speaker, I now yield to the gentleman from Brewer, Mr. Curtis.

On motion by Mr. Curtis of Brewer, the several reports were re-tabled and assigned for tomorrow.

Papers from the Senate received out of order.

From the Senate: Bill, An Act to amend the charter of the Gould Electric Company.

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

In the House, the rules were suspended, the bill had two readings—

Mr. WING of Auburn: Mr. Speaker, I wish to reconsider the motion whereby we suspended the rules to admit this piece of legislation in these dying days of the Legislature.

Mr. ROUNDS of Portland: Mr. Speaker, I would like to have the title of that read once more.

(The Clerk reads the title).

Mr. ROUNDS of Portland: Mr. Speaker and gentlemen of the House: This same Mr. Gould a year ago, as I understand it, gave the county of Cumberland or the State of Maine one-half of a building down at the State School for Boys; and if anyone ought to have consideration, I think he is the man, and I oppose reconsidering that motion.

Mr. GRANVILLE of Parsonsfield: Mr. Speaker, my attention was called to this matter before its introduction in the Senate, and I told them that unless it was an emergency matter it should not be done. They explained to me its absolute necessity. I cannot tell you now the details of it, but I hope that the gentleman from Auburn (Mr. Wing) will withdraw his motion, or at least let it lie on the table until he can satisfy himself about it.

Mr. WING: Mr. Speaker, I have special legislation of my own that I would like to have introduced and receive consideration. I do not wish to embarrass the business of the House, and I am agreeable to having the matter lie on the table.

The SPEAKER: Does the gentleman from Auburn, Mr. Wing, withdraw his motion for reconsideration, or move to table his own motion?

Mr. WING: I do not wish to complicate the parliamentary situation.

Thereupon, on motion by Mr. Granville of Parsonsfield, the matter was tabled, pending the motion of the gentleman from Auburn, Mr. Wing.

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

In the Senate, read twice under sus-

pension of the rules and passed to be engrossed.

In the House, the rules were suspended, and the bill had its three several readings without reference to a committee, and was passed to be engrossed in concurrence.

From the Senate: Final reports of: The committee on judiciary and the committee on legal affairs.

In the House, reports read and accepted.

From the Senate: Report of the committee on judiciary on the report of committee appointed to revise the inheritance tax and probate laws of the State of Maine, reporting that the same be placed on file.

In the Senate, read and accepted.

In the House, read and accepted in concurrence.

From the Senate: Report of the committee on appropriations and financial affairs on Resolve in favor of Ann M. Clancey, reporting that the same ought to pass.

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

In the House, report read and accepted in concurrence, 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 appropriations and financial affairs on Resolve on the payroll of the Senate of the 81st Legislature, reporting that the same ought to pass.

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

In the House, report read and accepted in concurrence, 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 appointed to consider the Cole report on Senate document 295, bill, An Act to constitute the State superintendent of schools a member ex-officio of the board of trustees of the University of Maine, reporting that the same ought to pass.

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

In the House, report read and accepted in concurrence, and the bill had its first reading.

On motion by Mr. Perkins of Orono, tabled pending second reading.

From the Senate: Report of the committees on judiciary and interior waters on bill, An Act to continue the Maine Water Power Commission, created by Chapter 132 of the Public Laws of 1919, and to increase its duties and powers and to provide for the creation of corporations which may undertake to conserve storage and control the waters within the State, reporting the same in new draft under title of "An Act to amend Chapter 132 of the Public Laws of 1919, as amended by Chapter 203 of the Public Laws of 1921, entitled 'An Act to create the Maine Water Power Commission,' " and that it ought to pass.

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

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

From the Senate: Report of the committees on judiciary and labor on bill, An Act to amend Sections one and three of Chapter 350 of the Public Laws of 1915, relative to the hours of employment of women and minors, reporting that they have had the same under consideration and ask leave to report that this bill having been proposed by not less than 12,000 electors to the Legislature, pursuant to their Constitutional right by a written petition presented to the Senate of this Legislature; and the Constitution of the State of Maine providing "Any measure thus proposed by not less than twelve thousand electors, unless enacted without change by the Legislature at the session at which it is presented, shall be submitted to the electors together with any amended form, substitute or recommendation of the Legislature, and in such manner that the people can choose between the competing measures or reject both" the undersigned members of the committee on

judiciary and labor to which the petition and measure was referred beg leave to report that the said petitions have thereon the required number of names and recommend that no action be taken by the Legislature with reference to said bill in order that the same may be submitted to the electors in accordance with the provisions of the Constitution of Maine, and the Governor is hereby requested to issue a proclamation referring the said Act to the people at a special election to be held not less than four or more than six months after such proclamation in accordance with petition proposing said Act.

In the Senate, report read and accepted.

In the House, report read and accepted in concurrence.

From the Senate: Resolve calling to the attention of the Governor the failure of the Legislature to enact An Act entitled "An Act to amend Sections one and three of Chapter 350 of the Public Laws of 1915, relative to the hours of employment of women and minors".

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

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

From the Senate: Report of the committee on Public Health on bill, An Act to amend Chapter 197 of the Public Laws of 1917, as amended by Chapter 172 of the Public Laws of 1919, as amended by Chapter 162 of the Public Laws of 1921, and to amend Chapter 19 of the Revised Statutes, as amended, relating to the State Department of Health, reporting the same in new draft under same title, and that it ought to pass.

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

In the House, report read and accepted in concurrence, and the new draft read three times under suspension of the rules, and passed to be engrossed in concurrence.

From the Senate: Resolve appropriating money to aid in the screening of certain lakes and ponds.

This was passed to be engrossed in the House March 30 as amended by House amendment A.

In the Senate, passed to be engrossed as amended by House amendment A and Senate amendments A and B in non-concurrence.

In the House, that body voted to reconsider its action whereby this Resolve was passed to be engrossed as amended by House amendment A.

The question being on the adoption of Senate amendment A in concurrence, the Clerk read Senate amendment A, which was thereupon adopted in concurrence.

The further question being on the adoption of Senate amendment B, the Clerk read Senate amendment B which was thereupon adopted in concurrence, and the bill as thus amended was passed to be engrossed in concurrence.

From the Senate: Resolve in favor of the State Park commission. 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. Maher of Augusta that body voted to insist on its former action, and ask for a committee of conference, and the following conferees were appointed on the part of the House: Messrs. Maher of Augusta, Martin of Augusta, and Curtis of Brewer.

On motion by Mr. Crafts of Greenville the House voted to reconsider its action whereby it just passed to be engrossed Resolve appropriating money to aid in the screening of certain lakes and ponds: and on further motion by the same gentleman, the bill was tabled, pending passage to be engrossed.

On motion by Mr. Hamilton of Caribou,

Adjourned until tomorrow morning at ten o'clock.