

# 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**

Tuesday, April 3, 1923.

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

Prayer by Representative Wills of Salem.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill, an act to amend Section 7 of Chapter 293 of the Public Laws of 1917, relating to the Director of the Sea and Shore Fisheries.

This was passed to be enacted in the House March 29, and passed to be engrossed March 23.

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 enacted, and also the vote whereby it was passed to be engrossed.

The question being on the adoption of Senate Amendment A, the Clerk read that amendment.

On motion by Mr. Lamson of South Portland, a viva voce vote being had, Senate Amendment A was indefinitely postponed, and the bill was passed to be engrossed in non-concurrence.

**Reports of Committees**

Mr. Dunbar from the committee on Ways and Bridges, on bill, an act providing for the purchase or taking by process of law the toll bridge between the State of Maine and the State of New Hampshire, extending from South Berwick, in said State of Maine and Dover in said State of New Hampshire, in conjunction with the State of New Hampshire, reporting that the same ought not to pass.

Report read and accepted and sent up for concurrence.

**Passed to be Enacted**

An Act to amend Chapter 25 of the Revised Statutes, as enlarged and amended by Chapter 258 of the Public Laws of 1917, and Chapters 220 and 263 of the Public Laws of 1919, relating to State Highways and to the creation and expenditure of the mill tax highway fund.

An Act to amend Section 116 of Chapter 4 of the Revised Statutes, pertaining to the right to kill dogs.

Mr. HAYES of Chelsea: Mr. Speaker, I move that that lie on the table.

A viva voce vote being taken, the motion to table failed of passage.

Mr. HAYES: Mr. Speaker, I move that the bill be indefinitely postponed. At the present time the law relating to dogs protects the farmer a little, and this bill was put in in order, as they said before the committee,—I was down there at the hearing—to protect dogs that they claimed were being shot out of spite while chasing deer. Now the farmers have no objection to that. The Judiciary committee, which is made up of some of the best of our members in this House, reported that the bill ought to pass. Perhaps if some of them had been owners of stock or sheep or poultry, they might have looked at it in a little different light. We have no objection to their having the dogs killed by an officer when found chasing deer or when found killing stock or sheep or poultry; but when dogs kill property there is no way of identifying a particular dog because so many look alike. It is taking away from the farmer the right he has to protect his property. Now last year the sheep killed by dogs in this State amounted to \$32,831.78 under the protection we have now, and it looks to me as though that was a reason why we should still be protected. The committee put in the clause that anyone finding a dog killing sheep may kill the dog. They did not go far enough and say that we could catch the dog that was worrying calves and poultry, and in my section there are many dollars worth of poultry killed annually for which the State pays nothing; the farmer loses it. I offered an amendment to take care of poultry and young stock, and I was asked to leave that on the table and did so, being told at the time that they thought that it would be all satisfactorily arranged. But they would not accept the amendment, and turned it down; and what did they say? They said this, that they thought that if that amendment was adopted it would kill the purpose for which this bill was drawn. Now what did they mean by that? That amendment did not say anything about dogs chasing deer and which they claimed the dogs were shot out of spite while chasing

deer. Now it was intended to give us a chance to protect our property, and if that amendment killed the purpose for which that bill was put through, what could the bill have been meant for? Now I contend that the farmer today has about all the discouragement that he needs, and if we are going to pass anything, it should be something to give him encouragement. Therefore, I hope that the bill will be indefinitely postponed.

Mr. GREENLEAF of Auburn: Mr. Speaker and members: We plowed this ground all over in the Legislature once before and this amendment was defeated. Now this matter of killing chickens and calves and other domestic animals, aside from sheep, means but very little if a man's dog is shot. As I said before, he cannot get back his dog. Hardly a week has gone by this winter when we have not read in the papers something about the heroism of the dog. Only last week there was a fire in a house, and the dog had been taught to look after the baby. Every time they asked him "Where is the baby?" he went to hunt for the baby. This building was ablaze with fire and somebody unwittingly said "Where is the baby?" Now the dog did not run around behind the barn, but he went to the point of danger, went into the burning building, and that was the last seen of the dog. I believe that the dog was not chicken-hearted anyway. Another case is where a little boy was playing on the ice with a dog and broke through. The dog grabbed the child by the collar and kept dragging him out on the edge of the ice, the ice constantly breaking through until he finally went in himself; but even then he kept the child from drowning until some people came from the shore and rescued the child. Another instance that I remember was where a little child had gone out with the dog and failed to come home. The dog kept trying to get people to go with him, until finally, feeling that something was amiss, they did go with the dog and found the place where the child had fallen through the ice and disappeared, and they finally discovered the body of the child. Now we do not know what the dog did, or whether he tried to rescue his playmate, but the chances are that he did. I hope the motion to indefinitely postpone will not prevail.

Mr. WINN of Lisbon: Mr. Speaker,

referring to the dog, I saw an account in the paper last week where a little boy jumped overboard and rescued a dog. There is a difference between a good dog and a bad dog. No doubt there are lots of dogs that are all right, we have great regard for those. On the other hand, there are dogs that are disastrous to the farmer, and I believe the farmer should be considered. Some years ago I was on a farm myself, and I know that these small dogs are disastrous in the sheep pasture. Take it in the village. I know of a particular friend of mine who a few years ago owned a bulldog that he thought a great deal of. Every night when he went home some of the neighbors would come to the house with a bill for him to pay for the destruction of hens. He finally got sick of that himself, and in the heat of passion he threw the dog overboard over the dam. As I have said, we have had a law for several years to protect sheep and hens destroyed by unruly dogs, and I believe that the good dog at the present time is not unjustly punished. I hope that the motion of the gentleman from Chelsea (Mr. Hayes) will prevail.

Mr. GREENLEAF: Mr. Speaker, as the bill reads now, if a dog is a confirmed chicken killer, of course they can get the right to kill such a dog.

The SPEAKER: The question is—  
Mr. CUMMINGS of Portland: Mr. Speaker, I did not care to take up the time of the House on this matter. I am a little in doubt about the particular merits of this bill, and have not in mind at this moment clearly the facts in reference to it; but I do feel like entering a protest against an attempt to influence the vote on this bill by recounting the virtues of a good dog. We understand perfectly well that there are good dogs, but this bill does not apply to them. There are men who are dishonest and steal. We have laws against them and we punish the man who steals. There are plenty of men who are kindhearted, and yet we have laws to punish murder. I feel like entering my protest against this talk about dogs saving life with a view of influencing this vote. It seems to me entirely out of place here.

Mr. LORD of South Portland: Mr. Speaker, it is unfortunate that this bill has come back into the House.

As you all know, we enacted this measure last week. It was engrossed and enacted in the House and engrossed and enacted in the Senate, and should be a law at the present time, but an error by the engrossing clerk mixed things up so that this whole thing had to be reconsidered, and that is the reason it is here now. We have already voted to engross and enact this very same bill. An amendment was offered in the Senate taking care of the clerical error in engrossing, which brings it back in exactly the same form as we acted on last week, when in no unmistakable terms the bill was unanimously endorsed, and all the way up through there has been no opposition to it, and it seems to be that in the interest of fair play this bill ought to go through as it really has once already.

I just want to say in relation to the punishment of dogs that the way the law is now there is an open season on dogs of 365 days in the year. He can be killed for no offense at all. A man who is a good square fellow will not kill a man's dog if he kills a chicken or two. He has other redress. A sheep owner can kill a dog that is disturbing his sheep, any man working for him can kill him, or any member of his family can kill the poor dog. The owner of the dog can be brought into court and made to prove why the dog should not be killed. I am in favor of this slight measure of protection that this bill furnishes the dog, and I hope that this House will stand behind its record of last week, and not indefinitely postpone this bill, but pass it on its enactment.

Mr. PERKINS of Orono: Mr. Speaker and fellow members: I wish to say at this time that I believe the farmers of this State are amply protected, and I believe that this bill is a just bill. I shall not endeavor to play on the emotions of this House this morning because I believe that any bill that has received the just and due consideration that this bill has received is worthy of passage, and I sincerely hope at this time, in view of the fact that we have some other important measures to come before this House, that the motion to kill this bill by indefinite postponement will be lost.

The SPEAKER: The question is on the motion of the gentleman from Chelsea, Mr. Hayes, that the bill be indefinitely postponed. As many as are in favor of its indefinite post-

ponement will say aye; those opposed no.

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

#### **Passed to be Enacted—continued**

An Act to regulate the use of aircraft.

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

An Act additional and amendatory of Chapter 139 of the Revised Statutes, as amended by Chapter 88, Public Laws of 1917, relating to transfer of insane or feeble minded inmates.

An Act to amend Chapter 217 of the Public Laws of 1919, relating to appropriation for Normal Schools and Madawaska Training school.

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.

An Act to provide a new Charter for the city of Rockland and to repeal Chapter 482 of the Private and Special Laws of 1885.

#### **Orders of the Day**

The SPEAKER: Under orders of the day, the first matter for us to consider is that which is tabled and today assigned, being Senate Document No. 288, an act relating to the sale of intoxicating liquor, the motion of the gentleman from Portland, Mr. Rounds, being to indefinitely postpone, that motion being tabled by the gentleman from Caribou, Mr. Hamilton, and the Chair recognizes the gentleman from Caribou, Mr. Hamilton.

Mr. HAMILTON of Caribou: I yield to the gentleman from Portland, Mr. Rounds.

On motion by Mr. Rounds of Portland, the House voted to grant permission to the gentleman from Portland, Mr. Rounds, to withdraw his motion to indefinitely postpone.

On motion by Mr. Archibald of Houlton, the bill was re-tabled until the afternoon session.

The SPEAKER: The next matter is the report of the 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

the gentleman from Eagle Lake, Mr. Burns, April 2, pending acceptance of the report of the committee, that report being "legislation inexpedient."

On motion by Mr. Burns of Eagle Lake, the House voted to accept the report of the committee.

The SPEAKER: Next on the calendar, reports A, B and C of committee on Legal Affairs, on bill, an act to provide for nomination of candidates by political parties, being House Document No. 183, tabled by the gentleman from Brewer, Mr. Curtis, April 2, pending acceptance of any report; and the Chair recognizes that gentleman.

Mr. CURTIS of Brewer: Mr. Speaker and members of the 81st Legislature: I move that the bill known as House bill No. 183 be substituted for the reports of the committee. I do this with all due respect to the members of the Legal Affairs Committee who have worked long and hard trying to get some satisfactory report on this matter.

A Portland paper last week likened the original bill to the Siamese Twins, and further along in their article they stated that they were sure that the daddy of the twins would not recognize them when he saw them. I do not. But, lo and behold, in some intangible way, triplets have appeared instead of twins. I have looked them over to try and see if there were any of the triplets that I would adopt in the place of the original child, but I see none that are more likely than the original child and I therefore will support it.

It is hard for me to defend this in the face of the members of the Legal Affairs Committee, all lawyers, good, tried and true, and all older members of this House more experienced in Legislative matters than I, but I will attempt to do the best I can. In order that you may all understand how the situation is, I will call your attention to the fact that the original bill, No. 183, is one introduced by me February 23rd. Report A of the committee states that the bill ought not to pass. Report B, which is House Document No. 500, is the original bill in a new draft which would revert, if adopted, to the old convention system. Report C, House Bill No. 501, is another new draft, which to all intents and purposes is practically the same as House Bill No. 183. Underlying all motives of

any bills or reports is the principle of maintaining our party pledges or platforms.

This bill was not introduced with any spirit of antagonism to any person, party, group or bloc, but simply and wholly for the purpose of meeting our party pledge which calls for the submission to the people of the direct primary law, as it now stands. There has been some difference of opinion with regard to this, but many of you know that I have stated my views in no uncertain terms during the past few weeks. Now let me read to you both planks as they were introduced into both the Republican and Democratic conventions.

On April 6th, 1922 at Bangor in the Republican convention this plank was adopted: "Whereas the Direct Primary Law was enacted by the people thinking it an improvement over our former system, and whereas it has been fairly tried and found unsatisfactory, therefore we advocate the submission to the people of a proposition for its repeal".

At the Democratic convention held in Augusta April 7th, 1922, this plank was adopted: "We recommend the passage by the next Legislature of a bill repealing the direct primary law and further recommend that this bill be submitted to popular vote in order that the people may express their views concerning the primary law in the light of their experience during the past eleven years".

The plank in the Republican platform was reported at the convention by a committee on resolutions whose members were composed of sixteen women and sixteen men, and it was unanimously adopted by that convention. When I came to Augusta, I had no idea but what this primary matter would be one that would be brought up early in the session. The first thing that called my attention to the fact that it might not be, was the address of Governor Baxter in which he recommended that nothing be done. Now I believe Governor Baxter to be fearless, and a man of strong convictions. Those are traits which one can admire in any man, but every man is entitled to honest differences of opinion, and in this matter I differ with Governor Baxter. You were all elected on platforms adopted at the various conventions and you did not hear, nor did I

hear, in the campaign speeches that were made from Kittery to Fort Kent, one word of opposition to the plank calling for submission of the primaries.

The present primary law calls for a convention. Section 2—I will not read at all, but it states in part this: "At any such State convention the political party so represented shall formulate and adopt its declaration of principles, or platform, for the State election then next ensuing". Are you going to discard that part of the law and say that the platform, or planks therein, are nothing but "bunk" and "scraps of paper", and throw them aside?

Let us for a moment picture a convention as we now have it. There is a night before when, gathered at some leading hotel in whatever city the convention is held, we will find large crowds surging back and forth through the corridors of the hotel. There will be a band playing inspiring music, the several candidates for Governor will have rooms with their placards outside, and the crowd will surge back and forth. The candidates will pass out cigars to the men, pin roses or carnations on the ladies, and thus it goes until along towards midnight, when the crowd thins out and the candidates get together with their managers, and talk over what may happen the next day.

The next day we wend our way to the convention hall. There is more music, there is a speech, usually called the keynote speech of the campaign, made usually by some congressman from Washington. In it he tells of all that the party has done during the past years and what they propose to do, how they propose to stand by their party platform and pledges. Then, later on in the convention, there are minor matters attended to and reports of the resolution committees, in which they report and the convention adopts the platform, the pledges are made, and it is all over. The candidates for Governor go back to their rooms, sit down for a moment, seriously look at their empty cigar boxes and the boxes which contained their roses and carnations, and think over what they have gained by the convention. They do not know whether they have made any headway or not, but there is one element of consolation for them, when they think of the party platform or

pledge that was made. When, lo and behold, they refer back to the year 1923 when it was said that these party platform pledges meant nothing and would be thrown to the wind.

Some say that there is no demand for any change in the primary law, but I say there has not been a year since we adopted the direct primary that there has not been a growing demand for a change and in many states besides Maine, there has also been much agitation against the direct primary, and modification of it is asked for and in some cases made.

Several years ago, speaking before an audience of between three and four hundreds members, all guests of the Twentieth Century club at Bangor, at which I was present, Ex-president Taft, now Chief Justice of the United States Supreme court, addressed that gathering. He stated at that time that primary law is the most pernicious law ever written into the statutes and he predicted that before many years, there would be an urgent demand for its repeal. None of the remarks made that evening by the distinguished gentleman brought forth louder or longer applause. It was several minutes before the applause died away, and to my mind it was not a political gathering, but men, from all parties, in all walks of life in apparent unity with the remarks of Chief Justice Taft.

In this State the leading editorials of the press are loud in their demands to get away from the direct primary law as it now exists. Does the press reveal the popular mind? I say that in the main it does. Possibly from the fact that my early training and work for a number of years was on one of the leading newspapers in this State, I may be more lenient towards the press than others, but let me ask you how many papers would be leading papers of the State for any length of time if they were to continue against the wishes of the people, as some would have you think? I say not any extended period of years.

Now let us for a moment leave our State papers and take a glimpse of editorial writers of other states and see what they have to say on the direct primary. The Fort Wayne, Indiana, Journal Gazette asserts that the primary has not been satisfactory in operation or results, and that it is under attack from many quarters. It states that, "its most noted defects

are its failure to improve the general character of politics, obtain higher grade men for office, its cost of operation, and the length and expense of primary campaigns. The last Democratic State convention frankly denounced the law; the Republican convention took similar ground in more guarded terms". You thus see, gentlemen, that the situation in Indiana is similar to that in Maine.

The Cincinnati Enquirer believes the primary has "fallen into great disrepute and disregard, if, indeed, it ever was entitled to the approbation of the public. Primaries are today in Ohio more brazenly manipulated by the politicians than ever were the convention. There has been no blocking of the channels for corrupt practices and the use of money".

The Philadelphia Inquirer says: "The machine invariably names the nominee. The political organization gets behind a candidate with power and money. Independent movements are usually broken up by bringing fake candidates into the field for the purpose of splitting up the opposition. Primaries can almost always be controlled—always save when there is a tremendous uprising by the politicians".

I quote from the Sioux Falls, South Dakota Argus - Leader: "I question whether the personnel of office holders has been improved by any of the primary laws".

The Aberdeen, South Dakota, says: "A return to the simple direct primary with convention nomination of state officers is the ideal most generally sought".

The Portland Oregonian says, "When the public understands a little better that under the primary, party organization is supplanted, and individual and personal politics takes its place, with no improvement over the old condition, not wholly due to public sentiment, there may be invented and adopted a better method of selecting candidates for office. Every candidate is his own party and the goat has as good a chance as the sheep—if he makes enough noise. There is not a vast difference in virtue between the opportunity of choice among self-appointed candidates often wanted only by themselves, and the privilege of perfunctorily ratifying candidates who are at least wanted by somebody".

An editorial writer of the Dallas Journal states: "Within the last six or eight years there has been a visible growth of expressed opposition to the new system. It is my opinion that a majority of the people are against it but most of them hesitate to speak aloud because they think the people are hog wild over the system. It has transpired that only men of wealth or who are backed by men of wealth can run with any hope of success. One candidate for Governor spent \$82,000 to get the nomination".

I have given you something of how the primary law is looked upon by some of the best writers of other states, in order to show you the feeling other than in Maine.

The women—God bless them—nobody has a higher regard and respect for women than I. It has been said that the women of this state were opposed to any change or modification of the present primary law. It was also said that when woman suffrage came up that all women wanted it. I always doubted that and I still doubt it. At that time my good wife was living and I know she belonged to an anti suffrage band. I have heard it talked over pro and con and have heard many women discuss it, and I know that they were not all of one mind and I believe that they are not now. At a recent hearing on this bill one woman made the remark that a return to any form of convention system would take away the rights of the women, that women would not attend conventions and caucuses. I beg to differ from that statement and say to you as an illustration that a recent caucus in my own city of Brewer, held for the purpose of nominating a candidate for mayor, our City Hall was packed to the doors and as many, if not more, women were present than men. Further, let me add that to the vote of the women is credited the nomination of the successful candidate, who won by not a large majority but by a sufficient and decisive vote.

At the last Republican State Convention in Bangor in 1922 a large body of women delegates were present. Do you not think they would have been there just the same if it had been a convention to actually name candidates and would they not have voted independently and intelligently? I think they would.

The bill No. 183 calls for a state convention at which may be nomin-



ated candidates for governors and, in appropriate years, United States Senators, and other necessary officers. Then there is the county convention which is to be held. Nobody can deny that our old-time county conventions got together the neighbors and home people of the county who talked over the campaign together and got up a spirit which you do not get when you combine the county convention with the State convention. At the county convention held at the state convention as it is now, county groups get together in one corner of the hall, nominate their county committee, and it is all over. There is no enthusiasm.

Under this bill there will be a district convention for the purpose of nominating candidates for Congress, and later there will be the representative class convention which we have practically now under our present law. Further, if anyone is not satisfied with the nominations made at the convention, they have the privilege of appeal therefrom and getting on the ballot through a primary election. Now if no one objects, there will be no need of this primary election, and I think you will find, if such a law were adopted as this, that in nine cases out of ten there would not be any appeal from the candidates nominated at such conventions.

Party organization we need, but it is a fact that the direct primary is based upon a revolt from the organization. When the organization does not select the candidate it does not and cannot be held responsible to the voters for the quality of candidates selected, nor for their faithful performance of duty while in office. It is an agreed fact among practical politicians, some of whom are in favor and others opposed to the primary law, that the direct primary law tends to break up parties, weaken the party organization and dissipate responsibility. We have observed congressmen nominated under the primary law and then elected, and after they have taken their seats in Congress, forgetting their party label, so that it is not known to what party they belong. It is doubtful if such men could ever have been nominated under any system except the direct primary law.

Perhaps, gentlemen, I have taken up too much of your valuable time in this matter, but I trust that you

will seriously think of what I have said when you vote and consider that you should maintain and keep your party pledge.

The SPEAKER: Does the Chair understand the gentleman from Brewer, Mr. Curtis, that his motion is to substitute the bill for the several reports?

Mr. CURTIS: Yes, Mr. Speaker, my motion was to substitute the bill for the reports.

Mr. MORRISON of Phillips: Mr. Speaker and members of the House: I have been very much interested in the remarks of the gentleman from Brewer (Mr. Curtis) and I agree in a great many ways with the things he has said. I still hope, however, that his motion will not prevail. This is a most important subject and one that I have taken considerable interest in, and especially since all of these primary law matters came before the Legal Affairs Committee. I think that this proposition which is before the House at the present time is so important that it should receive the very careful consideration of every member of this body.

I was one of the four members of the Legal Affairs Committee who signed Report B, reporting the bill in a new draft, which practically amounts to a return to the convention system with some restrictions thrown around the caucus. Now I appreciate the fact that there are a great many people in the State of Maine, who perhaps hold up their hands in holy horror at even the suggestion of returning to the convention system, but as I look back over the history of the State of Maine, and I find recorded on its pages where serving the State in the lawmaking bodies of this country, were such men as Blaine, Frye, Dingley, Tom B. Reed, and many others that I might mention, all children of the convention, I often wonder if the convention system which we had then was so bad after all.

I am quite a believer, and I think we all are, in political parties. I believe that in a representative form of government like ours, the best results are obtained through political parties, and we have in this country and in this State, two great political parties, the Republican party and the Democratic party, holding power, so far as the manipulation of the reins of our

government are concerned, one or the other, as the majority of the people may decide, and one of the greatest faults that I find in the primary law as it is working out in the State of Maine today, is that it tends to relieve the party from responsibility for the candidate and it certainly seems to relieve the candidate, especially after he is elected to office, from any responsibility to the party.

Now what will that result in as time goes on? To my mind it will result in an entire lack of system and an increasing friction with Federal governmental departments, in a miscellaneous mass of principles and ideas without any definite plan of action by a working majority, and in the end it will result in a government by blocs and groups instead of by political parties, and that is where I think the danger lies under the primary law. But that is neither here nor there. I cannot see really where the good features or the bad features of the primary system are really in issue. The gentleman from Brewer (Mr. Curtis) has read to you the plank in the Republican platform upon which every Republican in this House was elected to office in the House. He has also read to you the plank in the Democratic platform, even stronger than the plank in the Republican platform, upon which every Democrat in this House was elected to office, and I have been taught to believe that a plank in a party platform was a pledge, that a pledge was a promise, and that a promise should be kept, and I also believe that if a platform is good enough for a man to run for office upon it, it is good enough for him to stand upon after he is elected, I certainly do not want to subject myself to the criticism which I believe I should deserve if I did not stand here upon the floor of this House in favor of carrying out the pledge in my party platform of submitting to the people of the State of Maine a proposition for them to vote upon. I believe it was the intention of those who were responsible for the drafting of those planks, that the question to be presented to the people of the State of Maine and the question that the people of the State of Maine want to decide is whether they wish to retain the primary system or keep to the convention system. That is why four members of

the Legal Affairs Committee decided that they would report out a bill without any strings attached to it and report B is presented to the members of this Legislature undraped by any coat and undisguised in any way, to be treated by you gently or roughly as you in your wisdom may determine, and I can see no consistent argument, upon the other side, against submitting to the people of the State of Maine this proposition.

I know that the Governor of our State is not in favor of it. I know that he said in his inaugural address that he did not believe that the planks in these two platforms represented the desires of the people of the State of Maine, but I do not believe that that is a good argument or a valid excuse. I do not believe that it is for the Governor to say or for us to say that the representatives of the State of Maine in their respective conventions assembled drafted into their platforms measures that did not represent the desires of the people whom they represented, either unknowingly or unintentionally. That is not for the Chief Executive or for us to determine as a question of fact. That is for the people of the State of Maine to say, after this Legislature has done its duty, and I sincerely hope that the motion will not prevail, but that in the end report B of the Legal Affairs Committee will be accepted. Gentlemen, I thank you.

Mr. PALMER of Island Falls: Mr. Speaker and gentlemen, I am rather surprised that this bill is presented to this Legislature because I thought that this was killed twelve years ago by the people themselves. Who is calling for this return to the old system? It is the old politicians. They are the ones, the primary discards, as you might call them. They are here and they were at the Bangor convention trying as a last resort to get back into the favor of the people. They ask you to give them this old system again and they are stretching out feeble, helpless hands and they are calling out to us—and we heard them in the caucus—"save us from political death; save us or we perish". Gentlemen, I hope that you will not grant their request. (Applause).

Mr. HOLMES of Lewiston: Mr. Speaker and fellow members, I would not impose my views upon you if it were not that, first, I am a member of the Legal Affairs Committee

and therefore had a part in the shaping of this proposed legislation, and second, that on account of my vote in that committee on the report ought not to pass which I signed, I have no doubt but that outside of this Legislature I will be charged with breaking with my party, and if that is so, then common prudence dictates that I should take advantage of the opportunity to state my reasons as to why I have broken with my party, if it means breaking with my party and that my reasons should be recorded.

I was surprised, not expecting the motion of the gentleman from Brewer, Mr. Curtis, to substitute the original bill for the reports. That bill was discussed and argued before the Legal Affairs Committee and so far as I know it could not find a friend. Now, however, it is in issue, and here we are, supposed to be faithful followers of democracy and republicanism, so we are told, supposed to respect and obey a plank put into the platforms, and we are confronted with three different bills to amend the primary law and supposed to take a choice among them or refuse them all.

I think that it is only a matter of good, common judgment, if for no other reason, than that when we find ourselves in the situation that we are, like the Legal Affairs Committee, so badly in disagreement that we face three different substitutes for the primary law, that we should adopt neither one but stick to the primary law until a demand comes in from the people of the state of Maine. If this primary law under which we conduct our nominations, and have since 1912, had been originally enacted by the Legislature, I might feel that it was my duty to vote for a substitute with a referendum attached in order that the people might once again be called upon to express their preference. But when that primary law came into this Legislature in 1911 with 12,000 citizens of the state of Maine behind it, saying to us, "this is the law we want, give us that law to be voted on in a referendum," and when they were presented in the referendum election with a choice between the Davies Bill and the Penell Bill, the Davies Bill being an initiative bill, and by a large majority they chose the Davies Bill, which became the law under which we are living and have lived for ten years, then, party platforms or no

party platforms, programs of leaders or not, I feel that it is my duty to wait for the voice of the people, and that if they initiated this law, as they did, if they are not satisfied with it they will initiate some other law that they do want, and that they would have the right to say to us that we have done wrong in arrogantly telling them that we believe they are not satisfied with their initiative law and now that we want them to tell us, or the gentlemen who write party platforms, by voting on the question once again.

House Bill No. 183, called the Curtis Bill, which is now in issue along with the others—I am telling you no secret for I believe you have all heard the story of the strange and interesting history of that bill. It was written by a prominent democrat outside of the Legislature and handed by him to a prominent republican outside of the Legislature and introduced into the House and referred to the Legal Affairs Committee and had a great public hearing before that committee, and we were told there by prominent republicans that now this was the bill which had the endorsement of both political parties and was the carrying out of the pledge of both political parties.

We hear the argument that party loyalty has gone under the primary. We hear the argument that we little fellows who ought to have no voice in shaping the great policies of the great parties have thrust ourselves to the front to take the places and silence the voices of the great leaders who made the organizations of both parties, and that if they could have the convention and caucus come back, parties would have their clear line of cleavage and that the policies of the state and of the nation—the same argument applies in other states—that the policies of the state would be properly and wisely drawn.

Why, then, did that gentleman come before the Legal Affairs Committee at the public hearing and state, vote for this; it represents the wishes of both parties? Who gave them authority to say that they were the voice of the organizations of the two parties? Members of the House, for myself, I feel that the state is just as safe, and perhaps a little safer, in the hands of such little fellows, as my learned friend, Mr. Morrison of Phillips, says have relieved

the party of responsibility by being nominated under the primary law. Who is the party? Who has a right to stand up before the people of the state of Maine and say, "we are the republican party" and "we are the democratic party?" Where did they get that authority? Ah, members of this House, I would gladly subscribe to the doctrine of Thomas Carlyle, in his essay, "Past and Present" that the only true solution for the ills of government and the evils of organized society is government by the wisest, and gladly would I vote to keep the wisest in office forever, if Almighty God in His wisdom had only put a tag upon them so that we might know them when we see them. (Applause)

A word now, gentlemen, to call your attention to the requirements in House Document No. 183, being the bill offered to be substituted for the reports, by the gentleman from Brewer (Mr. Curtis). Section 2 provides that the caucus day shall be the first Monday of March, and that at that time there shall be a caucus to choose delegates to the state convention, the district convention, the county convention, and the legislative district convention. The first Monday of March! Does that date bring no recollection to your minds? It is not an important date in every city and town in the state, but it is in many. In my own native city over in the Androscoggin Valley, it is a very important date, and other cities elect their municipal officers upon that date. We, and other cities and towns, I believe, who use that date, will say, "We have troubles enough on that date without trying to elect all those various officers at the same time."

And what regulations are there provided to take care of that caucus? "There shall be a caucus." It will begin at a certain hour, I presume. How long will it last? How long will it take to write out and select in advance a long list of representatives to county conventions and state conventions and to Congress. To my mind a more serious criticism applies to House Bill 183, and it also applies to the bill reported in by part of this committee. Section 7 says, "each of the nominees referred to in the five preceding sections shall be entitled to a place on the primary ballot." Those are the gentlemen who are nominated by

the people who compose the party and the party. "And there also shall be placed on said ballot the name of any other candidate for any office who shall have filed, with the secretary of state at his office in Augusta, on or before the first Monday in May following the caucus day, nomination papers signed in the aggregate, for each candidate of each political party, by qualified voters within the electoral division or district wherein such candidate is to be voted for, in number not less than ten per cent of the vote cast for his party candidate for governor in the last preceding state election within such electoral division or district."

In the city of Lewiston, I got the figures from the Secretary of State, in the last gubernational election, September, 1922, there were polled in Lewiston. For Baxter 2240 votes and for Pattangall 3,827 votes, a total in Lewiston of 6,067 votes. Lewiston is entitled to five candidates on each ticket, is entitled to five representatives in this House. We will say that five candidates are nominated by the convention and get on the ballot. We will say that five Republicans of Lewiston decide that they also want to go to the Legislature, that they have ideas that they think will be of benefit to the people of Maine, and they become candidates. Now each one of them has got to have a petition signed by ten per cent of the Baxter vote, or 2,240. We will say that four of them get 616 apiece. That is 2464. Governor Baxter got 2240. Try to subtract 2464 from 2240, and where is the fifth man going to get any votes?

Now under one of the bills reported by the committee, being House bill No. 500, it is from eight per cent to fifteen per cent. That makes it a little better. That would leave a Republican a chance of getting about fifteen votes when he ought to have about 600. It is well indeed that one of the gentleman said here in debate that probably the people of that party would be quite well satisfied with the convention nominees and there would not be any primary. I should think there would not be any primary under such difficulties as that. House Bill No. 500 is the Caucus Convention Law. It goes back to the old, old condition. In Section two it says on the first Monday of April in each year there shall

be a caucus day, and the political party shall call the caucus and state at what hour it shall be held, but it does not state how many hours it shall run. Some other objections apply to it, but I do not wish to take your time to go over them. If I felt that I would be justified in taking time I would like to refer you to Professor Hormell's discussion of the primary law, but I assume that you have all read it. It is a most remarkable collection of statistics from the year 1901 to 1911 and from 1911 to 1922, and a remarkable analysis of them and remarkable conclusions are drawn therefrom. Now, as you have already seen, in reading that, Professor Hormell has shown that under the workings of the primary law in this State every one of the charges brought against the primary law is disproven. Every one of them has proven to be a mistake. They are fears, fears. Analyze their argument and it shows that they argue that the primary gives undue advantage to city candidates and deprives the country of its just representation of State and county offices. Professor Hormell by the figures answers that and shows in Table 1, embracing the counties of Androscoggin, Cumberland, Kennebec, Knox, Penobscot, Sagadahoc, Waldo and York that the cities' share in the county offices was reduced by twenty-two, or 4.6 per cent, while the country's share was increased by the same amount.

Now we have been told about party lines. We have been told that party discipline is disputed in Congress and disputed in State Legislatures. Is it fair to say that it is the result of the primary? May there not be an entirely different cause? May the people of this country, including the people of the State of Maine, not be trying to intelligently but dumbly direct the course of these two great parties? Let me on that point briefly remind you of a little political history from the year 1920 to the year 1922. We held in this country a great general election for President and Congress in the year 1922. Mr. Cox of Ohio was nominated by the Democratic party and Senator Harding by the Republican party, and Mr. Cox went to Washington and consulted with President Woodrow Wilson. When he came back he announced that the Democratic party stood squarely upon the proposition of the immediate entrance of the United States into the League of Nations. So the issue was proffered

to the Republican party. The Republican party accepted the issue. The issue was joined. They went to the people in November, 1920, and the people by a majority of nearly eight million votes repudiated the policy of the Democratic party. Now two years after another general election was held, the Congressional election of November, 1922, and the Democratic party, stunned and staggering, confounded and confused, its organization shot to pieces, its leaders suspicious and fearful of each other, whispering to each other "Traitor, Judas"—this disorganized party, an object of ridicule, a sight for the laughter of men and angels, staggering to the polls—

Mr. WINN of Lisbon: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman will state his point.

Mr. WINN: I supposed that we were discussing the primary law, whether it shall be submitted to the people. I cannot see what this argument has to do with it.

The SPEAKER: The Chair is of the opinion that the gentleman from Lewiston, Mr. Holmes, is endeavoring to draw a comparison, and the Chair rules that the gentleman is in order. (Applause).

Mr. HOLMES continuing: went to the polls and defeated the triumphant Republican party. Now, members of the House, can we draw no lesson from that important history? I am hesitant to give my own conclusions because I know I have been here long enough to learn to respect the judgment, the knowledge and the ability of the members of this House; but with due respect to them I will draw this conclusion as my own, that it means this; that party loyalty has not gone to pieces by reason of primary laws in this and other States, but the great mass of the American people are trying to teach the Republican party and the Democratic party one lesson only. I may illustrate it in this way: For many years we were hero worshippers. The Revolutionary War made presidents of several men and a Chief Justice of the United States of one. The War of 1812 made Andrew Jackson president. The Civil War made three presidents. Even the short War with Spain made Roosevelt president, but so far we have not

seen that a hero of the World War has been elected even alderman of the fifth ward as a result of his war record. We have ceased to be hero worshippers, and the American people although they want to preserve the parties are interested now in policies of the parties rather than leadership. Therefore, members of the House, it comes down again to this, that those gentlemen of the two political parties who believe that the people need the leadership they used to have, are mistaken, and the people of this country—pardon the slang expression—are today a hard-boiled, common-sense, case-hardened, people who say, "We have got to be shown". I believe that this is the lesson and that it is not the failure of the primary law.

I will not take more time, Mr. Speaker and members of the House. I desire merely to put myself in the record on the question of whether I was doing right in breaking with what I have no doubt are the wishes of the Democratic party. It was not my purpose to convince any one of you that I am right and you are wrong. I do believe that these proposed laws will pass in this Legislature anyway. I would not like to try to teach any of you members of this House any lesson in political government or the history of the country. I believe that notwithstanding the fact that many great Legislatures have sat and made laws in this State, the present Legislature is fully the equal of the best in the past. I believe that if I voted for any one of these bills, even to present them to the people for substitute for the primary law, that I would in so voting morally be voting that I was not fit to sit in this Legislature; that the primary law, under which I was nominated first and then elected, being a failure and producing a lower and lower quality of men, that I then and there being so nominated and elected, condemn myself. I do not want to draw the inference as to what you will take to your minds on that. I ask you at least to consider that we have been told in a beautiful way about the glories and the pleasures of the old convention, truly they were interesting and pleasant, but time rolls on. It will not stand; either we progress or we retrogress. Never can we stand still. The people have gone on beyond the old convention and caucus system. We cannot turn time

back if we would. Even though I am wrong and the primary is bad, we cannot turn back the clock of time. We cannot turn back the minds of the American people, the people of the State of Maine.

We have been told of the great men who have sat in the halls of Congress under the convention system of Blaine, of Frye, of Reed. I want to say this, and, members, coming from a member of the minority party you will believe that I am sincere, that never was there a greater, an abler, or a more patriotic senator nominated under the caucus system in the United States than that farmer from Poland Hill, Bert Fernald,—a primary man; and I will say that if time enough is given the gentleman who now represents us in Congress, from the Second District, if time enough is given to him to learn the experiences to be learned in Congress, Wallace White of Lewiston, nominated in the primary, will be as great a Congressman as his grandfather, the great Bill Frye. (Applause). In my own town there is McGillicuddy, a primary man—

Mr. WINN of Lisbon: Mr. Speaker, I rise to a point of order again.

The SPEAKER: The gentleman will state his point.

Mr. WINN: I believe that we should hold ourselves entirely to this bill and not give a political speech.

The SPEAKER: The Chair is of the opinion that the gentleman from Lewiston is still drawing comparisons to the House, each one of the two gentleman, the Congressman and the Senator he is talking about being products of the primary law. That is the opinion of the Chair, and the Chair so rules, the House, of course may appeal from the ruling of the Chair.

Mr. HOLMES continuing: Mr. Speaker and members, I am done. I will not discuss it further. I have covered all the thoughts that came to my mind. I am willing myself, and I invite the issue to go back at the close of this Legislature to my constituents who nominated me in the primaries and elected me under the Australian ballot, and account to them for my vote. I invite the issue. (Applause)

The SPEAKER: The question is on the motion—

Mr. BARTLETT of Waterville:

Mr. Speaker and members of the House: I am not going into any discussion of the merits of the primary law nor of this particular bill. If I remember correctly when the Direct Primary was presented to the people in 1911 and 1915, I voted for it. The hue and cry at that time was that conventions were machine-controlled, and I personally feel that in any bill submitted to the people to pass upon, if one is submitted, that particular element which was frankly brought before the people at that time, should be taken care of by some manner of means. Without going further into the virtues of either, House bill 183 takes care of that. If they are not satisfied with the convention candidate, they have an appeal to the primary. Now the question before this House is this: We were all elected on the platform that called for submitting to the vote of the people some kind of an amendment of the Direct Primary Law. We are not voting on that question. The people are to vote on it, and I for one am not afraid to refer anything to the people to vote upon.

Mr. ROGERS of Rockland: Mr. Speaker, as I understand the platform on which we were nominated and elected, it does not call for submission of any Amendment or anything of the kind. It is set down squarely that we believe we should submit the repeal of the primary law. That plank was put in there by men of good standing. Do we want to submit that one question to vote on it yes or no? Shall we repeal the primary law? Vote yes or no. If it is submitted and the point carried and the people vote to reject the primary law, what have we got left? How will our next Legislature be elected? We will have no machinery whatever. The members of this House and of the Senate in meeting here before have shown that they were in favor of the primary law as it is broader than the convention system. Our only reason for submitting this is because the platform demands it. Now I say let us submit the matter as the platform provides if we do nothing else. A sin of omission is just as bad as a sin of omission. If we put in anything else, we are not following the platform.

Mr. OAKES of Portland: Mr. Speaker and gentlemen of the House: I am very glad that under the motion of the gentleman from Brewer (Mr.

Curtis) the entire question involved has been opened up. We had the original bill of the gentleman from Brewer (Mr. Curtis) and then in the committee three reports were made and brought to the House, signed by a minority of the committee. Four members reported that no bill should pass. Then in the committee a majority of the members believed that we should according to our party platform present to the people on a submission the question of the repeal of the primary law. The majority of the members, however, did not agree as to the exact form in which it should be submitted, and four members signed a report which provided that we should submit the old Convention system. Two of us, of which I was the only House member, voted to submit a bill, No. 501, and which I think should be explained as we vote on No. 183, which is the subject of the motion before the House.

I am satisfied that there is no question but that the people of the State do not want the old convention system. It has been suggested that we should simply submit to them the question of voting on the primary or no primary. That would be an entirely false vote. If they vote that we shall have no primary, at the same time they must vote some alternative which they are going to fall back upon, otherwise their vote would be entirely in the dark. Therefore, if we are going to submit anything to the people in the nature of a repeal of the primary, we must submit a substitute upon which they shall vote at the same time, and it is for us to use our best judgment as to what the people would consider a proper substitute; and in my opinion we should present to the people what we believe is the best possible substitute for the primary in order that the vote on the question of the primary itself shall be as fair and as free a vote as may possibly be had to determine the desire of the people as to a primary law. In my judgment, that is the only fair thing to do. In presenting this question to the people, as I say again, I believe that we should present it to the people. The convention upon which we were elected said we should do so, and I can conceive of no alternative if we are honest with ourselves than that we should present that repeal of the primary to

the people. I have no fault to find with the author of bill 183, but I say that 501 was never conceived by any Democratic Attorney - General, and moreover was conceived without relation to 183, and is entirely a coincidence. Perhaps the two bills are in many ways similar, and I simply speak of the differences and the reasons for my belief that 501 is stronger than 183, and should be adopted by the House instead of 183.

In the first place, No. 183 provides for various caucuses and the dates at which they shall be held. Some of the dates are certainly too early. They are at times when travel is impossible. Those things can be amended, I presume, but it seems to me that for the committee at this time to determine the exact dates when those caucuses shall be held in the future is unnecessary. Bill 501 leaves that as under the old system for the party organization to determine the date of the convention and work it out so that the final program will be complete up to the date of the primary election.

Then 501 differs from 183 in that 501 takes the old convention law as it existed on the Statute books and a slight Amendment would put it back in the original form, and it takes the primary law as it exists on the books and says to the people, "Use these two laws with which you are familiar; you have not got to learn anything new. You know the old convention system and you know the primary system"; and whereas 183 requires the people to learn the new system, 501 says that the old system you are familiar with, you know all about it and you have not got to learn anything new. The change in 501 is this: The conventions are to be held and if a man after the convention is dissatisfied, he may within five days file an informal dissent with the Secretary of State. By doing so he may secure nomination papers with not less than eight nor more than fifteen per cent. of the previous gubernatorial vote, changing from the present one to two per cent. for nomination papers, and by filing those nomination papers may have his name placed on the primary ballot in June. The convention nominee goes on the primary ballot, if there is any primary, automatically, and his name is marked as convention nominee. The reason for the large

number of votes to get a man on the primary ballot is this, and the solution I think follows logically. If the convention is corrupt, if the convention falls back to any condition for which the primary law was originally put on the books, there would be a popular uprising, and there will be no difficulty in securing eight per cent. of the people to sign a primary nomination petition. If the convention is not corrupt, if the convention gives every man a fair deal, no man would have the courage to ask the people to back him in any primary. Now the result of this law in my judgment would be that for the first two or three times it is possible that some radicals would get their names on to the primary ballots, and it would be realized by the people that they were radical, the people would vote them down, and the convention nominee would be elected. So then there would practically be no use for the primary law. It would be there to be used as a club over the convention and the people would be satisfied. This seems to me to be the analysis of this bill. It is simple, everybody will understand it, there will be no complications to be worked out and it will avoid the difficulties that we now have under the primary law, the expense, the delays and the lack of organization that are so much criticised at this time. I thank you.

Mr. CUMMINGS of Portland: Mr. Speaker, this bill is an illegitimate child left on the Republican doorsteps that it might be taken in and prove the apple of discord in that party. (Applause). In that respect it is a howling success. (Laughter). The gentleman from Brewer, Mr. Curtis, referred to the plank in the platform. He referred to our obligations, assuming that we must abide by that plank. I think that he was quite well answered by the gentleman from Lewiston, Mr. Holmes.

I just want to say that in view of the fact that this bill originated with the people, that it came here upon petition of 12,000, that I believe if I have to take my choice between repudiating that plank and repudiating the people of the State of Maine, when I am called upon to decide between those two, I will repudiate the plank every time. I came here, as I understand it, to represent to the best of my ability my constituents. It is



my honest belief that a very large percentage of them are in favor of the primary law and against these various makeshifts that are offered in place of it. The best thing we can do is to throw them into the waste basket and the sooner we do it, the better it will be for the party and for all of us. (Applause).

I want to make just one reference to bill 501 that Mr. Oakes told us about, and to call your attention to just one thing in that bill. In Section one it says "Any candidate for office not nominated at a political convention who shall, within five days thereafter, file his dissent with the Secretary of State, may file a petition for nomination at a primary election to be held according to the provisions of this Chapter". Now I want to call your attention to that particularly—"any candidate for office not nominated at a political convention who shall, within five days thereafter, file his dissent with the Secretary of State". Apparently he first has got to be an unsuccessful candidate in that convention, and then that he file within that short period his nomination papers which it would be difficult for him to get. Well, now gentlemen the prospect of the nomination of that man under those conditions would be splendid compared with that snowball that we have heard about.

Mr. GAGNE of Lewiston: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Lewiston, Mr. Gagne, calls for the previous question.

Mr. OAKES of Portland: Mr. Speaker, may I ask the gentleman if he will withdraw his motion for a moment that I may answer as to one error?

Thereupon the motion was withdrawn for the purpose stated.

Mr. OAKES: Just to correct one error. In No. 501, Mr. Speaker, it is true that the man shall be an unsuccessful candidate at a convention, but he does not have to secure his nomination papers within the five days. Within the five days he files an informal notice of his decision with the Secretary of State, merely writing a letter or something of that sort. Then subsequently, prior to the first of June, he procures the nomination papers.

The SPEAKER: As many as are

in favor of the call for the previous question, as moved by the gentleman from Lewiston, Mr. Gagne—

Mr. CURTIS of Brewer: Mr. Speaker, I would ask the gentleman to withdraw his motion that I may offer a word of explanation.

The SPEAKER: Will the gentleman (Mr. Gagne) withdraw his motion for that purpose?

Mr. GAGNE: Yes, Mr. Speaker.

Mr. CURTIS: Just one word of defense of myself and the Republican party. I did not know, and I do not know now, who actually drew this bill. Everybody, I guess, back to George Washington, has been accused of writing it; but I honestly say to you that I do not know the name of the person who penned the bill. It is immaterial to me, and I think it is immaterial to the party, who actually operated the typewriter by which the bill was drafted. The whole question is whether we will keep our party pledge.

The SPEAKER: As many as are in favor of the previous question will rise.

A sufficient number having arisen the previous question was ordered.

The SPEAKER: The question is on the motion of the gentleman from Brewer, Mr. Curtis that the bill be substituted for the reports. As many as are in favor of substituting the bill for the reports will rise and stand in their places until counted, and the montors will return the count.

A division being had,

Eighteen voting in the affirmative and 102 in the negative, the motion to substitute the bill for the reports failed of passage.

Mr. STURGIS of Auburn: Mr. Speaker, I move the acceptance of Report A.

The SPEAKER: The gentleman from Auburn, Mr. Sturgis, moves the acceptance of Report A, which is ought not to pass. As many as are in favor of the acceptance of Report A, ought not to pass, will say aye; those opposed no.

A viva voce vote being had,

Report A, ought not to pass was accepted.

Mr. OAKES of Portland: Mr. Speaker, I move the yeas and nays on this question.

The SPEAKER: Does the gentle-

man wish to doubt the vote just announced?

Mr. OAKES: Yes, Mr. Speaker.

The SPEAKER: Mr. Oakes has doubted the vote. Does the gentleman now wish to withdraw that?

Mr. OAKES: I do, Mr. Speaker.

The SPEAKER: The gentleman from Portland, Mr. Oakes, withdraws his objection to the viva voce vote.

Mr. MAHER of Augusta: Mr. Speaker, I make the point of order that the gentleman (Mr. Oakes) cannot ask for the yeas and nays at this time.

The SPEAKER: The point is well taken, and the Chair asked the question if the gentleman from Portland, Mr. Oakes, cared to doubt the vote. The Chair sees no way that the question can be settled further, even by doubting the vote, even as much as the division of the House has been taken. The Chair is of the opinion that the gentleman can call for a reconsideration of the vote whereby we accepted the report, ought not to pass, and that the yeas and nays may be ordered upon that question.

Mr. OAKES: Mr. Speaker, was there a division of the House?

The SPEAKER: A division of the House was had and recorded. Is the gentleman alluding to the acceptance of the report?

Mr. OAKES: Yes, the acceptance of the report.

The SPEAKER: That was a voice vote.

Mr. OAKES: I now doubt the voice vote and ask for the yeas and nays.

The SPEAKER: The gentleman from Portland, Mr. Oakes, now doubts the voice vote as announced by the Chair on the acceptance of the report, ought not to pass, being Report A. As many as are in favor of the yeas and nays being called, may stand in their places until counted. This requires one-fifth of the membership of the House.

Thereupon, a sufficient number not having arisen, the yeas and nays were not ordered.

Mr. STITHAM of Pittsfield: Mr. Speaker, I move that we recess until 2 o'clock.

The SPEAKER: The Chair hopes that the motion will not prevail until the matter of the vote is settled. The gentleman from Portland, Mr. Oakes, has doubted the vote. Does the gentleman now wish to withdraw that?

Mr. OAKES: I do, Mr. Speaker.

The SPEAKER: The gentleman

from Portland, Mr. Oakes, withdraws his objection to the viva voce vote.

On motion by Mr. Stitham of Pittsfield.

The House then recessed until two P. M.

#### AFTER RECESS

Mr. MARTIN of Augusta: I rise to a point of personal privilege.

Thereupon, the gentleman from Augusta, Mr. Martin, was unanimously accorded the privilege of the floor.

Mr. MARTIN: Mr. Speaker and members of the House: We have seen in this session winter gradually merge into spring, and so in our hearts the appreciation of the efficiency and ability of one of our officials has merged with love and affection for that same official. As a new member here I have sat in silent admiration of the ability of this official, and I know that my own experience must be somewhat similar to the experience of other individual members. I have asked him repeatedly various questions outside of this room, and always with unflinching courtesy he has answered me when the questions to him must have sometimes seemed very childish. Efficiency in any official is a good thing, but efficiency alone is not enough, and in this official there is blended efficiency with that human quality, which we term good fellowship; and we all would say with one voice, I know, I know, and I voice the Speaker of the House in this, that this official is a real man and a real fellow. And today, in behalf of this House, we give you, Clyde, this charm as a slight token of our love and affection; and may I say to you that I hope that in receiving it you have in some small degree the same pleasure that we have in giving it, and also that, as the years roll on, when you have remembrances of us because of this token, they will be as pleasant of us as the remembrances of you will be to each and every one of us. (Prolonged applause, the House rising and cheering.)

Mr. CHAFFIN: Mr. Speaker and lady and gentlemen of the House: You have taken me a great deal by surprise. I thought perhaps the other day that you might present me with a bouquet of roses. I saw four bouquets down here in front and I thought I was going to get some roses with the rest. I did not look for any such beautiful present as this one. If you want me to continue the rest of the session, you will

have to be rougher with me because I work better when I am mad. (Laughter and applause.)

The first session I was here I thought that that House was probably the best the State ever saw, or ever would see. It perhaps was the best the State had ever seen. The next session I thought that House was even better than the first one I had worked for; but now I think this House is better than either of the others. By virtue of the same rule, I suppose the next session will be better still. (Laughter.) In view of the fact that this House is one hundred per cent. perfect, the next one can do no better than tie it. (Applause.)

If I have appeared kind to you at all in the past, it is really no credit to me. I could not have been anything else to such splendid men as you. This session has been very, very enjoyable. You have behaved wonderfully well, and, working with your Speaker, I wish that the session might last on and on forever. I am very grateful to you. I hope that some day you will all be in Congress and I will be your clerk there. (Applause.)

Mr. BAKER of Steuben: Mr. Speaker, may I have the privilege of the floor for just a moment?

Thereupon Mr. Baker of Steuben was accorded the privilege of the floor.

Mr. BAKER: Just a word, Mr. Speaker and fellow members. By the kindness of the gentleman from Greenville, Mr. Crafts, we were able to purchase a watch and still have something left in our hands. With your permission, the balance of about thirty dollars I would propose be turned over to a certain schooling fund. I would like to know your will in regard to the matter.

Voices in the House, "Sure."

Mr. BAKER continuing: Also there will be a little balance left from the flower fund, which I propose to use to pay for the flowers which were presented to four very estimable ladies here last week. Does that meet with your approval?

The SPEAKER: Gentlemen, you have heard the sentiment as expressed by the gentleman from Steuben, Mr. Baker, and is it the pleasure of the House that these ideas be carried out as thus expressed, he representing the committee? As many as are in favor will stand.

The suggestions of Mr. Baker of Steuben were thereupon adopted by a unanimous rising vote.

The SPEAKER: The first matter will be Senate papers, out of order.

Papers from the Senate disposed of in concurrence.

From the Senate: Resolve appropriating money to increase the salmon on the Maine coast.

This was finally passed in the House March 29 and passed to be engrossed March 27.

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 resolve was finally passed, and also its action whereby it was passed to be engrossed.

The SPEAKER: The question now is on the adoption of Senate Amendment A, which the clerk will read.

Mr. BAKER of Steuben: Mr. Speaker, I will simply say that this is leaving that fund in the hands of the Inland Fish and Game Commission instead of the Director of Sea and Shore Fisheries, and I move that we concur with the Senate in the adoption of the amendment.

Thereupon Senate Amendment A was read and adopted in concurrence, and the resolve as thus amended was passed to be engrossed in concurrence.

From the Senate: Report of the committee of conference on the disagreeing action of the two branches of the Legislature on bill, an act to amend Section 15 of Chapter 55 of the Revised Statutes, relating to Public Utilities, reporting that the Senate recede and concur with the House in the indefinite postponement of the bill.

(Signed)

Messrs. ROUNDS of Portland,  
SMALL of Standish,  
CLARK of Stonington,  
—committee on part of House  
HINCKLEY of Cumberland,  
HUSSEY of Aroostook,  
—committee on part of Senate

In the Senate, read and accepted and sent up for concurrence.

In the House, report read and accepted in concurrence.

The SPEAKER: The next matter

to be considered by the House under orders of the day are those matters tabled and unassigned which automatically come from the table each day. The first matter to be acted upon is House Document No. 240, An Act to define and fix the order of preference in which State aid highway construction funds shall be apportioned, tabled by the gentleman from Parsonsfield, Mr. Granville, April 2, pending passage to be enacted. The Chair recognizes the gentleman from Parsonsfield, Mr. Granville.

Mr. GRANVILLE of Parsonsfield: Mr. Speaker and gentlemen: I would perhaps like to explain the Ways and Bridges committee's action upon this matter.

The SPEAKER: House Document 240.

Mr. GRANVILLE: This House Document 240 does not in any way alter your present State-aid law, but the moneys provided by the State and the towns to be expended under the State-aid law I will say come in three distinct channels. The old original State-aid law, the five-times clause, and what we call the three-town act. In 1921 and 1922 there was not money enough to satisfy the provisions of these laws, the deficiency in 1922 being \$252,000. The State Highway Commission being faced with this deficiency on April 15, 1922, were perplexed how to divide the \$500,000 which was available for this purpose. After considerable consideration of this matter, it was taken to the Attorney General. The Attorney General rules that the three-town act, being the last one passed by the Legislature, should take precedence, and the towns applying under the provisions of this Act absorbed \$245,000 of the \$500,000, the five-times Act coming next and the original State-aid law last. Now by the other two absorbing so much of it, the old original State-aid law was apportioned so that they only received 62.8 per cent. of the amount which the law provided that they should receive. Upon the assembling of the Legislature and the convening of your committee on Ways and Bridges this matter was brought very forcibly to their attention by complaints from some three hundred and fifty towns of the State of Maine, applying under the old, original State-aid law, that they had only received 62.8 per cent. of their money. Some were of the

opinion that the three-town Act should be repealed because it was already absorbing so much of the money and depriving a greater number of towns of their just proportion under the old State-aid law. The committee and myself consider the three-town Act, the best Act that there is on the books for the building of roads, and were reluctant to do that; but considering the fact that there were some thirty-nine towns applying under the three-town Act and over three hundred under the original State-aid law, we had drawn up and presented to this Legislature House Document 240, which merely says this, that the towns applying under the old, original State-aid law shall have first precedence in the matter, the five-times clause second, and the three-town Act last.

From the estimates that we get from the Highway Department, basing their estimate upon the report already sent in, and judging from the past as to the number of towns which have regularly applied since the State-aid law has been on the books, I will read you what they anticipate will be the demand and the amount of money necessary to satisfy your State-aid law.

The Three-town Act, applications received	\$118,880.80
Applications under Chapter 16 of the Public Laws of 1919, known as the second application	120,932.25
Additional applications, estimated,	134,280.00
Additional applications, estimated under the re-application—what we call coming in the second time	78,372.46

Making the total amount which in their best judgment will be called for under the Three-town Act	\$452,465.51
Under the second channel, spoken of, the five-times clause, applications received	\$98,696.69
The estimates that they have on that	50,000.00

Making	\$148,696.69
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regular State-aid, that is the old State-aid law. Those accounts are turned in after town meeting by the town clerk or selectmen and they base their judgment on the towns that regularly have applied for the last ten or fifteen years, \$390,000, making a total to satisfy the provisions of your State-aid law of \$991,162.19.

Now, gentlemen, we have available to meet this \$500,000. Of course it is very plain to see when we have additional calls over and above the \$500,000 someone is not going to be satisfied.

Now your committee on Ways and Bridges, under the pressure of the demand which seems to come from more towns acting under the old State-aid, had introduced and reported ought to pass the law which is under discussion today, House Document 240, which says that the old, original State-aid law should come first, the five-times clause second, and the three-town Act last. Now the reason I tabled this yesterday was not because I did not think our committee acted as it should act under the evidence presented before it, but from the knowledge that I have gained from a number of the members of this House, and of the Senate as well, that there has been a great increase in the number of applicants under the three-town Act; and the question arose as to the advisability or the wisdom of whether we should cut out entirely those applying under the three-town Act and the five-times clause, and satisfy in full those applying under the old original State-aid law. Your committee is without bias on this proposition. We did what seemed to be proper, and they believed, as I believe that the three-town Act is the best law on the Statute books.

I merely make this statement as explaining the committee's position, the reason why they did it, and what you must expect unless additional funds are provided under State-aid law. The deficiency in 1922 was \$252,000, and from the estimates of the Department, it will be \$491,000 this year. I merely make this statement as inviting discussion upon the matter, and I now yield the floor to the gentleman from Fort Fairfield, Mr. Houghton.

Mr. HOUGHTON of Fort Fairfield: Mr. Speaker and members of the House: I happened to be in one of those three towns working under what is known as the three-town act. I can see the argument that the gentleman from Parsonsfield, Mr. Granville, puts up, and I think it is fair and just; and all I wish to do is to offer an amendment to this bill, simply allowing the towns that have already raised their money to apply

to the three-town act to be allowed to get the regular State-aid.

Thereupon the House voted to reconsider its action whereby this bill was passed to be engrossed.

The SPEAKER: The question is now on the adoption of House Amendment A to House Document 240, the vote having been reconsidered whereby this bill was passed to be engrossed, and the Clerk will read the amendment.

#### House Amendment A to House Document 240

House Document No. 240 is hereby amended by adding after the word "towns" at the end of Section one, the following: "Provided that in case there are not sufficient funds available from the State to meet the apportionments from the several towns appropriating money under the provisions of Chapter 154 of the Public Laws of 1917, as amended by Chapter 157 of the Public Laws of 1919, to the extent of at least one year's state-aid, the municipal officers of any or all of said towns may set aside from the amount appropriated under the provisions of Chapter 154 of the Public Laws of 1917, or under Chapter 157 of the Public Laws of 1919, the amount which said towns would be entitled to appropriate under the provisions of Section 18 of Chapter 25 of the Revised Statutes and to offer them State-aid as though the towns had made said appropriation at the annual town meeting. The State Highway Commission shall apportion to such towns State-aid according to the provisions of Section 20 of Chapter 25 of the Revised Statutes. Joint funds created under this provision shall be expended upon a State-aid road mutually agreed upon by the municipal officers of the town and the State Highway Commission."

The SPEAKER: The question is on the adoption of House Amendment A.

Mr. McILHERON of Lewiston: Mr. Speaker, I would like to inquire, through the Chair, if that would not also apply to cities?

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

Mr. GRANVILLE: Mr. Speaker, the idea was that it would be impartial in its application. Any city that voted for it would receive State-

aid under this. The word "towns" in the highway law means cities, towns and plantations.

The question being on the adoption of House Amendment A, House Amendment A was adopted, and the bill as thus amended was passed to be engrossed.

Mr. ROUNDS of Portland: Mr. Speaker, where is the money coming from for this?

The SPEAKER: The matter is not before the House, but the gentleman from Portland (Mr. Rounds) may raise the point of personal privilege.

On motion by Mr. Rounds of Portland, the House voted to reconsider its action whereby this bill was passed to be engrossed.

The SPEAKER: The gentleman from Parsonsfield, Mr. Granville, may answer the question of the gentleman from Portland, Mr. Rounds, if he wishes.

Mr. GRANVILLE: Mr. Speaker, I do not know as I understand the question.

The SPEAKER: The gentleman from Portland, Mr. Rounds, will again state the question.

Mr. ROUNDS: I would like to ask where this money is coming from to pay for this, under this amendment?

The SPEAKER: The gentleman from Parsonsfield, Mr. Granville, hears the question, and may answer if he chooses.

Mr. GRANVILLE: Mr. Speaker, in answer to the gentleman from Portland, I would say that this amendment does not call for any additional amount. The present State Highway Department has the funds by direct taxation of \$500,000, and this amendment is intended to permit the old State-aid law to have precedence; but in case there is not money enough provided by this Legislature, so that those applying can receive their funds, it will be considered as under the old State-aid law, and they will receive their allotment as apportioned by law. There is an act providing \$500,000 additional from the Contingent Fund. If that passes everybody is going to be satisfied; if not, nobody will be satisfied.

Mr. ROUNDS: Mr. Speaker, we have got a book account of a number of hundred thousand dollars in the Contingent Fund but no money. Now your Contingent Fund is about all gone and it seems to me it is

time we knew where it is. I do not think we have got any money, I have been told that our Contingent Fund is pretty nearly worked out of the money part, but the books are all right. Now it looks to me as though we had better find out if we have got any money.

Mr. HOUGHTON of Fort Fairfield: Mr. Speaker, I do not think the gentleman from Portland (Mr. Rounds) understands the situation. The towns that are working under the three-town act cannot receive any other State-aid, and if House bill 240 goes through, the three-town fellows are shut out entirely. It simply allows the three-town people to receive the regular State-aid with the other towns.

The SPEAKER: Does the gentleman, (Mr. Rounds) understand that it merely permits the towns which have already received the money to receive State-aid—

Mr. ROUNDS: If there is any money there.

On motion by Mr. Rounds of Portland, the bill was passed to be engrossed.

The SPEAKER: The next matter is Senate Document No. 294, Resolve amending the Constitution for the purpose of building Kennebec bridge, tabled by the gentleman from Parsonsfield, Mr. Granville, the pending question being the final passage of the Resolve; and the Chair recognizes the gentleman from Parsonsfield, Mr. Granville.

Mr. GRANVILLE: Mr. Speaker and gentlemen of the House: I move the indefinite postponement of Senate Document 294, and will say in support of my motion that the bridge question as presented to the State of Maine today is a vast and indefinite one. We have no data in any of our departments that can tell within two or three hundred of the number of bridges we have in the State, their length or their condition. We have recently, "ought to pass" from the Ways and Bridges committee a Resolve instructing and directing the Highway Department to investigate and report and have compiled statistics upon the bridges in the State of Maine to be available for the next succeeding Legislature, the 82nd Legislature. The road program is well defined and in a measure we have passed the peak and are in sight of its completion. This program has cost us millions and will

cost us further millions if we push it to completion. Its maintenance is going to cost us millions each year, but the sums of money which we have and will put into roads is going to be insignificant when compared with the amount it will take to reconstruct our bridges if we follow the policy suggested by this Resolve; because we know that we have twenty-three bridges more than six hundred feet long, and we have 120 more than 500 feet in length. It is no more than fair to say that if we build the Kennebec bridge out of bond money, the Eastport bridge should be built out of bond money, the Howland and Enfield bridge should be built out of bond money and other bridges the same. If we start on a program like that without definite cash and without any plans discussed and passed on by the Legislature, the end is in millions—I am going to say fifty millions at least. That is one of my objections to passing a resolve granting bond money. Now you will probably say that the Portsmouth bridge was built out of bond money, as it was; but the only reason that it ever got by the 79th Legislature, of which I was a member, was the fact that we were in the after-wash of a war where intense patriotism was excited, and the project was put up to this Legislature as a Memorial bridge, and that project only called for one-sixth part of what this did. We appropriated \$500,000 for this matter, New Hampshire voted \$500,000 and the United States government a like amount, making a million and a half dollars for the construction of this bridge. Competent engineers handled the matter, we had a careful survey, but when it came out in the wash that bridge landed one hundred and fifty feet from land on the Maine side, and it cost \$150,000 more to get it ashore.

Further, I am going to maintain that under this bill you cannot build a bridge for it provides that no bonds shall be issued until such time as somebody shall satisfy somebody else that such a bridge can be built for three million dollars. The somebody who is going to satisfy somebody else is presumably the Highway Commission and two gentlemen appointed, one from Sagadahoc, and one from Lincoln and Waldo counties.

I fail to see any provision in that bill to show that it can be built for three million dollars, and I under-

stand upon good authority from investigations conducted so far, that they have not found the bottom of the river yet. They are going to locate this bridge quite definitely within fifteen hundred feet of one bank, but no one knows whether that bridge will cost three million or ten million. By surveys made at the present time they have failed to prove the feasibility or that it can be built for any sum.

There was an Amendment proposed to this bill, which I understand the proponents of the measure object to, and I think, if I am right in my parliamentary procedure on this matter, that it lies on the table; but it is the only Amendment under which you can build a bridge at Bath and it provides that it shall be located by the Governor and Council. Now that means that the Governor and Council have got to conduct surveys there. They have got to test that river bottom up and down within the boundaries of those divisions and see if a bridge can be built there. It will be September of this year at the earliest date that this can go to a referendum of the people, too late for surveys in 1923. It will consume the summer of 1924 determining where this bridge can be located by a large staff of high paid engineers. If we are going to put three million dollars into a bridge, it will consume next winter in office work, drawing plans and specifications, quantitative and qualitative—something definite upon which a contractor can say whether he will build it for three million dollars. Now then, gentlemen, as you all know those engineers are not men who use their instruments and pencils without its costing a considerable sum of money, and no money is provided. Providing it all turns out well and if the bridge can be built for three million dollars, provided also that the State has put in two or three hundred dollars in investigation, it will take 1925 and 1926 to build your bridge.

Now to re-state my position, the committee, I think every one of them, proponents and opponents of this particular measure are anxious that the people of Bath and Woolwich and the communities which such a bridge would serve should have a bridge, but they do not consider this bridge practical or possible, and they believe that the only way within a reason-

able length of time, and at a reasonable expense, would be for either a private corporation, or someone directly authorized, to spend some money and go down there and survey and determine the location of this bridge, and report at some future Legislature.

Now, Mr. Speaker, I withdraw my motion to indefinitely postpone, and move that it go upon its final passage.

The SPEAKER: The gentleman (Mr. Granville) now makes the motion that the Resolve be finally passed?

Mr. GRANVILLE: Yes, Mr. Speaker.

Mr. MORSE of Bath: Mr. Speaker, I rose a few minutes ago simply to ask the gentleman a question. The idea I had in mind was that this was the amount of money to be appropriated to build this bridge. Further down on your bills tabled is Senate 302 which shows how the money shall be expended; and it simply occurred to me that it might be well to table this Resolve temporarily until we took up the matter of the amount to be expended, and then in case this did go through, we would know that it would be expended all right.

The SPEAKER: Does the gentleman from Bath, Mr. Morse, move that the matter lie upon the table temporarily?

Mr. MORSE: Yes, Mr. Speaker.

The motion to table Resolve temporarily prevailed.

On motion by Mr. Morse of Bath, it was voted to take up out of order House Document 302, being House Amendment A to bill, An Act to provide for building a bridge across the Kennebec river, tabled by the gentleman from Augusta, Mr. Maher, April 2, pending the adoption of the Amendment.

Mr. MAHER: Mr. Speaker, if the Chair will permit, I would prefer to have that re-tabled for a few moments until I get some data which I expect to have shortly.

The motion to re-table prevailed.

The SPEAKER: The next matter is Senate Document 58, Resolve proposing an Amendment to the Constitution prohibiting the use of public funds for sectarian schools, tabled by the gentleman from Lewiston, Mr. Holmes, April 2, pending final passage.

Mr. HOLMES of Lewiston: Mr. Speaker, I yield to the gentleman from Parsonsfield, Mr. Granville.

Mr. GRANVILLE: Mr. Speaker and gentlemen: This matter has been thoroughly discussed before this Legislature, not only this bill, but a bill of a similar nature, but of wider scope known as the Barwise bill. That bill I supported because, as I stated here the other day I thought it did contain a principle—a public supervision of public expenditure of money. The bill which we considered then was not as good as the original draft, as testified to in the Judiciary committee, but this Barwise bill did not receive support enough to enable its passage here. I presume it was understood that this bill should not make its appearance until the other one had been finally decided upon. This drops out everything except schools. When you abandon your principle of public supervision of public expenditures of funds, I shall abandon my yea vote and vote nay, because if this bill is carried out in its intent and as I understand it, it affects almost every country town and hamlet in the State of Maine. It certainly affects three of the four towns which I represent here. They say that you can amend your by-laws and dodge the law, but what is the use of dignifying an idea like this to the extent of injecting it into a constitutional Amendment, something that will mean the tinkering of the by-laws of the different academies and schools of this State. I do not think there is any call for this measure. I think we can trust future Legislatures to expend the public funds in school matters as well in the future as in the past, and I am sure that I do not consider that we expend any funds which does more good than what we appropriate for our schools and academies, no matter of what denomination or sect. Gentlemen, I hope that this Resolve will not receive passage.

The SPEAKER: The question is on the final passage of Resolve Senate Document No. 58—

Mr. GARDINER of Gardiner: Mr. Speaker, did the gentleman who just spoke, make a motion?

The SPEAKER: The gentleman from Parsonsfield, Mr. Granville, made no motion.

The SPEAKER: The pending question is on the final passage of the Re-



solve, it being automatically before the House.

Mr. GARDINER: Mr. Speaker, I move indefinite postponement which will accomplish the same result as desired by the gentleman from Parsonsfield, Mr. Granville, and I hope that motion will prevail.

I think perhaps the merits of the questions raised in this bill have been sufficiently discussed under the previous bill which was not accepted by this House; and I merely would like to indicate one additional objection in the bill now under discussion and that is, that whereas the previous bill provided for a gradual reduction in the support of certain institutions this Senate Document 58 requires that all assistance from the State shall cease at once. Under the prior bill which we failed to accept, provision was made for gradual reduction in the amount of support, and this bill would cut those institutions off without giving them any time to readjust themselves to the change.

Mr. PERKINS of Orono: Mr. Speaker and fellow members: I am thoroughly in accord with the gentleman from Gardiner, Mr. Gardiner, and I sincerely hope that the motion to indefinitely postpone will prevail.

Mr. BARWISE of Bangor: Mr. Speaker, this is known as the Brewster amendment, passed by a very large majority of this House, only lacking seven of being two-thirds, passed by a majority in the Senate. Are we going to be silly enough now to reverse ourselves and go on record as indefinitely postponing this matter? It seems to me that we should vote on the question, record ourselves, and if the sentiment of the House has not changed from the other morning the matter will be killed; but let us fairly and squarely face the issue and vote upon it as we really believe and not try to dodge it under any indefinite postponement. I am not going to discuss the merits of this question. That it is not as good a bill as mine I freely admit, (Laughter) still it is a very good bill at that, and it is one which fairly and squarely meets the educational issue, free from the hospital end of the case, free from the orphans home end of the case, free from any other sectarian institution that was so obnoxious to some of these gentlemen when we were discussing it before.

If there is one thing above another that is amusing, and if I had time it would be interesting to analyze somewhat the psychology that is prevailing in certain minds of some of the opponents of this bill. Nobody supported the original Barwise bill. It did not have a single friend until after it was killed, and then after it became resurrected on Easter morn it had a great many friends. They are all talking now so pleasantly about the original Barwise bill. Then the committee cut that down in deference to the wishes of the House so that it was a plain square, sectarian issue. The majority came to me and said that they could support it if it were a plain sectarian issue, so we gave them an opportunity to do so; and they came within three votes of passing it by a two-thirds majority, as you know, but so many came to me and said "I could have voted for that if it had not contained that hospital matter. That was what bothered me." Now comes the matter along that does not contain the hospital question. Now how sincere are you on this question? How sincere are you? I hope that the motion will not prevail, and that we will be able to find out whether we are men or whether we are puppets in this Legislature.

Mr. PERKINS of Orono: Mr. Speaker, as one of the members of this House who takes pride in believing that he is a man, I sincerely hope that the vote of this House will be taken by a yea and nay vote; and I want to say right here at this time that I do not believe that we are ready to stir up any further controversy in regard to these two resolves; and I move the previous question.

The SPEAKER: The gentleman from Orono, Mr. Perkins, calls for the previous question. As many as are in favor of the previous question will stand.

A sufficient number having arisen, the previous question was ordered.

The SPEAKER: The question is on the motion of the gentleman from Gardiner (Mr. Gardiner) that the 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 taken, the Chair declared that the motion to indefinitely postpone the resolve had prevailed.

Mr. ROUNDS of Portland: Mr. Speaker, I would like to have that vote reconsidered, so that we may have the yeas and nays.

The SPEAKER: The gentleman from Portland, Mr. Rounds, doubts the decision of the Chair on the voice vote, and asks for the yeas and nays. As many as are in favor of the yeas and nays will stand.

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

The SPEAKER: The question is on the motion of the gentleman from Gardiner, Mr. Gardiner, that the resolve be indefinitely postponed. As many as wish to indefinitely postpone the resolve will answer yes when their names are called. As many as are opposed to the indefinite postponement of the resolve 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—Archibald, Atwood, Baker, Bartlett of Hanover, Bartlett of Waterville, Belliveau, Benoit, Bickford, Bradbury, Burns, Cates, Conant, Crowley, Dilling, Downing, Drake, Dudley, Dunbar, Edwards, Fickett, Finnell, Gagne, Gagnon, Gardiner, Gauvin, Gile, Gillespie, Gilmour, Goldthwaite, Granville, Hale, Hallett, Hamilton, Hammond, Hayes of Gorham, Heal, Hobbs, Holmes, Houghton, Johnson, Keef, Keene, Ludgate, Macomber, Maher, Martin, McDonald, McIlheron, Melcher, Morrison, Nadeau, Newcomb, O'Connell, Overlock, Owens, Perkins, Pinkham, Piper, Ramsdell, Ray, Rowell, Saunders, Story, Thomas of Chesterville, Towne, Weeks—66

NAY—Adams of Liberty, Adams of Litchfield, Barwise, Beckett, Bisbee, Blaisdell, Boman, Boulter, Brett, Brewster, Brown, Chalmers, Cherry, Clarke, Crafts, Cummings, Curtis, Dain, Douglas, Dunn, Farley, Foss, Gamage, Gordon, Greenleaf, Hayford, Hodgkins, Hutchinson, Jewett, Jordan of Cape Elizabeth, Jordan of Westbrook, Kitchen, Knight, Lamson, Leland, Littlefield, Lord of South Portland, Lord of Wells, Moody, Morse, of Bath, Nevins, Nichols, Nickerson, Oakes, Palmer, Pendleton, Perry, Phillips, Pierce, Plummer, Ranney, Reed, Rogers, Rounds, Sanders, Siddall, Small, Smith, Sparrow, Stevens, Stitham, Storm, Stratton, Sturgis, Tarr, Tilden,

White, Whitney, Williams, Wills Wing, Winn, Winslow, Wood.—74

ABSENT—Ayer, Hayes of Chelsea, Jacobs, Jones, Leathers, Morse of Greene, Sayward, Staples, Teague, Thomas of Leeds—10

The SPEAKER: Sixty-six having voted in the affirmative, and 74 in the negative, the motion to indefinitely postpone fails of passage. The question now is upon the final passage of a Constitutional amendment which requires a two-thirds vote of those present and voting. No member is excused from voting unless accorded that privilege by the House. As many as are in favor of this resolve being finally passed will rise and stand in their places until counted, and the monitors will return the count.

A division being had.

Seventy-seven voting for the final passage of the resolve and 60 against it, the two-thirds vote did not obtain, and the resolve failed of final passage.

The SPEAKER: The next matter is Senate Document 305, An Act relating to protection of fur-bearing animals, tabled by the gentleman from Greenville, Mr. Crafts, pending passage to be enacted.

On motion by Mr. Crafts of Greenville, the bill was recommitted to the committee on Inland Fisheries and Game for the purpose of correction.

The SPEAKER: The next matter is Senate Document No. 312, An Act to provide for the supervision over public highways by automobiles, jitney busses, etc. by Public Utilities Commission, tabled by the gentleman from Caribou, Mr. Hamilton, April 2, pending passage to be enacted.

On motion by Mr. Hamilton of Caribou, the bill was re-tabled.

The SPEAKER: The next matter is Senate Document No. 188, An Act permitting sterilizing operations in certain cases of mental disease, tabled by the gentleman from Augusta, Mr. Maher, April 2, pending passage to be enacted, and the Chair recognizes the gentleman from Augusta, Mr. Maher.

Mr. MAHER of Augusta: Mr. Speaker, it is not my purpose to make any talk with reference to this bill, and I will assume that the members have all read the bill. If the mem-

ers are prepared to take this step in advance in legislation of this type, far be it from me to say a word against it. I believe that legislation of this sort is too extreme and that it will not accomplish what its promoters intend. I also believe that it opens the door for what may later be very grave abuse. I think it is a matter of serious moment.

Mr. PIERCE of Sanford: Mr. Speaker, I want to say first that this was a unanimous report of the committee on this matter after very careful study of the subject. It is believed that this is a very fair Act that makes it possible to protect the individual and the State from a large number of feeble-minded children. This bill is not compulsory. It is well known, and absolutely proven by those who have made a study of such conditions that eighty per cent. of the feeble-minded have sub-normal fathers or mothers. It also is known that the sub-normal woman by reason of lack of control is over four times as prolific as a normal person. In an analysis made of 180 cases of feeble-mindedness admitted to the Maine School for Feeble Minded, we find that 59 had feeble-minded fathers; 109 feeble-minded mothers, ten had feeble-minded grandfathers, 14 had feeble-minded grandmothers, 16 had feeble-minded maternal grandfathers, 17 had feeble-minded maternal grandmothers, with a scattering of 18 paternal relatives and 48 maternal relatives. Of the 180 who were studied, 131 had feeble-minded brothers and sisters. Totalling this, we find that there are 422 immediate relatives who were feeble-minded. There is also the celebrated Duke family of New York state where they traced back 75 years the offspring of one man and find that there are 1800 descendants in prisons, almshouses and insane hospitals and homes for feeble-minded. A case nearer home in Maine which has been traced back for four generations shows that 15 have been public charges for the most of their lives, and of those 15, two are deaf and dumb, eight are feeble-minded, one in a criminal insane hospital, and two minors are public charges. Here is what comes home to us. The cost of the care of this family for the years 1912 to 1923, has been \$16,965.-08. Estimating the averaging length of life and knowing that this family will have to be cared for as long as they live, we find the cost to the State of the Maine will be \$92,927.20.

The only two methods by which the breeding of such families can be prevented is by segregation in an institution, or by some surgical process, such as this bill recommends to make it impossible for them to have offspring.

Seventeen states now have this law, some compulsory. In Indiana, where this is compulsory, over 1200 operations have been performed without a single bad result. We also learn that 99 per cent. of the feeble-minded children are from feeble-minded parents. There is a case here in Maine of a woman 21 years old who has already had five children, all feeble-minded. If sterilized, she would be normal and could be married and run a home and not be a State charge. It is also common knowledge that sterilization for physical disease of the organs and for betterment of life and health is done every day in every general hospital in the land.

Doctor Baker of the school for Feeble Minded in New Hampshire says that it is an actual fact that if all the feeble-minded in the United States could be rendered sterile, without doubt in his mind there would be a great and immediate drop in the production of this type.

It is the law now in Indiana, Washington, California, Connecticut, Nevada, Iowa, New Jersey, New York, New Hampshire, Kansas, Nebraska, North Carolina, North Dakota, Oregon, South Dakota and Wisconsin.

I wish that some of the people could have been at the hearing and heard what the committee heard in regard to this matter. If something of the kind is not done, our institutions will be filled more than they are now and the cost to the State will be growing. I want to say that, as we have looked into this, it is a simple operation. It does not affect the home, it does not affect the married life of the people in any way, shape or manner, and it simply does away with the offspring of feeble-minded people. Also the operation is so simple that if at any time the parent shall become normal, the same operation will give them back all that they have lost. I feel that really this bill ought to go through, and I hope it will.

Mr. CUMMINGS of Portland: Mr. Speaker, possibly it may not be popular to defend this bill, but I am used to being on the unpopular side. I be-

lieve that this is a good bill, and I believe that it is a necessary one, and I hope it will pass. I do not need to weary this House with remarks. The gentleman who has just spoken has given you statistics and facts quite sufficient, and I see absolutely no reason for not passing this measure, and a great many reasons for doing it. Why should we continue to fill our institutions with feeble-minded? Why should we burden the State and why should we burden posterity in this manner when it does no one any good and everybody harm? Those interested as well as those who have children suffer the consequences and pay the bills.

Mr. REED of Harmony: Mr. Speaker, just to add to what the gentleman from Sanford, Mr. Pierce, has already said, there is no doubt in my mind at all that if this body of men could have heard what the doctors told us before that committee, they would have been thoroughly in favor of it. I do not believe any piece of legislation that passes this winter will be of greater benefit to the State of Maine or to humanity than this bill we are now discussing.

The SPEAKER: The question is on the passage to be enacted of Senate Document No. 188, An Act permitting sterilizing operations in certain cases of mental disease and feeble-mindedness. As many as are in favor of its final enactment will say aye; those opposed, no.

A viva voce vote being taken, the bill was passed to be enacted.

The SPEAKER: The next matter is Senate Document No. 130, an act relating to teachers' pensions, tabled April 2nd, by the gentleman from Augusta, Mr. Martin, pending passage to be enacted, and the Chair recognizes the gentleman from Augusta, Mr. Martin.

Mr. MARTIN: Mr. Speaker, I have no particular interest in this matter but it has been suggested that an amendment might be offered to this Senate Document 130, depending somewhat upon the result of the action on House Amendment A to bill, an act establishing a teachers' retirement system, Senate Document No. 268, and I therefore move that this matter lie on the table temporarily.

The motion prevailed.

The SPEAKER: The next matter

is House Document No. 472, an act relating to exchange of justices of superior courts, tabled by the gentleman from Augusta, Mr. Maher, April 2nd, pending passage to be enacted.

On motion by Mr. Maher of Augusta the bill was passed to be enacted.

The SPEAKER: The next matter is Senate Document No. 155, An act making it unlawful for a person to have intoxicating liquors in possession in a public place, tabled by the gentleman from Portland, Mr. Oakes, on April 2nd, pending passage to be enacted.

Mr. OAKES: Mr. Speaker, I move that the bill be indefinitely postponed, and in speaking to the motion I wish to read one paragraph, which is the essence of the bill: "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."

And another paragraph: "For the purposes of this act every place shall be deemed a public place except a dwelling house or that part of a hotel, boarding or lodging house used as a permanent residence."

One point in favor of this bill has been suggested and that is that one who has a permit authorized by the act of Congress may have intoxicating liquors in his possession which does not make it strictly impossible for anyone to have liquor in a public place. I think the same objection which applied to the law passed two years ago regarding alcoholic contents, applies, perhaps not strictly, but in general to this, and that is to say if we are to make the prohibition, the permit, if any, should be under our own law and not strictly follow the Federal law, and we have no provision in our law for such a purpose. Therefore, so far as our own state law is concerned, the situation stands that any man who has in his possession outside of his own home or lodging house any intoxicating liquors, is made a criminal.

I am, as I stated the other day, absolutely in favor of prohibition enactment and enforcement in every way, shape and manner, but I think this law is too radical and should not be on our books. I believe the law as has been suggested here could not practically be enforced to the

letter, and we should not pass a law that we do not intend to enforce.

Mr. CUMMINGS of Portland: Mr. Speaker and members of the House: This bill has been here for a number of weeks. It has been tabled by first one and then another, and finally it has reached its last stage. This bill I believe to be a good and proper measure. It will, at any rate, furnish a law that will apply to pocket peddlers. I do not know whether that is the objection to this bill or not, but a man in a public place, or in most any place, who is indulging in pocket peddling, would certainly come under this law. I do not suppose there is anyone in this House who wants to protect that sort of traffic and I can see no reasonable objection to this bill. I am not going to argue the question again. It has been argued here at length and doubtless your minds are all made up in regard to it, but I sincerely hope that you will pass the bill.

Mr. WINN of Lisbon: Mr. Speaker and gentlemen: I am going to be very brief. I said the other day that I thought this bill should be indefinitely postponed and after the vote had been taken I talked in the corridors with some of the members who said they wished they had voted the other way, and that is one reason why it is brought up again today. I hope that every representative of the 81st legislature will vote honestly and fearlessly in this matter, and I believe that if they do it will be to indefinitely postpone it, as I consider it a radical measure.

Mr. STURGIS of Auburn: Mr. Speaker, I am surprised that any member of this House should change their minds while going from this room to the corridor. It is beyond me to think of such a thing, and I move that we take a yea and nay vote.

(Cries of "no, no.")

A sufficient number not having arisen, the yeas and nays were not ordered.

The SPEAKER: The question is now on the motion of the gentleman from Portland, Mr. Oakes, that the bill be indefinitely postponed—

Mr. SPARROW of Pittston: Mr. Speaker and members of the House: If you vote to indefinitely postpone this bill you are aiding the pocket peddlers to do business. If you do not want to aid pocket peddlers, do not vote to indefinitely postpone it.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Oakes, that the bill be indefinitely postponed.

A division of the House being had. Seventy-nine voted in the affirmative and 48 in the negative, and the motion to indefinitely postpone prevailed.

The SPEAKER: The next matter is House Document No. 467, An Act relating to State Park Commission, tabled by the gentleman from Augusta, Mr. Martin, April 2nd, pending passage to be enacted. The Chair recognizes the gentleman from Augusta, Mr. Martin.

Mr. MARTIN: Mr. Speaker, this is a comparatively simple matter and I will be very brief upon it. This is a report coming from the Cole Committee which abolishes the State Park Commission. The State Park Commission consists of three men; the Superintendent of Buildings and two citizens appointed by the Governor. This commission has existed, I think, since 1911. Their chief duties and their real duties consist of looking after the park in front of the State House, the grounds across the road. There are a considerable number of acres—a large field—and in former years it has been an eyesore to the citizens of this state, but through the work of this commission a thing of beauty has been made there. Now we in this city oppose this measure very strongly, and not from any selfish reasons but because we do not think that it would benefit the state in any way. As to the members of the commission, Mr. Charles S. Brown, the Superintendent of Buildings, is one member and is a most efficient man. The other members are Mr. Lewis A. Burleigh—he is an uncle of mine and I in no way speak for him here. He is at present in Bermuda and I do not believe he knows anything about this matter. The third member of the commission is Mr. H. E. Bowditch of this city, a most public-spirited citizen. These commissioners are without any pay whatsoever and do not even get money for their postage used in the business of the commission. There is absolutely no payment. They simply do the work of this commission because they like to do it and they feel that it is their duty as public-spirited citizens.

We believe that this bill is a mis-

take for this reason, that in doing this work there has been a continuity of policy since 1911 and particularly during recent years they have not looked ahead just for one or two years but have mapped out a campaign based on the appropriations that they can get and what they can do with those appropriations, which is an established policy, and if you pass this bill today that policy of continuity will be gone. Governors come and governors go, and so do the superintendents of buildings, and what may appear good to one superintendent of buildings may appear evil to another superintendent of buildings. Now the House has previously passed, I believe, a resolve for \$4,000, as was passed two years ago, to be expended by this commission, and all expenditures are made subject to the approval of the Governor and Council. That has passed in the House, I believe, and has been held up in the Senate, and now there is a committee of conference appointed. Of course, if this is abolished entirely there would be no object in passing a resolve giving to the state a Park Commission for a park here in Augusta.

Now, if this meant money to the state I would not oppose it, but I feel that where you have members of a commission working without compensation, who are public-spirited citizens appointed by the Governor, if you can get that type of service, the state benefits by that service, and I believe you have a policy here which may be all right under the present superintendent of buildings but in the future may not result favorably. As I have said, it means nothing to us in Augusta as citizens of Augusta, but as citizens of the state it does mean something to us, and I trust that this bill will not pass to be enacted.

The SPEAKER: Does the Chair understand that the gentleman from Augusta, Mr. Martin, makes the motion to indefinitely postpone the bill?

Mr. MARTIN: Yes, Mr. Speaker, I move that this bill be indefinitely postponed.

Mr. ARCHIBALD of Houlton: Mr. Speaker, I have very little to say on this matter. It was advertised for hearing and nobody appeared in opposition, and we made the recommendation that the duties of the Superintendent of Buildings and Grounds be extended so that they

took in a good deal of the state's property here in the city of Augusta, whereas it had previously been restricted to the State House alone. We extended the scope of his duties and this bill was reported in, carrying along that same general idea that the Superintendent of Buildings and Grounds should have charge of that. That is all there is to it; just a small piece of land between here and the river, and we thought it was a logical, reasonable thing to do, and we reported it in favorably. There was not a single vote in opposition and this is the first time to my knowledge that there has been any real opposition to this measure.

Mr. MAHER of Augusta: Mr. Speaker and gentlemen: I had hoped that it would be unnecessary for me to say anything on this matter and I do not know that anything I can say will add to the discussion, but it seems to me that it is not such a trivial matter as has been suggested. This particular act is the outgrowth of an act of some twelve or fourteen years ago introduced by a representative of Augusta. With reference to the general development of that, I will touch upon that in a moment, but that there was any such bill as this pending before the Cole Committee, or before any other body, I confess ignorance of. I never knew a thing about it. The people of Augusta attended in quite considerable numbers the hearing before the Committee on Public Buildings and Grounds when the question of the usual appropriation for this state park came up. It was held—and the members of the committee will, I believe, bear me out—upon a day following a very inclement period when there were some members of the committee absent. I think there were more people in attendance than members of the committee and at our suggestion the matter was continued for one week, and at that hearing, the people of Augusta, who take a pride in this thing,—although it is not a local matter and belongs to the state, and whatever they are doing for this park they are not doing for Augusta but for the state, as it is a part of the appropriate setting for this State House, and a considerable contrast to what it was fifteen years ago—the people of Augusta attended that hearing and there were pending before that committee two measures. One was a resolve for the same amount as was appropriated two

years ago and another was a resolution for the magnificent sum of \$200.

Now, I do not know how far anybody thinks, in moments even of wildest economy, this can be taken care of for \$200, but I say that that is not economy; it is simply a waste of money, and the committee reported that the \$200 proposition should not be passed and that the same amount as was granted two years ago should be appropriated. Now there was considerable difficulty two years ago in getting that little resolve through. It met with opposition in several quarters at that time, and one of the members of the commission went to the Superintendent of Public Buildings, who is not a member of the commission, and he was asked to come in and state to the executive head what was supposed to be accomplished. He did so, and the resolve went on its way, but this year, after the committee had turned down the \$200 resolve and passed the \$2,000 resolve, and after it passed, came the report from the Cole Committee abolishing the park commission, and certainly if the park commission is to be abolished the appropriation should be done away with.

Now this resolve was indefinitely postponed in the Senate providing that \$2,000 should go to this commission to be used for the benefit of all the state and of visitors to the state on this park. Now, gentlemen, do you think it wise to turn down an unpaid commission composed of such men as Mr. Horace E. Bowditch, a retired business man who does not want or need a penny in any way, directly or indirectly in connection with the benefit to this state, and such men as the Honorable Lewis A. Burleigh, a former member of this House, a retired attorney, whose services you could not secure for the full amount of the resolve, if it were a question of payment. Those two men in conjunction with the Superintendent of Buildings have simply tried to see that the money of the state has been spent wisely, economically and productively from the standpoint of the beauty of this State House. Do you think it is sound economy to add to the duties of the Superintendent of Buildings and give to him the additional sum for his appropriation and then make way for an increase in salary by the next legislature in that particular direction? If you do that, you are embarking on what strikes me as a strange economic program.

The issue is that there has been functioning here a new commission, giving the finest of service in this state in order to help keep in proper condition this adjacent state property. Now, in Heaven's name, what wisdom is there in increasing the appropriation for the specific work and putting its distribution and its entire expenditure into the hands of an already somewhat overworked official? I hope that the motion of the gentleman from Augusta (Mr. Martin) will prevail.

The SPEAKER: The question is on the motion of the gentleman from Augusta, Mr. Martin, that the bill be indefinitely postponed.

The motion prevailed.

The SPEAKER: The next question before the House is on the Resolve in favor of State Department of Health, tabled by the gentleman from Portland, Mr. Rounds, April 2nd, pending passage to be enacted, and the Chair recognizes the gentleman from Portland, Mr. Rounds.

Mr. ROUNDS. Mr. Speaker and gentlemen of this House: This resolve calls for \$35,000 to be put into a garage down here in Augusta. The State Department of Health, some fortnight or so ago, had a fire in which they lost a lot of their apparatus, which was fully insured, and lost some of the buildings not insured. These are being repaired now at an expense of \$3,000 and the machinery to go with it is being put in with the insurance money, but this bill was brought in, I suppose, because of the fire, not referred to any committee, and pushed through in the eleventh hour of this Legislature. Now I want to read to you the State Auditor's Report of the 80th Legislature regarding that:

"Chapter 120 of the Resolves of 1919, provided for a building for the Adjutant General's Department and appropriated \$25,000 for such purpose: provided, however, 'that no expenditure be made or contracts therefor, until there has been first obtained from responsible parties a contract, the performance of which shall be secured by a satisfactory bond to complete the work for a sum not exceeding the amount specified in this resolve.' The contract for the building called for \$23,235.00, for the wiring \$800.00, for the heating \$3,044.00, and for extras \$2,888.55. Although the Legislature made an

attempt to fix the total to be paid out on this account, there was nevertheless transferred from the Contingent Fund the sum of \$5,026.75, to complete this building, all of which was expended except \$29.60. The Attorney General in 1918 ruled that a resolve can amend a public act. If so, this resolve certainly amended the law relative to the State Contingent Fund, having passed subsequently to that act. The plain terms of this resolve were disregarded by the Governor and Council, who, if they were unable to obtain this work for a sum not exceeding the appropriation, should have refused to let the contract and have reported their action to this Legislature."

Now, gentlemen, this building is a building that is fireproof, two stories high, standing on the State House lot, right near the State House, and it was completed in 1919 and it cost altogether, \$34,964.70 but, gentlemen, if anybody wants to put in a new building I will certainly vote for it. I do not want to go on record as favoring the repair of old buildings or buildings two or three years old that have no other purpose but to be turned over into office buildings, and I will say that if anybody will amend this bill so that it will include that they shall build a new building on the State House lot, under the Governor and Council, I will support it most heartily, but if not, I wish the indefinite postponement of this bill. I will now yield to the gentleman from Parsonsfield, Mr. Granville.

Mr. GRANVILLE: Mr. Speaker and members of the House, I was out of the room for a part of the time during which the previous speaker was talking so I did not hear all that he said. However, I went on that early morning trip to the building and was favorably impressed but I think it would be wise to lay this matter on the table until tomorrow so that we may formulate some plan as to what we can do, and I move that this matter lie on the table and be especially assigned for tomorrow morning.

The motion prevailed.

The SPEAKER: The next matter is House Document No. 360, Resolve appropriating money for the purpose of operating fish hatcheries, etc., tabled by the gentleman from Greenville, Mr. Crafts on April 2nd. pending final passage.

On motion by Mr. Crafts of Greenville, House Document No. 360, was finally passed.

The SPEAKER: The next matter is House Document No. 491, An act relating to construction of gravel roads, tabled by the gentleman from Portland, Mr. Rounds, April 2nd, pending assignment for third reading.

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

The SPEAKER: The next matter is Reports A and B of the Committee on State Lands and Forest Preservation on bill, An Act to provide for the protection of white pine trees, it being new draft House Document No. 486, tabled by the gentleman from Parsonsfield, Mr. Granville, April 2nd, pending the acceptance of either report.

Mr. GRANVILLE: Mr. Speaker, I do not wish to in any way delay legislation, but I have a matter that I would very much like to attend to. We want to make our final report on the Ways and Bridges Committee and if the members will indulge me, I would like to have this laid on the table until tomorrow morning, and I therefore move that this matter be tabled and specially assigned for tomorrow morning.

The motion prevailed.

The SPEAKER: The next matter is House Amendment A to Bill, an act relating to intoxicating liquors, it being Senate Document No. 285, tabled by the gentleman from Portland, Mr. Cummings, April 2nd, pending adoption of the amendment.

Mr. CUMMINGS: Mr. Speaker, I move the adoption of the amendment.

The SPEAKER: The Chair will state that the amendment is House Document No. 503. The gentleman from Portland, Mr. Cummings, moves the adoption of the amendment.

Mr. HOUGHTON of Fort Fairfield: Mr. Speaker, I would like to have the amendment read, as we have not got it here before us.

The SPEAKER: The clerk will read the amendment.

(The amendment was read by the Clerk).

The SPEAKER: The pending ques-



tion is on the adoption of the amendment.

A viva voce vote being taken, the amendment failed of passage and the bill, without the amendment, was passed to be engrossed.

Mr. OAKES of Portland: Mr. Speaker, I move that we reconsider our action, just taken, whereby we voted to pass the bill to be engrossed without the amendment.

The SPEAKER: Does the gentleman wish to offer an amendment?

Mr. OAKES: No, Mr. Speaker, I wish to reconsider also the motion whereby we turned down the amendment, because I wish to speak to the amendment.

The SPEAKER: The gentleman from Portland, Mr. Oakes moves to reconsider the vote whereby we passed the bill to be engrossed.

A viva voce vote was doubted.

Mr. Oakes: Mr. Speaker, is it in order to speak to the motion to reconsider.

The SPEAKER: It is.

Mr. OAKES: Then I will state, Mr. Speaker and gentlemen, that the motion to reconsider is made because this bill as it is drawn does not conform—or I will state that there was in 1917 a law similar to this, a law that is now provided in Bill 285, and that the Bill 285 does not conform to the wording of the law of 1917. That law covered the ground and gave it fairly to both sides and satisfactorily to the temperance advocates. The law of 1917 has been passed upon by our courts and the status of that law is well known. This new law, is in different language and involves new construction, which will mean that for some time the statute will be unknown and it will be necessary to go through to the law court again and have this new law reconstrued, and there are one or two matters in the new law that will leave some meanings that might be construed either way and might not carry out the intent of any parties involved. So I have this amendment conforming to the new law 285 and using the language of the law of 1917, which, as I have said, has been construed, and this will save a large amount of expense both to the county and to litigants, and also will be passing something that we know what it means.

In addition to these changes, I added that in the proceeding the court will determine the right, interest or

title of any claimant, and that is in order to conform to a new decision not yet printed which in by judgment nullifies the proceeding as far as the state is concerned on all claimants for automobiles and vehicles transporting liquor. In other words, under this new proceeding it provides that the claimant is entitled to his property but that the court in that proceeding will not determine to what extent until another proceeding of replevin or trover and the property for which the claim is made by a certain party is left in the air. The county cannot sell and get a clear title and the party cannot get his property, and it will mean an extra proceeding.

Now the purpose of the amendment is entirely to simplify proceedings so we will be traveling on ground that has already been determined by the courts of this state and it must be satisfactory to any person who is in favor of bill 285, and for that reason I hope that the amendment will be passed.

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Oakes, to reconsider the vote whereby we passed the bill to be engrossed. A viva voce vote having been doubted, as many as are in favor of the reconsideration of the vote will rise and stand in their places until counted and the monitors will return the count.

A division of the House being had. Fifty-one voting in the affirmative and 10 in the negative, the motion to reconsider the vote whereby the bill was passed to be engrossed, prevailed.

Mr. OAKES: Mr. Speaker, I move that we reconsider our action whereby the amendment was rejected.

The SPEAKER: The Chair will ask the gentleman from Portland, Mr. Oakes, if he voted with the prevailing side in the matter of the adoption of the amendment.

Mr. OAKES: No, Mr. Speaker, I did not.

The SPEAKER: The motion of the gentleman from Portland, Mr. Oakes, is not in order.

Mr. ATWOOD of Portland: Mr. Speaker, I move that we reconsider our action whereby we voted not to accept the amendment.

The SPEAKER: The Chair will ask the gentleman from Portland, Mr. Atwood, if he voted with the pre-

vailing side on the matter of the adoption of the amendment.

Mr. ATWOOD: I did, Mr. Speaker.

The SPEAKER: The gentleman from Portland, Mr. Atwood, moves that the House reconsider its action whereby it voted not to adopt the amendment.

The motion prevailed.

Mr. OAKES: Mr. Speaker, I move that we adopt the amendment.

A viva voce vote being doubted.

A division of the House was had.

Fifty-seven having voted in the affirmative and three in the negative the amendment was adopted and the bill as amended was passed to be engrossed.

The SPEAKER: The next matter is House Amendment A to Bill, An Act establishing a teachers' retirement system, it being Senate Document No 268, tabled by the gentleman from Caribou, Mr. Hamilton, on April 2nd, pending adoption of the amendment.

Mr. HAMILTON of Caribou: Mr. Speaker, I would like to ask the proponents of the bill, through the Chair, if they desire Wednesday, April 4th, to be the time set for the hearing.

The SPEAKER: The gentleman from Bangor, Mr. Barwise, may answer the question of the gentleman from Caribou, Mr. Hamilton, if he wishes.

Mr. BARWISE: Mr. Speaker, I will say that we are to meet immediately after this session to prepare the amendment.

Thereupon, on motion of the gentleman from Caribou, Mr. Hamilton, the matter was retabled, pending adoption of the amendment.

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, April 2nd, pending passage to be engrossed, and the Chair recognizes the gentleman from Hanover, Mr. Bartlett.

Mr. BARTLETT: Mr. Speaker, I yield to the gentleman from Phillips, Mr. Morrison.

Mr. MORRISON: Mr. Speaker, I move that the matter be retabled until tomorrow.

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

Mr. MORRISON: Mr. Speaker and members of the House: This is a matter that concerns Franklin and Oxford Counties. It provides, I believe, for one deer instead of two deer to be shot in these two counties, and I have talked with a great many people in Franklin County and they all are of the opinion that the number of deer is diminishing very fast. They are in favor of one deer only in Franklin County. I understand an amendment has been submitted to this bill providing for two deer in Oxford County and the people in Franklin County do not want the one-deer limitation in Franklin County if the people in Oxford County do not. We do not care particularly what they do in Oxford County but we want to do the same thing in Franklin County. I yield now to the gentleman from Rumford, Mr. Melcher.

Mr. MELCHER of Rumford: Mr. Speaker and members of the House, I think it is no more than fair that we should allow the gentleman from Phillips—

Mr. WING of Auburn: Mr. Speaker, I rise to a question of personal privilege. I cannot hear the gentleman.

The SPEAKER: The gentleman from Rumford, Mr. Melcher, will kindly endeavor to speak as distinctly as possible.

Mr. MELCHER: Mr. Speaker, I think it is no more than fair that the members of this Legislature should give the gentleman from Phillips (Mr. Morrison) the privilege of laying this matter on the table until tomorrow. This is a matter that interests only those two counties and I think in courtesy the only thing we can do is to allow this matter to be laid on the table until he can consult with his people.

Thereupon, on motion by Mr. Wing of Auburn, the bill was tabled pending passage to be engrossed.

The SPEAKER: The gentleman from Augusta, Mr. Maher, will speak on the temporary retabling of House Amendment A to Bill, An Act to provide for building a bridge across the Kennebec River, it being House Document No. 302, tabled by that gentleman April 2nd pending adoption.

Mr. MAHER: Mr. Speaker, I move that the matter lie upon the table until tomorrow, by agreement with Mr. Granville of Parsonsfield.

The motion prevailed.

The SPEAKER: The next matter is An Act to amend the charter of the Gould Electric Company, tabled by the gentleman from Parsonsfield, Mr. Granville, April 2nd, pending the motion of the gentleman from Auburn, Mr. Wing, to reconsider, and the Chair recognizes the gentleman from Auburn, Mr. Wing.

Mr. WING: Mr. Speaker, as Mr. Granville has left the room and asked that I move that this matter be placed on the table until tomorrow, which is quite agreeable to me as I think there are other matters to be considered in connection with this, I move that we table this matter until tomorrow.

The motion prevailed.

The SPEAKER: The next matter is Senate Document No. 205, An Act to constitute State Superintendent of Schools a trustee of University of Maine, tabled by the gentleman from Orono, Mr. Perkins, April 2nd, pending second reading.

On motion by Mr. Perkins of Orono, the bill received its second and third reading and was passed to be engrossed.

The SPEAKER: The next matter is House Document No. 488, Resolve appropriating money to aid in screening certain lakes, tabled by the gentleman from Greenville, Mr. Crafts, April 2nd, pending passage to be engrossed.

On motion by Mr. Crafts of Greenville, the bill was passed to be engrossed.

The SPEAKER: The Chair presents out of order, papers from the Senate. In the meantime, the Chair will read an invitation from the office of the Attorney General: "The Attorney General invites all lawyers in the Legislature, and all others interested, to see the pictures of the former Attorneys General which have been recently hung in his office. (Signed) Ransford W. Shaw."

The SPEAKER: Senate papers out of order.

From the Senate: Bill, an act with relation to several examining boards which was passed to be engrossed in the House on April 2nd, as amended by House Amendment A.

In the Senate, passed to be engrossed without House Amendment A in non-concurrence.

In the House, on motion by Mr. McDonald of East Machias, that body voted to insist on its former action and asked for a committee of conference, and the Chair appointed Messrs. McDonald of East Machias, Brett of Otisfield, and Hayford of Mechanic Falls, as such committee on the part of the House.

From the Senate: Majority and Minority Reports of the Committees on Public Utilities and Ways and Bridges jointly, on Bill, an act to incorporate the Maine Kennebec Bridge, the majority report being the same in a new draft under the same title, and that it ought to pass, and being signed by the following: Senator Spencer of York, and Representatives Blaisdell of Sullivan, Ludgate of Patten, Heal of Weston, Keef of Vanceboro, Keene of Belfast, Hodgkins of Bangor, Granville of Parsonsfield, and Beckett of Calais, who say "ought to pass if the bill for State Toll Bridge does not become a law.

Minority Report of the same committees on the same bill, reporting that it "ought not to pass," being signed by Senators Adams of Kennebec, Stevens of York, Carlton of Sagadahoc, Smith of Somerset, and Representatives Bartlett of Waterville, Dunbar of Orland, Dunn of North Yarmouth, and Storey of Washburn.

A viva voce vote to table both reports pending acceptance of either, being doubted by Mr. Morse of Bath.

A division of the House was had and the vote was unanimously in favor of tabling both reports pending acceptance of either.

From the Senate: Report of the Committee on Education on Bill, an act to declare the University of Maine a State institution, reporting the same in a new draft under title of An Act establishing the University of Maine as a State institution and that it ought to pass.

In the Senate: Indefinitely postponed.

In the House, on motion by Mr. Barwise of Bangor, tabled until tomorrow morning.

From the Senate: House Document 435, Bill an act relating to the Director of Sea and Shore Fisheries Commission, which was passed to be

engrossed without amendment by the House on April 3rd.

In the Senate, that body insisted on its former action whereby the bill was passed to be engrossed as amended, and asked for a committee of conference, with the following conferees appointed on its part: Senators Stevens of York, Brewster of Cumberland, and Emery of Washington.

In the House, it was voted to join with the Senate in the committee of conference, and the Chair appointed as such conferees on the part of the House, Messrs. Baker of Steuben, Lamson of South Portland, and Clarke of Stonington.

From the Senate: Bill, an act to provide for an issue of state aid, second class highway bonds, which was passed to be engrossed as amended by House Amendment A, in the House, on March 29th.

In the Senate: The bill was 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 asked for a committee of conference.

The SPEAKER: The Chair will later appoint the committee.

From the Senate: 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, which was passed to be engrossed on March 30th in the House.

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

(Senate Amendment A read by the clerk)

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

Mr. ROUNDS of Portland: Mr. Speaker, I think it would be well, if we are going to have a mock session, to appoint a committee to get the thing in shape so that we may have a good one, say, tomorrow night.

The SPEAKER: The Chair will later appoint the committee if it is the pleasure of the House.

Mr. SANDERS of Portland: Mr.

Speaker, I would like to have the unanimous consent of the members of the House to introduce two resolves, under suspension of the rules, and I wish to make a statement before the motion is considered.

The SPEAKER: The gentleman may make his statement.

Mr. SANDERS: At the time the Committee on Counties reported the County Taxes for the years 1923 and 1924, an error was made in the placing of the taxes for the County of Cumberland. They used the figures of the gross amount necessary to be raised and did not allow for the receipts of the county, and put in the wrong figures in the resolves. Both of these resolves have been passed by the House and Senate and signed by the Governor, and it seems that the only way to correct these is to make two new resolves for the purpose of correcting this error. I therefore move, Mr. Speaker, that these two resolves be presented and take their usual course without reference to a committee.

Unanimous consent being given, Mr. Sanders of Portland introduced the following resolves without reference to a committee:

Resolve for the purpose of correcting an error in the resolve for laying of the county taxes for the year 1923 as applying to the County of Cumberland.

The resolve then had its two several readings under suspension of the rules, and was passed to be engrossed.

Resolve for the purpose of correcting an error in the resolve for laying of the county taxes for the year 1924 as applying to the County of Cumberland.

The resolve then had its two several readings under suspension of the rules, and was passed to be engrossed.

The SPEAKER: The Chair appoints, under the motion of the gentleman from Augusta, Mr. Maher, on the Highway Bond Act, so-called, the committee of conference on the part of the House, as follows: Messrs. Maher of Augusta, Granville of Parsonsfield, and Leland of Sangerville.

On motion by the gentleman from Portland, Mr. Nichols, the House voted to recess and respond at the sound of the gavel.

**After Recess**

The SPEAKER: Under the motion of the gentleman from Portland, Mr. Rounds, asking that the Chair appoint a committee to prepare a program and announce a date for the Mock Session, the Chair appoints as such committee, Messrs. Rounds of Portland, Perkins of Orono, Barwise of Bangor, Archibald of Houlton, Gagne of Lewiston, Edwards of Bethel and Douglas of Lamoine.

At the suggestion of Mr. Maher of Augusta, on behalf of certain members of the House, Mr. Piper of Jackman was added to the committee on the Mock Session.

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The following resolve was referred to the committee on Appropriations and Financial Affairs, out of order. By Mr. Phillips of Orrington: Resolve in favor of Louise Stratton, stenographer for the committee on Ways and Bridges.

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The SPEAKER: The Chair presents out of order, the following House Reports.

Mr. Sanders from the committee on Appropriations and Financial Affairs on resolve in favor of Chaplains of the House of the 81st Legislature, reports that the same ought to pass.

The report was read and accepted, and the rules were suspended, and the resolve had its two several readings at this time and was passed to be engrossed, and sent up for concurrence.

Mr. Sanders from the committee on Appropriations and Financial Affairs

on Resolve on the payroll of the House of Representatives of the 81st Legislature, reports that the same ought to pass.

Report read and accepted, and the rules were suspended, and the resolve had its two several readings, was passed to be engrossed and sent up for concurrence.

Mr. Dunbar from the committee on Ways and Bridges on resolve in favor of bridge between Van Buren, Maine, and St. Leonards, New Brunswick, reports that legislation thereon is inexpedient.

The report was read and accepted and sent up for concurrence.

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The SPEAKER: The Chair presents out of order report of committee of conference, on bill, an act to amend Section seven of Chapter 295 of the Public Laws of 1917, relating to the Director of Sea and Shore Fisheries, reporting that the House recede and concur with the Senate.

Report read and accepted. Thereupon the House voted to reconsider its action whereby this bill was passed to be engrossed.

The question being on the adoption of Senate Amendment A, the amendment was adopted, and the bill as amended by Senate Amendment A was passed to be engrossed in concurrence.

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On motion by Mr. Newcomb of Carmel,

Adjourned until nine o'clock tomorrow morning.