

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

SENATE

Thursday, March 22, 1923.

Senate called to order by the President.

Prayer by the Rev. C. H. Atkins of Gardiner.

Journal of previous session read and approved.

On motion by Mr. Wilson of Aroostook, the Senate voted that when it adjourns it be to meet again tomorrow morning at 9.30 o'clock.

Papers from the House disposed of by concurrence.

(At this time the President invited former President Higgins to a seat by his side. Applause.)

House Bills in First Reading

House 353: An Act to amend Section 19 of Chapter 37 of the Revised Statutes, relative to the sale of milk.

From the House: Report of the committee on agriculture, "ought to pass," on H. D. 347, An Act to repeal Chapter 183 of the Public Laws of 1919, entitled "An Act to assist in the commercial utilization of the dog fish."

In the House this bill was indefinitely postponed.

In the Senate, on motion by Mr. Hinkley of Cumberland, the report of this committee was accepted in concurrence and the bill was given its first reading in non-concurrence.

From the House: Report of the committee on public health, "ought to pass," on H. D. 116, An Act to amend Section 10 of Chapter 64 of the Revised Statutes relating to marriage.

In the House the report of the committee was accepted and the bill was passed to be engrossed.

In the Senate, on motion by Mr. Hinkley of Cumberland, tabled pending assignment of time for second reading.

From the House: The majority from the committee on sea and shore fisheries, on bill, An Act to repeal Chapter 293, Public Laws of 1917, and to amend and reenact certain sections of Chapter 45, Revised Statutes, relating to the Commissioner of Sea and Shore Fish-

eries, (House Doc. No. 62) reported that the same ought not to pass.

(Signed) SARGENT,
BAKER,
STEVENS,
GAMAGE,
BOMAN,
LITTLEFIELD,
GOLDTHWAITE,
EMERY.

The minority from the same committee, on the same bill, reported that the same ought to pass.

(Signed) LAMSON,
JORDAN.

In the House, the majority report accepted.

Mr. SARGENT of Hancock: Mr. President, I move that the majority report be accepted.

Mr. EMERY of Washington: Mr. President, I move that the bill and reports be tabled pending acceptance of either, and specially assigned for consideration for tomorrow morning.

The motion was agreed to.

Communications from the House of Representatives

STATE OF MAINE,

House of Representatives,

Office of the Clerk

Augusta, March 21, 1923

To L. Ernest Thornton, Secretary of the Senate of the 81st Legislature.

Sir:—The Governor of the State having returned to the House:

"Resolve, Providing for the Purchase of 'History of Aroostook'" with his objections to the same, the House proceeded to vote on the question.

"Shall the Resolve be passed notwithstanding the objections of the Governor?"

A yea and nay vote was taken: ninety members voting in the affirmative and forty-eight in the negative, and accordingly the resolve failed of a passage.

Respectfully,

(Signed) CLYDE R. CHAPMAN,
Clerk of the House.

Read and placed on file.

STATE OF MAINE,

House of Representatives,

Office of the Clerk.

Augusta, March 21, 1923.

To L. Ernest Thornton, Secretary of the Senate of the 81st Legislature.

Sir:—The Governor of the State having returned to the House:

"An Act to Amend Section 56 of Chapter 9 of the Revised Statutes, relating to Lien on Vehicles" with his objections to the same; the House proceeded to vote on the question:

"Shall the bill be passed notwithstanding the objections of the Governor?"

A ye and nay vote was taken; seventy-nine members voting in the affirmative and sixty-two in the negative, and accordingly the bill failed of a passage.

Respectfully,

(Signed) CLYDE R. CHAPMAN,
Clerk of the House.

Read and placed on file.

STATE OF MAINE,
House of Representatives,
Office of the Clerk.

Augusta, March 21, 1923.

To L. Ernest Thornton, Secretary of the Senate of the 81st Legislature.

Sir:—The Governor of the State having returned to the House:

"Resolve appointing a Committee of Investigation to Procure Plans and Estimates for a State Library Building" with his objections to the same; the House proceeded to vote on the question:

"Shall the Resolve be passed notwithstanding the objections of the Governor?"

A ye and nay vote was taken; seventy-four members voting in the affirmative and sixty in the negative and accordingly the resolve failed of a passage.

Respectfully,

(Signed) CLYDE R. CHAPMAN,
Clerk of the House.

Read and placed on file.

Veto Message from the Governor

STATE OF MAINE,
Office of the Governor,
Augusta, March 21, 1923.

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

I return herewith without my approval

"Resolve, in Favor of a Bridge between Howland and Enfield."

This Resolve is one of the several relating to bridges that doubtless will be presented to me. There are certain features involved in one case that are not found in others. In the case before us the bridge is between two towns bordering on the Penobscot river. Repeatedly during the

last two years these towns have applied to the Governor and Council for aid to repair this bridge. The Councilors and myself have gone into the matter carefully on each occasion, have looked into the valuation of the towns and have made inquiries as to their ability to raise money to keep the bridge in proper repair. We have been satisfied that the towns are in a position to handle this situation and consequently did not take money from the Contingent Fund as requested.

In one of the towns there is a large pulp mill and its heavy trucks cause most of the wear and tear on the bridge. It of course would be helpful if the State would assume the burdens of this bridge, and the towns thereby would be relieved either from increasing their taxes or issuing bonds. This, however, applies in every case where a town is unfortunate enough to have a large number of bridges within its borders. Gradually the State is taking over control and responsibility of bridges, and every one that is added to the State's already heavy burdens makes it more difficult for the tax-payers to carry the load. Any thoughtful citizen can see what the future will be if the practice of placing these bridge bills upon the State continues without interruption. A community with a strong representation in the Legislature can avoid its responsibilities, while other communities not so favored must get along without assistance. I believe a principle is at stake—these bridge resolves, and although it hardly can be expected that the Legislature will consider each one on its merits I feel under obligation to withhold my approval in cases similar to the one now before me. Of course if the emergency is sufficiently pressing, money can be appropriated by the Legislature out of the special \$112,000 fund which the Legislature has in hand for just such cases as the one before us.

During this Legislative session I have felt it my duty to veto an ever increasing number of Acts and Resolves and have done so without any personal feeling or prejudice. Doubtless I shall be called upon to continue the course that I have entered upon. I want the legislators to understand that a Governor's position is very different from theirs. When he affixes his signature to a law it is made effective by his affirmative act. It is his law and he assumes a personal responsibility for it.

Legislators in passing laws give their approval as a rule in mass formation and each member takes but a fraction of a share of the responsibility for its enactment. No matter how trivial or how important, I shall not sign any measure unless I really approve, and am willing to accept full responsibility for it. In doing this I am but performing the duties imposed upon me by the Constitution of our State. I have no pride of opinion in these matters but am acting solely within my constitutional rights.

A Governor should not hesitate to take the lead and certainly he should not become a mere trailer in the procession. Perhaps it would be more comfortable for him if he should sit complacently in his office and say to himself that the Legislators having passed certain laws he need not go against their wishes. This is the easier course to follow, but not one that appeals to the present Chief Executive. I have no patience with those who would avoid full responsibility for their decisions.

As the days go by and as Acts and Resolves are brought to me I shall consider each upon its merits and act accordingly. There will be no feeling of resentment on my part in case some of these are passed over my disapproval. I, however, am thinking of the folks at home and am doing my best to protect their interests. They are the ones who in a few months will be called upon to pay the bills that are now being enacted. If every Legislator could make a trip home between the time of the Governor's veto and the date that it comes before the House or Senate on the question of overriding his action, I believe there would be but few cases in which the Executive and Legislative branches finally would disagree. It should not be overlooked that overriding the Governor's veto does not necessarily close an incident. If any measure is of sufficient importance those interested in it easily may invoke the referendum and then the people themselves will decide whether they will sustain the Governor or the Legislature. The final decision on any such matter in such an event would be withheld until September, 1924.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER
Governor of Maine.

The message was read by the secretary.

In the House of Representatives
March 21, 1923.

The Governor having returned to the House today the above Resolve without his signature and with his objections to the same, the House proceeded to reconsider it. After such reconsideration a ye and nay vote was had on the following question: "Shall Resolve become a law notwithstanding the objections of the Governor?" 136 voted in the affirmative and 5 in the negative, and accordingly two-thirds of the House thereby agreed to pass the Resolve notwithstanding the objections of the Governor.

(Signed) FRANK H. HOLLEY,
Speaker.

The PRESIDENT: The question before the Senate is: Shall this resolve be finally passed and become a law notwithstanding the objections of the Governor?

Mr. MORISON of Penobscot: Mr. President, assuming that some of the senators may not be acquainted with the locality of this bridge, I would like to offer a few words in explanation. This particular bridge is located about thirty-five miles north of Bangor on the Penobscot river, between the towns, as set forth in the resolve, of Enfield and Howland. It was constructed, if I remember correctly, in 1896, being a steel bridge of the Pratt-Camel type so-called, of five spans, and it is 920 feet or a little more than one-sixth of a mile long.

You will readily understand that the maintenance of such a bridge by two small country towns is entirely out of the question. Hence this resolve.

The bridge has been in need of repairs for many years, and owing to the increased cost of lumber and the large amount of plank necessary to replank this bridge in the past years, painting has been neglected and it has been thirteen years since this steel structure received a coat of paint. This was brought out at the hearing before the ways and bridges committee, who reported this bill unanimously ought to pass. They did so after consultation, I am informed, with the bridge engineering department of our State. The resolve has already passed both branches of the Legislature with the emergency clause attached, and this is an

emergency measure in the strict sense of the word. Immediate repairs are not only needed there, but it is imperative that immediate repairs be made. Within the last few weeks the bridge has broken unexpectedly, and today it stands supported in some places by heavy cables.

Now, Senators, in view of the facts which seem to be involved here, I hope that this resolve will receive a unanimous passage notwithstanding the objection of the Governor.

Mr. WILSON of Aroostook: Mr. President, this bridge is the one crossed by ninety-nine out of a hundred that go from the southern part of the State to the county which I am pleased to represent. It is on what is termed the state highway road, if it is ever built. You can imagine the amount of traffic over this particular bridge. The next one to it is at Old Town which diverts the traffic in another direction going north. As I state to you, I feel and have known for some time that this bridge has been in an unsafe condition for even tourist travel, and I hope that this will become a law notwithstanding the Governor's veto.

Mr. EATON of Oxford: Mr. President, may I inquire the number of this resolve?

The PRESIDENT: It is House 256 in new draft. The resolve is short. The Chair will read it. (Resolve read by the President)

Mr. ALLEN of York: Mr. President, I would like to inquire through the Chair of the senator from Penobscot, Mr. Morison, just what the populations of these two towns are?

The PRESIDENT: The senator from Penobscot, Mr. Morison, may reply.

Mr. MORISON: Mr. President, I cannot state offhand, but I can say that Howland might have a thousand or twelve hundred, and Enfield possibly eight hundred.

Mr. ALLEN: Now, Mr. President, if I may inquire again as to the valuation?

The PRESIDENT: The senator may reply through the Chair.

Mr. MORISON: I understand the valuation of Howland is approximately a million and a half and that of Enfield about three hundred and fifty to four hundred thousand. It was larger than that but they have

recently lost a big paper mill in that town which was valued at one hundred or two hundred thousand dollars.

Mr. ALLEN: I thank you.

The PRESIDENT: The question before the Senate is: Shall this resolve be finally passed and become a law notwithstanding the objections of the Governor? Those who wish to pass the resolve over the Governor's veto will vote "yes," and those who wish to sustain the Governor's veto will vote "no."

The Secretary called the roll. Those voting "yes" were Messrs. Adams, Allen, Bemis, Brewster, Buzzell, Carlton, Clark, Cram, Croxford, Eaton, Elliot, Emery, Farrington, Hinckley, Kirschner, Morison, Morncau, Phillips, Powers, Putnam, Ryder, Sargent, Smith, Speirs, Stevens, Trefethen, Wadsworth, Wilson,—28. Mr. Spencer voted "no." Absentees, Messrs. Bailey, Hussey.

Twenty-eight senators voting "yes" and one voting "no" the resolve became law notwithstanding the objections of the Governor.

Message from the Governor
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA

March fifteenth, 1923.

To the Honorable Senate and House of Representatives of the Eighty-first Legislature:

Several bills have been introduced during the present session of the legislature to change our tax exemption laws. These bills have drawn attention to the unsatisfactory status of the laws now governing this subject. Chapter ten, section six, of the revised statutes, as amended, gives in detail the several classes of property that are relieved by law from bearing their proper share of the tax burden.

Fundamentally all the property within the state equally should pay taxes and no class of property should be allowed to reap an unfair advantage through tax exemption. From time to time legislatures have extended the tax exemption privilege until at present, in the sections of the statutes above referred to, there are thirteen separate paragraphs in which are enumerated more than forty different classes of property that are tax free by law.

In this message I am not discussing

property lawfully taxable but which escapes taxation, but am confining myself to property that is lawfully exempt from all tax assessments.

A study of our tax exemption laws indicates that they are not based upon any fundamental principle but are the result of slow and unregulated growth where each new exemption was added to relieve some special class of property from taxation. Today these laws are ill balanced and unfair. Without doubt abuses have crept into their administration so that property of great value that should be taxed is now relieved from this burden. These laws need to be revised by unbiased men with a state-wide vision.

If at the present time accurate figures could be obtained to show the amount of tax exempt property in the state some constructive action might be taken by the present Legislature. It is a fact, however, that no such tabulation ever has been made, and while some local boards of assessors have uncompleted lists of tax exempt property more or less accurate, other boards have no lists whatsoever. More attention has been given this matter in the cities where valuations run into larger figure than in smaller communities but I am of the opinion that the total amount of property in Maine tax exempt by law is larger than many citizens believe.

As an example of conditions, I call to your attention the fact that the city of Portland with a valuation of \$100,954,725, has not less than \$9,244,350 of property wholly exempt by law from taxation. This total is figured upon a low valuation and I believe that \$12,900,000 would more nearly represent the actual value of the property in question. This does not include many millions of dollars represented by mortgages, none of which are taxable. Moreover in this figure probably all the tax exempt property is not included. Compared with the population of Portland the cities of Bangor and Lewiston are in about the same situation and other cities and towns probably are in a similar position. It is very plain that whatever property is made tax exempt, the tax burdens of the property that is not so favored is proportionately increased.

I call to your attention the fact that according to careful estimates live stock to the value of \$3,000,000 is exempted from taxation; the exempted property of soldiers and sailors repre-

sents an equal amount, and so on through a list of 40 or more items. The State valuation is \$672,767,742 and at a conservative estimate \$500,000,000 of property is exempted by law under Chapter 10, Section 6, of our Revised Statutes.

These exemptions need revision and some underlying principle should be discovered, on which tax exemption should rest. It may be that some exemptions should be done away with altogether. Perhaps some limit should be placed upon the amount of property exempted in certain of the classes referred to. A regrouping also may be desirable. This matter should be looked into by broad minded men, uninfluenced by political ambitions or selfish motives.

I have thought of advocating the appointment of a recess committee of the Legislature, as has been suggested by the legislative committee to which you referred the report of the board of State assessors. My experience, however, with the work of such committees is not altogether encouraging, for although in the past they have devoted a great deal of time to the study of the subjects placed in their charge, Legislatures seldom have adopted any of their suggestions. Nor do I advocate the appointment of a permanent board or commission.

The statistics required must be collected from 520 cities and towns, and as these will need to be tabulated and audited, I am of the opinion that the chairman of the board of State assessors and the State auditor should form the nucleus of whatever committee is created to undertake this work. In addition to these State officials, who would serve ex-officio, I believe it would be desirable for the Governor to appoint not more than three citizens of the State, thoroughly qualified for the work, who would undertake it as a public duty, without receiving compensation for their services.

If such a committee is formed I believe that the next Legislature will have before it the information it needs to form a definite policy in regard to the future of our tax exemption laws.

A reasonable sum should be appropriated to cover the expenses of the board. I bring this to your attention and ask your serious consideration, for the time has arrived when this tax exemption problem should be studied with great care.

Respectfully submitted,

PERCIVAL P. BAXTER,
Governor of Maine.

Read and referred to the committee on taxation in concurrence.

The following resolves were presented and on recommendation by the committee on reference of bills were referred to the following committees:

Appropriations and Financial Affairs

By Mr. Hinckley of Cumberland: Resolve in favor of Louise Stratton, stenographer to the committee on salaries and fees.

By the same senator: Resolve in favor of Carleton Doak, clerk, Hazel M. Menchen, stenographer, and Kenneth F. Lee, messenger, of judiciary committee of the 81st Legislature.

By Mr. Phillips of Hancock: Resolve in favor of Kenneth F. Lee, for services as clerk to the committee on State lands and forest preservation of the 81st Legislature.

By Mr. Wadsworth of Kennebec: Resolve in favor of Kenneth F. Lee for services as clerk to the committee on insane hospitals of the 81st Legislature.

By Mr. Wilson of Arroostook: Resolve in favor of H. G. Smallidge, clerk to the committee on State sanatoriums.

By Mr. Hinckley of Cumberland: Resolve in favor of H. G. Smallidge, clerk to the committee on salaries and fees.

By Mr. Brewster of Cumberland: Resolve in favor of the clerk, stenographer and messenger of the committee on legal affairs.

By Mr. Stevens of York: Resolve in favor of Irving W. Case, clerk of the committee on sea and shore fisheries.

On motion by Mr. Croxford of Penobscot, the Senate voted to suspend the order in relation to time of receiving bills, etc., and under suspension of the rules the same senator presented resolve in favor of Edith M. Soule, repealing Chapter 26 of the resolves of 1923.

Mr. CROXFORD: This resolve is in place of a resolve in favor of the same person that has been signed by the Governor, and there is no money appropriated to pay it. The first resolve was found to contain serious errors by which it failed to conform to the legislative intent, and the passage of this new resolve is necessary to correct the errors in the first resolve.

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

Bills in First Reading

S. 251. Resolve in favor of the State School for Girls for maintenance and other purposes.

S. 258. An Act to supply the town of Winthrop with pure water.

S. 259. An Act to incorporate the Winthrop Water District.

S. 260—An Act for the better protection of smelts.

S. 261. An Act to increase the salmon on the Maine coast.

S. 262. An Act for the better protection of clams in the limits of the town of Kennebunkport in the county of York.

S. 263. An Act to amend Section 122 of Chapter 4 of the Revised Statutes relating to license for building a fish weir or trap.

S. 264. An Act to repeal Section 3 of Chapter 256 of the Private and Special Laws of 1907 as amended by Chapter 226 of the Private and Special Laws of 1913 in relation to Cumberland County Power & Light Company.

S. 265. An Act to incorporate the Columbia Falls Water Company.

S. 266. Resolve for the construction and equipment of an infirmary and dispensary at the State School for Girls.

Reports of Committees

Mr. Eaton from the committee on appropriations and financial affairs, on resolve in favor of an appropriation for airplane forest patrol, reported that the same ought not to pass.

Mr. Hinckley from the committee on judiciary, on An Act to amend Section 10, of Chapter 148, of the Revised Statutes, relating to veterans of the Civil War retired on half pay (Senate Doc. No. 203) reported that the same ought not to pass.

Mr. Buzzell from the same committee, on An Act to amend Section 26 of Chapter 41 of the Revised Statutes relating to itinerant vendors (Senate Doc. No. 215), reported that the same ought not to pass.

The same senator from the same committee, on An Act establishing the Maine School for the Blind (Senate Doc. No. 187) reported that the same ought not to pass.

Mr. Hinckley, from the same committee, on An Act to authorize the removal of the remains of Bertha May Dunlap, now buried in the Smith Cemetery near Windham Center, and to enlarge the powers of the Wind-

ham Cemetery Association, reported that legislation is inexpedient.

The same Senator, from the same committee, on An Act to amend Section 7, Chapter 117, Revised Statutes, as amended by Chapter 226, Public Laws of 1919, and Chapters 7 and 206, Public Laws of 1921, relating to the retirement and compensation of Judges (Senate 144) reported that legislation is inexpedient as the matter is covered by other legislation.

Mr. Brewster, from the committee on Military Affairs, on An Act to control the sale and use of pistols and revolvers, reported that the same ought not to pass.

The same Senator, from the same committee, on An Act to furnish funds for the burial of the bodies of veterans of the late war, which have been brought from a foreign land to the State of Maine, reported that the same ought not to pass, as the subject matter is covered by Federal and State statutes.

Mr. Hussey, from the committee on Sea and Shore Fisheries, on An Act to amend Section 36 of Chapter 255, Public Laws of 1917, relating to the purchase of lobsters with eggs attached (Senate Doc. No. 209), reported that the same ought not to pass.

Mr. Stevens, from the same committee, on An Act for concurrent jurisdiction over fishways, reported that the same ought not to pass.

Mr. Sargent, from the same committee, on An Act to amend Section 122, Chapter 4, Revised Statutes, relating to wharves and fish weirs, reported that the same ought not to pass, as the subject matter is contained in another bill.

Mr. Stevens, from the same committee, on An Act to amend Chapter 401, S. L. 1901 as amended by Chapter 351, S. L. 1909, relating to the protection of salmon, alewives and smelts in Pleasant River, Washington County, reported that the same ought not to pass.

Mr. Sargent, from the same committee, on An Act to amend Section 64 of Chapter 45 of the Revised Statutes, as amended, relative to the cultivation and propagation of clams (S. 221), reported that the same ought not to pass.

Mr. Putnam, from the committee on State Lands and Forest Preservation, on An Act to amend Section 66, of Chapter 8, Revised Statutes, re-

lating to the Maine Forestry District (Senate Doc. No. 134), reported that the same ought not to pass.

The same Senator, from the same committee, on An Act to amend Section 53 of Chapter 8 of the Revised Statutes, as amended by Chapter 111 of the Public Laws, 1919, and Chapter 174 of the Public Laws, 1921, relative to the slash law (House Doc. No. 181), reported that the same ought not to pass.

Mr. Spencer, from the committee on Temperance, on An Act additional to Chapter 127, Revised Statutes, relating to intoxicating liquors, reported that the same ought not to pass.

The reports were accepted and sent down for concurrence.

Mr. Wadsworth, from the committee on Appropriations and Financial Affairs, on An Act to amend Chapter 38 of the Public Laws of 1919, relative to retiring and pensioning employees of the State (Senate Doc. No. 207), reported the same in a new draft, under the same title, and that it ought to pass.

The report was accepted and the bill tabled for printing under the joint rules.

Mr. Hinckley, from the committee on Judiciary, on An Act to amend Section 77 of Chapter 10 of the Revised Statutes relative to Assessors making abatements and recording and reporting abatements (Senate Doc. No. 216), reported that the same ought to pass.

The report was accepted, and on motion by Mr. Hinckley of Cumberland, the rules were suspended and the bill was given its first reading.

Mr. Buzzell, from the same committee, on An Act to amend Section 93 of Chapter 45 of the Revised Statutes, as amended 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 (Senate Doc. No. 210), reported that the same ought to pass.

The report was accepted and on motion by Mr. Hinckley of Cumberland, under suspension of the rules the bill was given its first reading.

Mr. Hinckley, from the same committee, on An Act relating to adoption, reported that the same ought to pass.

Mr. Buzzell, from the same committee, on An Act to regulate the use of aircraft (Senate Doc. No. 224), reported the same in a new draft, under the same title, and that it ought to pass.

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

Mr. Brewster, from the committee on Legal Affairs, on An Act to change the Board of Directors of the Maine Institution for the Blind (Senate Doc. No. 37), reported that the same ought to pass.

The report was accepted, and on motion by Mr. Brewster of Cumberland, the rules were suspended, and the bill was given its first reading.

Mr. Ryder, from the committee on Pensions, on Resolve, providing a State Pension for Mrs. Cora V. Swift of Portland, reported the same in a new draft, under the same title, and that it ought to pass.

Mr. Sargent, from the committee on Sea and Shore Fisheries, on Resolve appropriating money to purchase and install a new engine in the State Boat "Pauline," reported the same in a new draft, under the same title, and that it ought to pass.

Mr. Emery from the same committee, on Resolve to appropriate money to pay for egg lobsters purchased in 1922, reported that the same ought to pass.

Mr. Phillips, from the committee on State Lands and Forest Preservation, on Resolve, appropriating money for continuance of white pine blister rust control, reported the same in a new draft, under the same title, and that it ought to pass.

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

Mr. Croxford, from the committee on State Sanatoriums, on Resolve making an appropriation for the construction of a new building at the Northern Maine Sanatorium, Presque Isle, Aroostook County, and for the purchase of equipment therefor, and for maintenance, reported that the same ought to pass.

On motion by Mr. Phillips of Hancock, the report and bill were tabled.

Mr. Spencer from the committee on Temperance, on An Act to amend Section 33 and Chapter 127 of the Revised Statutes of Maine, relating to

the disposal of intoxicating liquors declared forfeited (Senate Doc. No. 190) reported the same in a new draft, under the same title, and that it ought to pass.

The same Senator, from the same Committee, on bill An Act to amend Section 20, 27 and 28, of Chapter 127, Revised Statutes, as amended by Chapter 291, Public Laws of 1917, relating to intoxicating liquors (Senate Doc. No. 52) reported the same in a new draft, under the same title, and that it ought to pass.

Mr. Smith on the Committee on Ways and Bridges, on bill An Act to establish a ferry across Somes Sound between Southwest Harbor and Northeast Harbor, reported that the same ought to pass.

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

The majority of the Committee on Legal Affairs, on Resolve, proposing an amendment to the Constitution authorizing the regulation of advertising signs in public view (Senate Doc. No. 12), reporting that the same ought not to pass.

(Signed) CRAM,
POWERS,
MARTIN,
CLARKE,
HOLMES,
MORRISON,
SIDBALL.

The minority of the same Committee, on the same subject matter, reporting that the same ought to pass.

(Signed) BREWSTER,
HALE,
OAKES.

Mr. POWERS of Aroostook: Mr. President, this is not a matter of very great importance—advertising signs—and it almost seems as if we were following the modern principle of trivially amending the Constitution for any purpose if we dignify advertising signs by putting them in our Constitution. The document is already quite long.

The main thing behind this seems to be aesthetic—

The PRESIDENT: The Chair will interrupt the senator for just a moment—

Mr. POWERS: I am going to move the adoption of the majority report.

The PRESIDENT: You are speaking to that motion.

Mr. POWERS: It is so often the case that these very well meaning ideas where they are purely local and do something with some one else's property get considerable support. But the Constitution looks out for all of the people. It is such an easy thing nowadays apparently to amend the Constitution. It seemed to the majority of the committee that it was quite unnecessary and inadvisable to recommend the submission of this amendment.

Then of course the farmers have been interested in this matter. In my county times are very hard and if I could see a bill-board on every farm up there, I know that the rental would be very, very gratefully received. The only thing that makes me even venture to take the time of the Senate for a minute on the matter is that this introduces or again brings up that very serious principle of interference with the lawful and legitimate use of private property, that is, the interference by constitutional amendment.

I move the adoption of the majority report, ought not to pass.

A viva voce vote was had and the majority report was accepted.

Final Committee Reports

Mr. Wilson, from the committee on State Sanatoriums, submitted its final report.

The report was accepted.

Passed to be Engrossed

House 208: Resolve, providing for an annual display of the agricultural products and resources of the State of Maine at the Eastern States Exposition.

House 215: Resolve, making appropriation for the support and maintenance of the State Experiment Station.

House 394: Resolve, appropriating money for the establishment of a test laboratory at Caribou in the County of Aroostook.

(On motion by Mr. Phillips of Hancock, tabled and specially assigned for tomorrow morning.)

House 395: An Act to amend Section Paragraph of Section 45 of Chapter 117 of the Revised Statutes as amended by Chapter 153 of the Public Laws of 1917 as amended by Chapter 219 of the Public Laws of 1921, relating to clerk hire in the Androscoggin County Registry of Deeds.

House 396: An Act to amend Section 37 of Chapter 117 of the Revised Statutes, as amended by Section 1 of Chapter 194 of the Public Laws of 1917, and by Chapter 214 of the Public Laws of 1919 and by Chapter 219 of the Public Laws of 1921, relating to the salary of county attorney of Lincoln county.

House 397: An Act authorizing the city of Portland to construct a fire station upon public grounds.

House 398: Resolve, providing a State pension for Frank A. Choate of Montville.

House 399: Resolve, in favor of Nancy T. Morrill of Madison, for State pension.

House 400: An Act to incorporate the City of Brewer High School District.

House 401: An Act to amend Section 44 of Chapter 117 of the Revised Statutes as amended by Chapter 167 of the Public Laws of 1917 and by Chapters 214, 259 and 260 of the Public Laws of 1919 and Chapter 219 of the Public Laws of 1921, relating to salary of county treasurer of Lincoln county.

(On motion by Mr. Sargent of Hancock, tabled for correction of an error, pending acceptance of the report of the committee on bills in second reading, and assigned for tomorrow.)

House 402: An Act to amend Chapter 66 of the Private and Special Laws of 1915 entitled, "An Act providing for pensions to employees of the City of Bangor."

(On motion by Mr. Spencer of York, tabled for the correction of errors, pending passage to be engrossed.)

House 403: An Act for the control and suppression of the European Corn Borer.

(On motion by Mr. Wilson of Aroostook, tabled until tomorrow morning.)

House 404: An Act to amend Section 44 of Chapter 117 of the Revised Statutes, as amended, relating to the salary of the county treasurer of Hancock county.

House 407: An Act to revise the military law of the State of Maine.

House 408: An Act in relation to employees and office expenses of the Department of the Attorney General.

House 409: An Act to amend Section 43 of Chapter 117 of the Revised Statutes, as amended by Chap-

ter 214 of the Public Laws of 1919, and by Chapter 219 of the Public Laws of 1921, increasing the salary of the Register of Deeds in the County of Sagadahoc.

House 410: An Act to amend Section 41 of Chapter 117 of the Revised Statutes, as amended by Chapter 214 of the Public Laws of 1919, and by Chapter 219 of the Public Laws of 1921, relating to salary of sheriff of Arostook County.

House 411: An Act to amend Section 40 of Chapter 117 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1921, increasing the salary of the clerk of judicial courts in the County of Sagadahoc.

House 412: Resolve in favor of Central Maine Sanatorium for personal services, maintenance, repairs and equipment.

House 413: An Act to amend Section 42 of Chapter 117 of the Revised Statutes, as amended by Chapter 173 of the Public Laws of 1917, and by Chapters 214 and 241 of the Public Laws of 1919, and by Chapter 219 of the Public Laws of 1921, relating to salaries and expenses of County Commissioners.

House 414: An Act to amend Sections 19, 21 and 22 of Chapter 18 of the Revised Statutes, as amended by Chapter 148 of the Public Laws of 1917, relating to the Board of Registration of Nurses.

House 415: An Act to amend Section 42 of Chapter 117 of the Revised Statutes, as amended by Chapters 39 and 167 of the Public Laws of 1917 and Chapter 214 of the Public Laws of 1919 and Chapter 219 of the Public Laws of 1921, relating to salary of County Commissioners of Androscoggin County.

House 416: An Act to amend Chapter 222 of the Public Laws of 1919, relating to fees of constables.

(On motion by Mr. Kirschner of Androscoggin, tabled pending passage to be engrossed and specially assigned for tomorrow morning.)

House 417: Resolve, in favor of Western Maine Sanatorium for personal services, maintenance, repairs and equipment.

House 418: An Act to amend Section 58 of Chapter 4 of the Revised Statutes, relating to the purposes for which cities and towns may raise money

House 419: An Act relating to improvements on Nash Stream and the

east and west branches thereof in Coplin Plantation, and in the township of Redington in the County of Franklin.

Senate 151: An Act to repeal certain laws relating to the alewife fishery of the State of Maine.

Senate 205: An Act to amend Section 4 of Chapter 173 of the Public Laws of 1921, relating to the State School Fund.

Senate 222: An Act to amend Section 121 of Chapter 4 of the Revised Statutes, as amended by Chapter 133 of the Public Laws of 1921, relating to fish weirs.

Senate 227: An Act to make uniform the law of sales of goods.

Senate 250: Resolve in favor of James P. Lewis, representative of the Penobscot Tribe of Indians.

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

(On motion by Mr. Emery of Washington, tabled pending passage to be engrossed and specially assigned for tomorrow morning.)

Senate 253: An Act to amend Chapter 14 of the Revised Statutes, relating to Indian Tribes.

Senate 254: An Act to provide for the establishment of the Portland Stadium and Athletic Field Commission.

Senate 255: An Act to amend Section 55 of Chapter 91 of the Revised Statutes relating to trustee process.

Senate 256: Resolve, in favor of Samuel Dana, representative of the Passamaquoddy Tribe of Indians.

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

(On motion by Mr. Emery of Washington, tabled pending passage to be engrossed and specially assigned for tomorrow morning.)

Finally Passed

Resolve, amending the Constitution of the State of Maine so as to limit appropriations for denominational, sectarian, parochial, or religious institutions and purposes until December 31, 1930, and so as to prohibit such appropriations after December 31, 1930.

(On motion by Mr. Brewster of Cumberland, tabled pending final passage and specially assigned for

consideration for tomorrow morning.)

Assigned for Today

The PRESIDENT: This brings us to matters specially assigned for today. The first is, Senate report on Bill, An Act to amend Section 19 of Chapter 5 of the Revised Statutes as amended by Chapter 69 of the Public Laws of 1917 and Chapter 171 of the Public Laws of 1921, relating to the duties of boards of registration of voters, H. D. 335, tabled on the motion of the senator from Androscoggin, Mr. Morneau, and the Chair recognizes Mr. Morneau.

Mr. MORNEAU: Mr. President, that was tabled for the purpose of preparing an amendment, which the gentleman from Cumberland, Mr. Hinckley, I believe has here. I yield to the gentleman from Cumberland.

Mr. HINCKLEY: Mr. President, I haven't anything on that.

Mr. CRAM of Cumberland: I think Senator Morneau is in error, Mr. President. I offer Senate amendment A to H. D. No. 335 and move its adoption.

Senate Amendment A to House Bill No. 335

House Bill No. 335 is hereby amended by inserting after the word "amended" in the fifth line thereof the words "by striking out in line eighteen the word 'six' and inserting instead thereof the word 'nine,' and by striking out in said line eighteen the word 'four' and inserting instead thereof the word 'six,' and by striking out in line nineteen the word 'two' and inserting instead thereof the word 'three,' and by adding after the word "justice" in line fifteen of said bill the words "No costs shall be allowed either party in any such proceeding."

Also by striking out in line twenty-two of said bill the word "eight" and inserting instead thereof the word "nine," and by striking out in line twenty-three of said bill the word "two" and inserting instead thereof the word "three," and by striking out in lines sixty-five and sixty-six of said bill "Said justice shall have discretion in the taxation of costs" and inserting thereof the words "No costs shall be allowed either party in any such proceeding."

Mr. BUZZELL of Waldo: Mr. President: Would the Senator from Cumberland be willing in a few words to explain this amendment to the document that we are considering?

The PRESIDENT: The Senator from Cumberland may reply through the Chair, if he desires.

Mr. CRAM: I shall be very glad to, Mr. President. We discovered some few clerical errors and omissions in the amendment clause and the first part of this amendment makes those corrections. And in addition thereto we have changed the application of the law to cities of less than ten thousand inhabitants, so that instead of six secular days for registration which they now have under the present law it is to be nine, increasing the number by one day, and also arranging that they shall have, if less than ten thousand inhabitants, three days for corrections in order to make records, instead of two as provided in this bill and as they now have under the present law. The bill, as you know, provides in lines 65 and 66 that in case of any person being aggrieved by the decision of the board of registration the person may, upon petition for mandamus have the whole case re-examined and determined by any justice of the supreme judicial court, and the justice shall have discretion in the taxation of costs. The change made by this amendment strikes out the words "Said justice shall have discretion in the taxation of costs," and provides that no costs shall be allowed either party in any such proceeding.

I would say further, Mr. President, that I have consulted those interested particularly in cities of less than ten thousand and have explained the matter quite thoroughly to those who have manifested interest in the bill, and my understanding is that it now meets with their approval.

Mr. BUZZELL: I will move, Mr. President, that this matter be tabled until tomorrow morning.

The motion was agreed to, and the motion was tabled, pending the adoption of Senate amendment A.

The PRESIDENT: The Chair lays before the Senate S. D. 54, An Act to amend Section 45 Chapter 127, Revised Statutes, as amended by Chapter 291, Public Laws of 1917, relating to intoxicating liquors, the pending question being the acceptance of the report of the committee on bills in the second reading, and the Chair recognizes the senator from Androscoggin, Mr. Morneau.

Mr. MORNEAU: Mr. President, I yield to the gentleman from York.

Mr. Spencer, who has an amendment to offer.

Mr. SPENCER: Mr. President, I offer Senate amendment A to S. D. 54, and move its adoption.

The PRESIDENT: Simply to clear the way for the amendment, is it the pleasure of the Senate that we adopt the report of the committee on bills in the second reading.

It was so voted

Senate Amendment A to Senate Document No. 54

Senate Document No. 54 is hereby amended in the seventh line thereof by striking out the words "wherein the convictions occur" and substituting in the place thereof the words "wherein the offence was committed."

Mr. MORNEAU: Mr. President, the amendment is not quite clear to me—the change is not exactly what I anticipated—and I move that for further consideration this matter lie on the table and be considered tomorrow.

The motion was agreed to by a viva voce vote.

The PRESIDENT: The Chair lays before the Senate H. D. 203, An Act to amend Chapter 112 of the Public Laws of 1919, relative to disorderly houses, and recognizes the senator from Cumberland, Mr. Hinckley.

Mr. HINCKLEY: Mr. President, I move that this be again tabled until tomorrow morning. I am sorry to ask this indulgence but unfortunately I have not had time to prepare the amendment.

The motion was agreed to by a viva voce vote.

The PRESIDENT: The Chair lays before the Senate H. D. 248, Resolve providing for the purchase of music and musicians of Maine, and recognizes the senator from Cumberland, Mr. Cram.

Mr. CRAM: Mr. President, I move that this matter be tabled again until tomorrow morning

The motion was agreed to by a viva voce vote.

The PRESIDENT: The Chair lays before the Senate S. D. 94, Veto message on bill An Act to amend Section 52 of Chapter 117 of the Revised Statutes, as amended by Chapter 183 of the Public Laws of 1917, and by Chapter 152 of the Public Laws of

1921, relating to the board of State assessors, and recognizes the senator from Piscataquis, Mr. Ryder.

Mr. RYDER: Mr. President, this resolve is in favor of an increase for two members of the board of State assessors, and I might enlighten some of you perhaps in regard to what has been done in the past.

The Board of State Assessors was created in 1891, with salary of \$1,500 each. Owing to the increasing work each year, in 1909, it was raised to \$2,000 each. This remained until 1919, when the cost of living and travel had doubled in price and owing to the fact that the Board were paying their own expenses while in Augusta and also at their own home, the State paying their expenses when away from Augusta and also away from home, Governor Milliken gave them a bonus of \$666.66 2-3 for years 1919 and 1920

At the Legislature of 1921, the work had grown to such an extent that a bill was put in to increase the salaries to a larger amount. It was finally decided by the Committee to increase the salaries of the chairman and chief clerk to \$2,500 each, leaving the salaries of the other two members at \$2,000 as in 1909.

At the present Legislature a bill was put in to increase the salaries of the other two members to \$2,500, the amount the chairman and the chief clerk now receive. That would make it the same as it has been ever since the Board was created, more than 30 years ago.

The laws of 1909, C. 220 S. 1. Provides that "A Board of State Assessors consisting of three members, not more than two of whom shall be taken from the same political party," and as this is a non-partisan board and each man is supposed to do his part of the work, there is no reason why the salary should not be the same.

The salary has always been equal up to 1921, and the duties of each assessor has always been the same, therefore, I see no reason why the salaries should not be equal at the present time.

This resolve was received by the committee on salaries and fees and given due hearing, with no opposition. The chairman of the board of State assessors appeared before the committee in favor of the salary of the two other members being brought up to \$2,500. I do not see any rea-

son why a board of State assessors should be paid any less money, and I hope, senators, that when the vote is taken you will vote in favor of the resolve, notwithstanding the objection of the Governor.

Mr. CROXFORD of Penobscot: Mr. President and gentlemen of the Senate, I believe that if there is any department of the State that is worthy of its hire it is our State assessors. The senator from Piscataquis has explained in regard to the matter of the chairman of the board receiving the same compensation as the others, and why his salary should not be raised at this time. I want to say that I know of no reason why they should not receive equal amounts. As I know the matter, one does as much as the other, perhaps the responsibility rests more heavily on the chairman of the board of State assessors than it does upon the other members, but yet I can see no reason why the other two members, who travel from the east to the north and the south and are at the beck and call of every citizen of the State of Maine, should not receive at least the compensation of the chairman of the State board, and I heartily approve of the resolve and wish that the matter be seriously considered.

Mr. HINCKLEY of Cumberland: Mr. President and Senators, I would not feel that I was doing my duty unless I added a word in this matter.

It came before the committee on salaries and fees and every member of that committee believed that even with the increase asked for from \$2000 to \$2500, then these men would be very much underpaid. The chairman of that board came before us and in a very fair, broadminded way stated to the committee that he did not ask and did not desire any increase at this time, but he felt that his two colleagues who were devoting their time to this work so efficiently, should be given the increase asked for.

The statute provides that these three men shall devote their entire time to this work. We have a most efficient board of State assessors, two of them drawing the same salary, as has been stated by the senator from Piscataquis, the same salary that was granted in 1909, and it is not necessary for us to argue here today how the cost of living in every way has increased since that date. The clerk of the board of assessors is receiving

\$2500, more than two of the assessors who, as I have stated, under the statute are likewise devoting their entire time. It is a matter, I think, of quite common knowledge that during the term of office of these three efficient men the revenue of the State, through their efforts in finding new property and digging out property that was not taxed before, is yielding to the State of Maine several hundred thousand dollars a year, just through their efforts.

The board of State assessors is the fountain head of the revenue that comes into the State to pay expenses and I cannot conceive of any official in the State of Maine feeling that these men who are required to devote their time, who must of necessity be men of intelligence, integrity and experience, should continue to devote their entire time to the State of Maine at a salary much less than many of the subordinate clerks under the State are getting at the present time.

I certainly hope that this Senate will do the right thing and grant this small increase which then will bring the salary of these men to a point very much under what they should have as compared with others in the employ of the State.

The PRESIDENT: The question before the Senate is, Shall this Bill, S. D. 94, An Act to amend Section 32 of Chapter 117 of the Revised Statutes, as amended by Chapter 183 of the Public Laws of 1917, by Chapter 152 of the Public Laws of 1921, relating to the Board of State Assessors, become law notwithstanding the objections of the Governor? Those who wish to sustain the Governor's veto will vote "no," and those who wish to pass the bill over the Governor's veto will vote "yes."

The secretary called the roll. Those voting "yes" were Messrs. Adams, Allen, Bemis, Brewster, Buzzell, Carleton, Clark, Cram, Croxford, Eaton, Elliot, Emery, Hinckley, Kirschner, Morison, Morneau, Phillips, Powers, Putnam, Ryder, Sargent, Speirs, Stevens, Trefethen, Wadsworth, Wilson—26. Those voting "no" were Messrs. Farrington, Spencer, Absentees, Messrs. Bailey, Hussey, Smith.

Twenty-six senators voting in the affirmative and two in the negative the bill was passed to be enacted notwithstanding the objections of the Governor.

Orders of the Day

On motion by Mr. Phillips of Hancock, resolve making an appropriation for the construction of a new building at the Northern Maine Sanatorium of Presque Isle, was taken from the table.

The bill was then given its first reading.

Mr. BREWSTER of Cumberland: Mr. President, I think there is an error in the calendar in regard to the assignment for consideration of the order relative to the recess committee to reconsider reorganization of the judicial system. I understood that it was assigned for today, but it is down here for the 27th, and that is quite a way off. I would like to take it off the table and dispose of it today.

There being no objection the order was taken from the table, and by unanimous consent Mr. Brewster was given permission to withdraw the order, "as action had been taken along that line."

Mr. SARGENT of Hancock: Mr. President, I would like permission to take from the table H. D. 401, tabled by me this morning and assigned for tomorrow. It relates to the salary of the county treasurer of Hancock County.

The motion was agreed to, and the senator offered Senate Amendment A and moved its adoption.

Senate Amendment A to H. D. 401 H. D. 401 is hereby amended by striking out in Section 44 the words "Hancock, five hundred dollars" and inserting in place thereof the words "Hancock, six hundred dollars."

The amendment was adopted and the bill as amended under suspension of the rules was given its second reading and passed to be engrossed.

On motion by Mr. Allen of York, H. D. 387, An Act to amend Section 44 of Chapter 117 of the Revised Statutes as amended by Section 44 of Chapter 219 of the Public Laws of 1921, relating to salary of the treasurer of York County, was taken from the table.

On further motion by the same senator the bill was passed to be engrossed in concurrence.

Mr. MORNEAU of Androscoggin: Mr. President, I believe it is customary to take up matters that have not been assigned on Wednesday, is it not? Has it not been the custom?

The PRESIDENT: The Chair will state it has been the custom.

Mr. MORNEAU: I do not know whether it has been overlooked, but there is a matter here, S. D. 212—I wish that Mr. Powers would take that matter from the table. It has been on the calendar here for two or three days. I would like to have the gentleman dispose of the matter this morning, if possible.

Mr. POWERS: Mr. President, at the present time I am endeavoring to get into telephone communication with some of our doctors in the State who are interested in this matter, and as I believe that this was assigned on the 19th, under our ruling it would naturally come up next Wednesday and not this Wednesday, would it not?

The PRESIDENT: The Chair so understands it.

Mr. POWERS: I am willing to take it off the table as soon as I get my information.

On motion by Mr. Allen of York,
Adjourned until tomorrow morning at 9.30 o'clock.