

# 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**

Friday, March 23, 1923.

Senate called to order by the President.

Prayer by the Rev. D. H. Penn of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Resolve in favor of State Armory at Lewiston.

In the House this resolve was received under suspension of the order limiting the time of the reception of bills, and was referred to the committee on appropriations and financial affairs.

Mr. HINCKLEY of Cumberland: Mr. President, I move that this bill be tabled.

Mr. MORNEAU of Androscoggin: Mr. President,—

The PRESIDENT: The motion to table is not debatable.

Mr. MORNEAU: Mr. President, I make the motion that this resolve—

The PRESIDENT, The Chair will await the motion of the senator, but a motion to lay on the table takes precedence.

Mr. HINCKLEY: Mr. President, I ask unanimous consent to withdraw my motion so that the senator may make his motion.

Unanimous consent was given and the motion of the senator of Cumberland was withdrawn.

Mr. MORNEAU: Mr. President, I move that this bill have a passage without reference to a committee. The Armory at Lewiston is in course of construction and we cannot build it unless this goes through, and that is the reason I make this motion.

Mr. EATON of Oxford: Mr. President, I would like to inquire the amount that the resolve calls for.

(The Chair read the resolve, which calls for an appropriation of \$15,000.)

Mr. HINCKLEY: Mr. President, I know of a great many private resolves held by members, and if the door is open I know that they will be introduced, and it will open the door wide.

My object in making the motion to table was that we might look into

this matter very carefully and see if there was a very special reason for it, and I now insist on my motion.

The PRESIDENT: The motion of the senator from Cumberland, that the resolve lie on the table takes precedence.

A viva voce vote was had and the motion was adopted and the resolve was tabled.

The PRESIDENT: Does the senator from Cumberland desire a special assignment on this resolve.

Mr. HINCKLEY: Mr. President, I move that Monday afternoon be assigned for the consideration of this resolve.

The motion was agreed to.

Mr. ALLEN of York: Mr. President, I move that when we adjourn it be to meet next Monday afternoon at 4.30 o'clock.

Mr. HINCKLEY of Cumberland: Mr. President, I think it is well recognized by all senators that on Saturday morning no particular matter is taken up that any senator is particularly interested in, but we simply push along the routine matters.

It seems to me if we get down to work we can finish next week. I cannot see any objection to having a session tomorrow morning, and I hope we will not adjourn until Monday afternoon.

The PRESIDENT: I think it will be impossible to finally adjourn next week unless the work is carried along.

The House has to concur in an adjournment order and I will ask the secretary to make an order, and matters will have to be in abeyance until the adjournment order is passed and concurred in by the House.

Mr. Allen of York, presented the following order and moved its passage:

Ordered, the House concurring that when the Senate and House adjourn they adjourn to meet Monday, March 26, at 4.30 o'clock.

A division was had and fifteen senators voting in favor of the passage of the order and ten opposed, the order received passage and was sent down for concurrence.

Subsequently the Chair reported that the House had concurred in the passage of the order.

**House Bills in First Reading**

House 431: An Act relative to the

duties of the superintendent of public buildings.

House 421: Resolve in favor of the Penobscot Tribe of Indians for re-drafting plan book.

House 429: An Act to constitute Ganneston Park, in the cities of Augusta and Hallowell, in Kennebec county a game sanctuary.

House 428: An Act to amend Section 63 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 196 of the Public Laws of 1919, relating to the employment of guides by non-residents in certain cases.

House 420: An Act to amend Section 29 of Chapter 219 of the Public Laws of 1917 as amended by Chapter 214 of the Public Laws of 1917 and Chapter 196 of the Public Laws of 1919, relating to transportation of fish under tag without the owner accompanying the same.

H. 381: An Act to amend Section 116 of Chapter 4 of the Revised Statutes, pertaining to the right to kill dogs.

House 426: An Act to amend Section 10 of Chapter 118 of the Revised Statutes relating to costs to be taxed for parties and attorneys.

House 422: Resolve in favor of the State Park Commission.

House 427: An Act to amend Section 30 of Chapter 55 of the Revised Statutes relating to preference or rebate as to rates for service.

House 430: Resolve, in favor of the State Reformatory for Men for maintenance.

House 433: Resolve, in favor of the State School for Boys for maintenance and other purposes.

House 424: Resolve, appropriating money for the construction and equipment of an Industrial Building at the State Reformatory for Men.

(On motion by Mr. Eaton of Oxford, tabled pending second reading.)

From the House: The majority from the Committee on Legal Affairs, on An Act to amend Chapter 19 of the Revised Statutes of 1916, relating to the registration of undertakers (Senate Doc. No. 76), reporting that the same ought not to pass.

(Signed) Messrs. Brewster  
Powers  
Cram  
Hale  
Morrison  
Clarke  
Oakes  
Siddall  
Holmes

The minority from the same committee, on the same subject matter, reporting that the same ought to pass.

(Signed) Mr. Martin

In the House, the majority report was accepted.

In the Senate, on motion by Mr. Brewster of Cumberland the majority report, ought not to pass, was accepted in concurrence.

From the House: An Act to amend Sections 1 and 5 of Chapter 169 of the Public Laws of 1919, as amended by Chapter 183 of the Public Laws of 1921, relating to the support of dependents of soldiers, sailors and mariners (Senate Doc. No. 249).

Came from the House, House Amendment "A" adopted and bill passed to be engrossed as amended by House Amendment "A" in non-concurrence.

In the Senate, on motion by Mr. Brewster of Cumberland, the action whereby this bill was passed to be engrossed was reconsidered, and on further motion by the same senator House Amendment A was adopted in concurrence, and the bill as amended by House Amendment A was passed to be engrossed.

Bill An Act to amend Section 51 of Chapter 82 of the Revised Statutes, as amended by Chapters 73, 211 and 227 of the Public Laws of 1917, as amended by Section 51, Chapter 81 of the Public Laws of 1921, relating to trial terms of the Supreme Judicial Court. (House Doc. No. 382.)

In the Senate indefinitely postponed in non-concurrence.

Came from the House, that branch voting to insist on its former action whereby the bill was passed to be engrossed, and asking for a committee of Conference, the Speaker having appointed as members of such a committee on the part of the House,

Messrs. Saunders of Lubec  
Weeks of Fairfield  
Wing of Auburn

On motion by Mr. Emery of Washington, the Senate voted to insist and join a committee of conference.

The Chair appointed as such committee on the part of the Senate:

Messrs. Putnam  
Powers  
Eaton

**Veto Message From the Governor**  
**STATE OF MAINE**  
**OFFICE OF THE GOVERNOR**  
**AUGUSTA**

March 22, 1923.

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

I return herewith without my approval

Resolve, in favor of the erection of a State of Maine Building on the Grounds of the Eastern States Agricultural and Industrial Exposition Incorporated at West Springfield Massachusetts.

This Resolve is similar to one passed by the Legislature two years ago and which I disapproved, the Legislature at that time having sustained my veto. The principal difference between this Resolve and the one of 1921 is that this contains a provision whereby certain private interests are to aid the State in the erection of the proposed building. This does not in any way remove the objections which I advanced in 1921, it but adds to their force for the more elaborate and costly the building the more it will cost the State of Maine to maintain it. This resolve is but the beginning of a great, unwarranted and continuing outlay of the taxpayers' money.

Our State Government is overwhelmed with appeals for funds with which to construct buildings at the State Prison at Thomaston, at the Mens' Reformatory at South Windham, at the State Reformatory for Women, at both the Augusta and Bangor Insane Hospitals, at the Home of the Feeble Minded, and at practically every institution that the State is supporting. We are struggling along under heavy burdens. It seems to me the height of folly for the State to put \$25,000, or in fact any sum of money whatsoever, into a building in Springfield, Mass., or anywhere else outside the borders of the State. The expenses involved in this subject are endless, and the sum called for by this Resolve will be but the beginning of an annual outlay that is certain to mount to many thousand of dollars. I cannot think that this Legislature on sober second thought will pass this measure

I have visited practically every large exposition that has been given in this country since the Chicago

Exposition in 1893. My experience has been that if I really want to see the principal worthwhile exhibits I invariably have gone through the large buildings where the exhibits are grouped together by hundreds. The smaller state buildings at these great expositions are frequented by tens of thousands daily. If an exhibitor desires to properly display his wares in the most favorable location he never goes to a state building to do so. This is the experience of all who have attended and exhibited at the principal expositions of the past thirty years.

State buildings usually become a loafing place for a few State officials and their friends and I can foresee just what will occur at Springfield, Mass. if this Resolve is passed. Our officials will be entertained by those of other states and will entertain in return. The taxpayers will pay the bills. For several years our Department of Agriculture has carried a very creditable exhibit to Springfield. In fact it has been one of the best state exhibits at that Exposition. This has been taken care of out of the regular departmental appropriation. It is now proposed not only to build this building but in addition thereto to pass a special appropriation of several thousand dollars to cover the expenses of the State's exhibits. This is a rapid and undue expansion of what at first was a proper and modest undertaking.

We have about fifty fairs within the State of Maine and every one of them must struggle to keep its head above water. These fairs are managed by patriotic citizens who devote their time to, and put their money into them for the upbuilding of their respective communities. The State appropriated approximately \$15,000 a year to aid these fairs and the pitifully small stipends they thus receive help tide over the hard places. You are now urged to make an initial outlay of \$25,000 to erect a State Building in Springfield, Mass., hundreds of miles away from home.

There is no reason why Maine should pay tribute to Massachusetts. The invitation extended to us is not unselfish. We are to furnish another attraction to boom Springfield and its Exposition. It is strange that the management of the Eastern States Exposition should incur the expense of maintaining a representative at Augusta throughout this session. My only explanation is

that they are of the opinion that once the State of Maine is committed to this project, it will continue to pour large sums of money into the coffers of their Exposition.

I stood before the people of Maine in 1922 on a platform of economy, and I am consistently endeavoring to live up to that platform. In an attempt to bring the various groups of this Legislature together a fortnight ago I invited into the Council Chamber the members of the appropriation committee, and the Senate and House chairmen of practically every committee that appropriates money. The whole question of the State's finances was discussed, as were the dangers of extravagant appropriations. The conference lasted two hours and adjourned until the day following. We all came together again and an arrangement was made that every committee making appropriations was to keep in touch with the appropriations and financial affairs committee. It was understood that if committees were in disagreement a serious effort would be made to harmonize differences of opinion. It was the opinion of most of those present that the State tax rate should not exceed 7 mills. It is unfortunate that these conferences were not productive of better results. From what recently has occurred it is apparent that the Legislature has adopted a platform of its own. Of course it is not difficult to override Executive disapproval, if those interested in different measures join together, but whatever happens the people themselves will decide upon the merits of the case.

It has been alleged that the Executive has interfered with the Legislative prerogatives. As a matter of fact there is no such thing as "Executive interference." This is but a phrase of those who fear for their particular projects. It is as much the right of the Executive to VETO a bill, as it is the right of a legislator to VOTE for it. It is for each to do what he believes to be right and for the public interest.

It should not be overlooked that the Legislature is in session only for about three months. The members then return to their homes and leave the government of the State to the Chief Executive for a year and nine months. The administration is known as the Governor's administration, and he must bear the blame of or take the credit for it, as the case may be.

In my opinion there is no valid rea-

son for an excessive tax rate and the taxpayers of the State will hold us all responsible for what is done here during the next few days. You already have passed measures over the Executive veto that have added approximately 1-3 of a mill to the tax rate. In doing this you must account to the people not to the Governor. The Governor also must account to the people, not to the Legislature. If the present situation continues I fear that public disapproval will accumulate throughout the State, that it will not be possible to hold it in check, and that it will overwhelm those who are responsible for unwarranted appropriations.

In closing I desire to say that if the Legislature continues on its present course the tax rate of the State for 1924 and 1925, when our country is at peace, will certainly exceed the tax rate we had during the years of the recent war. I fear it will be embarrassing for those who in 1924 are to appeal to the voters of Maine for their suffrage to account for the condition in which the State will find itself.

No resolve pending before this Legislature has as little merit in it as or has greater possibilities for extravagance than the one I am returning to you.

Respectfully submitted,

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

The message was read by the secretary.

Mr. WILSON of Aroostook: Mr. President, gentlemen of the Senate: I move that this resolve become a law notwithstanding the objection of the Governor and will address myself to the motion.

In 1919, Governor Milliken appointed a commission to investigate at the Eastern States Exposition the desirability of the State of Maine erecting a building there. That committee came back and reported in full, unanimously, that it should be done, for the **advantages** of the State of Maine to display their agricultural products and any of their products from other industries which are manufactured here.

In 1921 this same bill did come before the Legislature—true—and finally met its death here in the Senate Chamber. It was then sponsored by the agricultural interests of the State of Maine, of which I am one of the representatives today. I come from a county practically all agricultural interests, very few manufacturing in-

terests though there are some novelty mills, hardwood mills.

At this time we have a resolve for \$25,000 to be met with another \$25,000 contributed by the citizens of the State of Maine to the erection of this building. The farmers here, what is called the Farmers' Club or the Farmers' Bloc, or whatever you may term it, has been in unison with this bill throughout since it started. They appeared before the committee advocating it. There were several of the wealthier men of the State who appeared before the committee advocating it. We did think, and we think now, that it is for the benefit of the agricultural people, and perhaps some of the industries to display their novelties and their goods at this building. It is one of the largest expositions in the United States.

I have myself exhibited there, and merely as a potato dealer, a raiser of seed potatoes. I had communications from 19 different states handling Aroostook potatoes, and sold in nine of them, some going to Texas, some to Indiana, some to Ohio, and North Carolina and South Carolina, and I can say that it was a benefit to me and to others who displayed their potatoes from Aroostook county; they got orders for seed potatoes from parties that were unknown to them before and in states which they never had entered. I want to say also that some of the novelty people in the State of Maine exhibit there, one in particular from Umbagog county at the last exposition and received orders there from states where he had never had an order before.

I believe that for the benefit of the agricultural interests, for the benefit of the State of Maine, for publicity, you cannot invest \$25,000 any better. The fish and game department in the museum down below, exhibit the fowl and the beasts that roam the woods of Maine for the sportsmen, and it brings to the State many sportsmen who have seen the exhibits there and had these things explained to them.

The State for the last season paid \$1900 for rental of flood space to the owners of the main building there and at that time could not get the amount of space which was required for their display and it was crowded. And there is one reason more why we should do something for ourselves. I have here the bona fide orders for thousands of dollars worth of blankets, yarns and cloth manufactured by the Maine Wool Growers' Association. Here is a list

of where they go, into almost every state of the Union, going to Texas, North Carolina, Georgia, Alabama, Pennsylvania, New York, Ohio, Indiana and all over the United States, which shows to you that the people who go there are not local people, they are people who come from all over the United States to view what they have at that exposition.

Gentlemen, it seems to me to be penurious at this time to deny to the agricultural people of the State of Maine the right to erect a building there, helped by the State and helped by the industries.

Now in further reference to some other remarks in the message, I wish to state to the gentlemen here that the man who represents the Eastern States Exposition does not have to have his bills paid here by the exposition. He is a man of some means himself. He can afford to take a vacation, if he sees fit, in the State of Maine, or in the state of California, or anywhere else; but he does think Maine is a beautiful place because he has one thing with him the dearest he has in the world, and that is his wife, who is a State of Maine woman.

Mr. EMERY of Washington: Mr. President, I want to add just a word to what the Senator from Aroostook has said. At the hearing on this bill we had a room full of people. There was a large crowd present. And there was not a single word raised in objection to the bill. Now if the Governor had any objection to it he could have been represented at that hearing. Nothing was said against the exhibition building. Among those who appeared for it were representatives of the Associated Industries of Maine, the Bankers' Association, the Maine Federation of Agricultural Associations, the Maine State Grange, the Farmers' Club, the Shoe Manufacturers, the Hotel Men's Association and the president of the Maine Publicity Bureau. Now if I understand the standing of those men, every one of those people and every one of those organizations represent taxpayers. They are willing not only to pay the very slight addition to their taxes involved in this measure but they are putting in \$25,000 of their own money; they are backing their belief in advertising to forward Maine by their money, and this building is only going to cost the State of Maine

\$25,000 and it is going to be worth \$50,000.

Now as to the maintenance, the committee went into that very carefully with the proponents of the bill and we found that the maintenance charge on this building would be practically nothing. It has to be of permanent construction, brick or stone, and the maintenance charges should be very small. Further than that, the building will produce a revenue each year of something like \$6,000, and that means that the State in the course of a few years will have its total investment, and then will not only have a revenue but have enough to take care of what maintenance charges there might be.

I want to second also what Senator Wilson has said about Mr. Brooks. It is a matter of personal knowledge to me that he is paying his own expenses. I believe it is possible for a man to follow an ideal without any selfish motive, and I believe Mr. Brooks is devoted to the upbuilding of this great exposition which is an exposition with a new idea, the idea of increasing and building up New England agriculturally and industrially. Now this is an investment in prosperity. It is a proposition which will bring money into Maine, will bring business here, will keep the wheels of our mills turning; it will find a sale for our apples and our potatoes and our fishery products, and not one of the people who will be benefitted by this project will care a little bit about the extra tax that is involved, and I sincerely hope that the measure will become a law notwithstanding the Governor's veto.

Mr. CROXFORD of Penobscot: Mr. President, I would not feel right unless I told in full a little story relative to this Exposition building. One of my Democratic constituents, a manufacturer, said this: "Will you support the resolve for a building at Springfield? I want to tell you my experience. I had little faith in any building to advertise the outputs of the State of Maine, but I was induced by a personal friend to make an exhibit at the Springfield Exposition of my products and I received a large order, and I received a duplicate order, and I believe it is one of the biggest things that the State of Maine can engage in, to have an Exposition building at Springfield."

Mr. BUZZELL of Waldo: Mr. President and members of the Senate, I am always very glad to explain

any position that I may take on any bill.

To start with, I want to say that I am in favor of this bill. I do not recall just what Legislature it was, but I know that we passed an order that provided for the appointment of several gentlemen to investigate that proposition, and as I recall it those men accepted the responsibility and performed their duty faithfully and well and made their report, and as I recall some of the facts I believe it was called to our attention that within a radius of one hundred and fifty miles of this Springfield more people lived and existed than in any other place in the United States of the same area. They made a report at that time that we all took stock in, and in many other instances I have heard from our exhibits at this exposition. I believe that it will be a great benefit to the State of Maine if this appropriation is passed. I believe that it will be the means in a way of stimulating the greatest asset that the State of Maine has today, and that is Maine—not the timberlands that we hear so much about that have ceased to exist, nor other assets so-called, but Maine. I believe that this will call it to the attention of thousands and hundreds of thousands of people who believe that Maine is the land of the tall timber, notwithstanding what we have heard about it. I know there are a great many people to the westward who speak of Maine almost as a wilderness and wonder just where it is. I believe that they will come to that exposition and see that Maine building, then examine what we have there to offer for their inspection, and will be attracted to our State. I am informed that all the tourists who come to Maine leave here in the neighborhood of forty-five or fifty million dollars a year of good hard, cold cash for the citizens of Maine. We do not have to lay out very much for this money. It comes to us. And I believe that they have just begun to come.

I believe that this money that we receive year after year is on the increase and that if we properly advertise our natural opportunities without any great outlay, the amount of money we are going to receive each year hereafter is going to increase and we are going to be benefitted thereby.



Because of these reasons I am in favor of this resolve.

Mr. HINCKLEY of Cumberland: Mr. President, the question has been asked many times and is being continually asked, Why does the State of Maine not grow faster? and I believe that one answer is, we have never yet sold the State of Maine to the world. During the past ten years California has sold itself to the world and as a result a tremendous increase of population has taken place. Today Florida is selling itself to the world and a tremendous increase in population is taking place there. And I believe that the State of Maine, like any good substantial business concern that makes a success must advertize. I believe that this \$25,000 will come back to the State of Maine in the next ten years a hundred fold, and for that reason I am in favor of it.

The PRESIDENT: The question before the Senate is on the resolve in favor of the erection of the State of Maine building on the grounds of the Eastern States Agricultural and Industrial Exhibition, shall this resolve be finally passed and become law notwithstanding the objections of the Governor? Those who wish to sustain the veto of the Governor will vote "no," and those who wish to pass the resolve over the Governor's veto will vote "yes."

The secretary called the roll. Those voting "yes" were Messrs. Adams, Allen, Brewster, Buzzell, Carleton, Clark, Cram, Croxford, Eaton, Elliot, Emery, Hinckley, Kirschner, Morison, Morneau, Phillips, Powers, Ryder, Sargent, Smith, Speirs, Stevens, Trefethen, Wadsworth, Wilson—25. Those voting "no" were Messrs. Bemis, Farrington, Spencer—3. Absentees, Messrs. Bailey, Hussey, Putnam.

**Communication From the Office of the Secretary of State**

STATE OF MAINE

Office of Secretary of State

Augusta, March 22, 1923.

To the President of the Senate and Speaker of the House of Representatives,

Gentlemen:—

In accordance with the requirements of section four, chapter one, of the revised statutes, I have the honor to notify you that the public acts, a list of the titles of which is hereto

appended, have been approved by the Governor.

Very respectfully,

Your Obedient Servant,

(Signed) EDGAR C. SMITH,  
Deputy Secretary of State.

Read and placed on file.

The following resolves were received and were referred to the committee on

**Appropriations and Financial Affairs**

By Mr. Spencer of York, Resolve in favor of Ralph W. Farris for services rendered as clerk of the Senate committee on bills in second reading.

By Mr. Wadsworth of Kennebec, Resolve in favor of Anne M. Clancy.

**Bills In First Reading**

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

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

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

**Reports of Committees**

Mr. HINCKLEY, from the committee on judiciary, on An Act relating to deposits in savings banks (Senate Document No. 165), reported that the same ought not to pass.

The same Senator, from the same committee, on An Act relating to accounting of trust officers in probate courts (Senate Document No. 167), reported that the same ought not to pass.

The same Senator, from the same committee, on An Act to amend Section 12 of Chapter 4 of the Revised Statutes relating to the election of officers (Senate Document No. 214), reported that the same ought not to pass.

The same Senator, from the same committee, on An Act to provide for the appointment of a Chief Clerk to the Governor and Council, and repealing Section 4 of Chapter 117 of the Revised Statutes (Senate Document No. 201), reported that the same ought not to pass.

The same Senator, from the same committee, on An Act relating to the

sale of real estate (Senate Document No. 169), reported that the same ought not to pass.

The same Senator, from the same committee, on An Act in regard to the practice in Probate Court (Senate Document No. 182), reported that the same ought not to pass.

The same Senator, from the same committee, on An Act relating to proof of claims (Senate Document No. 168), reported that the same ought not to pass.

The same Senator, from the same committee, on An Act relating to commissioners on claims appointed by Judge of Probate (Senate Document No. 183), reported that the same ought not to pass.

The same Senator, from the same committee, on An Act relating to appeal from the Judge of Probate (Senate Document No. 184), reported that the same ought not to pass.

The same Senator, from the same committee, on An Act relating to the payment of legacies (Senate Document No. 185), reported that the same ought not to pass.

The same Senator, from the same committee, on An Act relating to foreign executors, administrators, guardians, conservators or other trust officer by whatever title they may be appointed by competent authority (Senate Document No. 170), reported that the same ought not to pass.

The same Senator, from the same committee, on An Act relating to administration without bond (Senate Document No. 177) reported that the same ought not to pass.

Mr. Stevens, from the committee on sea and shore fisheries, on An Act to amend Section 17, Chapter 45 of the Revised Statutes, relating to lobster licenses in York County, reported that the same ought not to be passed.

Mr. Allen, from the committee on taxation, on An Act requiring an excise tax to be paid on all cigarettes, cigarette tobacco and cigarette papers sold in this State (Senate Document No. 162), reported that the same ought not to pass.

Mr. Adams, from the same committee, on An Act to amend Paragraph 9 of Section 6 of Chapter 10 of the Revised Statutes, as amended by Chapter 105 of the Public Laws of 1919, and as amended by Chapter 119 of the Laws of 1921, relating to exemption from taxation of the estates

of war veterans (Senate Document No. 223), reported that the same ought not to pass.

Mr. Brewster, from the committee on legal affairs, on An Act to amend Chapter 83, Private and Special Laws of 1919, as amended by Chapter 123, Private and Special Laws of 1919, relating to the Port of Portland (Senate Document No. 202), reported that the same ought not to pass.

Mr. Powers, from the same committee, on An Act to provide for the recording of leases and assignments or discharges of mortgages (Senate Document No. 127), reported that the same ought not to pass.

Mr. Cram, from the same committee, on An Act relative to the non-liability of the State for damages (Senate Document No. 158), reported that legislation thereon is inexpedient, as this subject is already covered by existing law.

The same Senator, from the same committee, on An Act to amend Section 1, Chapter 68 of the Revised Statutes, relating to appointment, powers and duties of executors and administrators (Senate Document No. 179), reported that the same ought not to pass.

The same Senator, from the same committee, on An Act relating to fees of registers of probate (Senate Document No. 178), reported that the same ought not to pass.

Mr. Speers, from the committee on education, on An Act to provide for the reading of the Bible in the public school, reported the same ought not to pass.

The reports were accepted and sent down for concurrence.

Mr. Hinckley from the committee on Judiciary, on An Act relating to the sale of real estate of non-resident owners, (Senate Document No 172), reported same ought to pass.

The same Senator from the same committee, on An Act relating to the payment of legacies, (Senate Document No. 173), reported that the same ought to pass.

The same Senator from the same committee, on An Act relating to allowance to minor children (Senate Document No. 175), reported that the same ought to pass.

The same Senator, from the same committee, on An Act relating to Commissioners on disputed claims in the Probate Court, (Senate Document

No 174), reported that the same ought to pass.

The same Senator, from the same committee, on An Act relating to proof of appointment (Senate Doc., No. 171), reported that the same ought to pass.

The same Senator, from the same committee, on An Act relating to who shall cite a trust officer to account (Senate Doc. No. 181), reported that the same ought to pass.

The same Senator, from the same committee, on An Act relating to the deposits in the County Treasury of certain sums of money derived from estates in the probate court (Senate Document No. 166), reported that the same ought to pass.

The same Senator, from the same committee, on An Act relating to sessions of probate court (Senate Document No. 176), reported that the same ought to pass.

The same Senator, from the same committee, on An Act relating to waiver of provisions of will (Senate Document No. 180) reported that the same ought to pass.

Mr. Speirs, from the committee on education, on An Act to amend Section 169 of Chapter 16 of the Revised Statutes relating to teachers' pensions (Senate Document No. 130), reported that the same ought to pass.

Mr. Phillips, from the committee on public health, on Section 188, An Act permitting sterilizing operations in certain cases of mental disease and feeble-mindedness, reported same ought to pass.

The reports were accepted and under suspension of the rules the bills, already printed, were given their first reading.

Mr. Eaton, from the committee on towns, on An Act to change the name of No. 21 Plantation in Hancock county, to Osborn Plantation, reported same ought to pass.

Mr. Brewster, from the committee on legal affairs, on S. D. 68, An Act to amend Chapter 84 of the Private and Special Laws of 1919, entitled "An Act to provide for the building of public wharves and for the establishment of adequate port facilities and for the advancement of commerce," as amended by Chapter 123 of the Private and Special Laws of the Special Session of 1919, reported the same in a new draft and the same title and that it ought to pass.

The reports were accepted and the

bills tabled for printing under the joint rules.

On motion by Mr. Spencer of York the vote was reconsidered whereby the report of the committee on education, ought not to pass, on An Act to provide for the reading of the Bible in the public schools, was accepted.

On further motion by the same senator the bill was tabled and especially assigned for next Wednesday.

The majority from the committee on education, on S. 58, Resolve proposing an amendment to the Constitution prohibiting the use of public funds for sectarian schools, reported that the same ought to pass.

(Signed)

Messrs. EMERY,  
ALLEN,  
SPEIRS,  
BARWISE,  
WOOD,  
BREWSTER,  
PIERCE,  
DUDLEY,  
HUTCHINSON.

The minority from the same committee, on the same subject matter, reported ought not to pass.

(Signed) DORA B. PINKHAM.

On motion by Mr. Brewster of Cumberland, the majority report, ought to pass, was accepted.

On further motion by the same senator, under suspension of the rules, the bill, Senate 58, was given its first reading.

#### Final Committee Reports

Mr. Croxford from the committee on public health submitted its final report.

Mr. Spencer from the committee on towns submitted its final report.

The reports were accepted.

#### Passed to be Engrossed

House 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.

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

(On motion by Mr. Kirschner of Androscoggin, tabled pending passage to be engrossed.)

Senate 37: An Act to change the board of directors of the Maine Institution for the Blind.

Senate 210: An Act to amend Sec-

tion 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.

Senate 216. An Act to amend Section 77 of Chapter 10 of the Revised Statutes, relating to assessors making abatements and recording and reporting abatements.

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

(On motion by Mr. Eaton of Oxford, tabled pending second reading.

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

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

Senate 260. An Act to repeal Sections 74, 75, 76 and 77 of Chapter 45 of the Revised Statutes, and enacting a new law for the better protection of smelts.

Senate 261. Resolve, appropriating money to increase the salmon on the Maine Coast.

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

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

Senate 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, relating to Cumberland County Power and Light Company.

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

Senate, 266. Resolve for the construction and equipment of an infirmary and dispensary at the State Scoo hflor Girls.

(On motion by Mr. Eaton of Oxford, tabled pending second reading.)

#### **Passed to be Enacted**

(Emergency Measure)

An Act authorizing the formation of non-profit, co-operative associations, with or without capital stock, for the purpose of encouraging the orderly marketing of agricultural products through co-operation.

This bill carrying the emergency

clause required the affirmative vote of two-thirds of the membership of the Senate on its passage to be enacted. Twenty-five senators voting in the affirmative and none opposed the bill was passed to be enacted.

#### **Finally Passed**

(Emergency Measure)

Resolve, for the laying of the County taxes for the year 1923.

This resolve carrying the emergency clause required the affirmative vote of two-thirds of the membership of the Senate on its final passage. Twenty-six senators voting in the affirmative and none opposed the resolve was finally passed.

#### **Passed to be Enacted**

An Act relating to the distribution of the assets of an insolvent estate.

An Act to amend Section 51 of Chapter 51 of the Revised Statutes, relating to change of name of a corporation

An Act to authorize the city of Lewiston to issue its bonds to the amount of two hundred thousand dollars to construct an armory in the city of Lewiston.

An Act to authorize the town of Southport to construct a bridge over the tide-waters to Joe Island Gut.

An Act to establish close time on lobsters from a point in a straight line from Bear Cove on the western side of Petit Manan Point to Little Black Ledge directly north of Moulton's Ledge Spar Buoy to the Schoodick Island Whistling Buoy.

An Act to incorporate the Fall Brook Improvement Company.

#### **Finally Passed**

Resolve, appropriating money for the Maine School for the Deaf.

Resolve, in favor of H. G. Smallidge for services at the organization of the House at the 81st Legislature.

Resolve, in favor of W. M. Stuart, postmaster of the Senate of the 81st Legislature.

Resolve, in favor of George A. Dow, postmaster of the House of the 81st Legislature.

Resolve, in favor of William A. Heal, secretary of committee on Sanatoriums.

Resolve, in favor of Warren Prouty.

Resolve, authorizing the Treasurer of State to accept from the executors of the will of John Prescott, two five

hundred dollar United States Liberty Bonds in lieu of the legacy of one thousand dollars left by said Prescott to the Western Maine Sanatorium at Hebron.

#### Orders of the Day

The PRESIDENT: This brings us to orders of the day, and the Chair will take the matters up in order as they appear upon the calendar, and recognizes the senator from Androscoggin, Mr. Morneau, on 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 liquor.

Mr. MORNEAU: Mr. President, I move the adoption of Senate Amendment A to that bill.

The motion was agreed to, and the bill was passed to be engrossed as amended by Senate Amendment A.

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

Mr. HINCKLEY: Mr. President, I have an amendment to offer and I move its adoption. May I just say a word in connection with this matter? You are perhaps familiar with the bill which gives police officers and deputy sheriffs the right, upon suspicion of certain things taking place—the bill will be read and the amendment—of getting a search warrant and going into any building to make a search in that building.

I know that it is quite common for police officers and deputy sheriffs to also perform services for private parties as private detectives, and I think it is a very dangerous and far-reaching proposition to extend our laws, giving to police officers and deputy sheriffs who may be employed in a private capacity, who are working perhaps in divorce cases privately, to get a warrant and to go into your home or my home or any other home that they see fit, whether it be day or night.

I feel that the sanctity of the home should be seriously considered in connection with any legislation, and this amendment that I have presented excepts from this homes, houses at least, used strictly as private homes. In case of lodging or boarding-houses, or any other places where officers perhaps should properly go, I have no objection.

Mr. BUZZELL of Waldo: Mr. Pres-

ident, in a second the thought comes to me, who is going to exercise the discretion of saying what are strictly private homes? If it is going to be the officer, that is one thing. I wonder who it is going to be. I think I can go a little farther than the senator from Cumberland, and say that I do not want to give officers such liberties. Probably in most instances they would act fairly, but in these days of unrest I do not believe it is wise. I would like to hear the amendment read before I vote.

The PRESIDENT: The Chair will read the amendment.

#### Senate Amendment A to H. D. 203

Amend Section 8 by inserting after the word "building" in the 5th line thereof "except a building used strictly as a private residence," and by inserting after the word "building" in the 9th line of said bill the words "except a building used strictly as a private residence."

The question is on the adoption of the amendment.

Mr. HINCKLEY: Mr. President, before the vote is put—it has been called to our attention by the senator from York that perhaps a more proper or happy word instead of "strictly" would be "solely," and I would be glad if the President would just change that by unanimous consent of the Senate, "strictly" to "solely." It would perhaps clarify it.

The PRESIDENT: Is it the pleasure of the Senate that the word "solely" be written in for "strictly" wherever it occurs in the amendment?

It was so voted.

Mr. BUZZELL: Mr. President, I cannot help feeling that I shall have to vote against this amendment, and if the motion to amend is not carried I will make a motion to indefinitely postpone the bill.

The PRESIDENT: The Chair understands that there was no objection, simply as a clerical matter that the Chair should write in for the senator from Cumberland, Mr. Hinckley, the word "solely" where "strictly" occurs; if there is no objection on the part of the Senate that can be done as a clerical matter so that wherever "strictly" occurs it is "solely."

All those in favor of the amendment as changed in that way will say "aye."

Mr. BUZZELL: As I understand it this is just in relation to the change of the word.

The PRESIDENT: The Chair understands that wherever the word "strictly" was in the amendment, the word "solely" is written in or substituted and with that change all those in favor of the amendment will say "aye."

The motion was agreed to and Senate Amendment A was adopted by a viva voce vote.

Mr. BUZZELL: Mr. President, I move that the bill as amended be indefinitely postponed.

Mr. BREWSTER of Cumberland: Mr. President, the bill reported from the committee on Legal Affairs gives to magistrates the power to issue warrants for search such as they now possess in the case of intoxicating liquors. It seems a reasonable extension of the powers of magistrates in these matters, to be fully protected by the power of the magistrate. A police officer himself could not move without the warrant issued by the magistrate.

Mr. HINCKLEY: It seems to me, Mr. President, that the bill in this form is a proper bill and that the law at the present time is impractical to enforce owing to the fact that many lodging and rooming houses are being used, as is well known, for places of resort for lewd purposes. I had a feeling, as I stated on the amendment that it should not be carried to the home, used solely as a private home, because there the danger would exist of harassing and interfering with the rights of a person in their own home by those who were not exercising their rights as police officers or as a sheriff, but in fact as a private detective, and that was my reason for making my amendment. So far as an officer while in the performance of his duties having rights to enter the private home, I would not be disturbed, but knowing the common practice of many officials to be acting in private capacities, I felt that the home should be safeguarded. But I certainly feel that the law should be amended so that officers have a right to get a warrant to go into the cheap dens that we have in our larger cities at least and clean them up.

Mr. BUZZELL: Mr. President, I approach this subject on the spur of the moment with some reluctance. It is a subject that no one feels that they want to discuss at any great length or go into the merit or the demerit of the proposition very fully. Of course it probably is a fact that many of us do not know

the true conditions that exist in some of the large centers of the State of Maine. I am actuated in this matter solely for this reason—I do not want officers of any kind, court officers, constables, sheriffs, deputy sheriffs, or whatever they are, to have too great liberties. Now the senators from Cumberland plead with us saying that courts are going only to issue warrants and act against places that they know are places of ill repute. I wonder just how well fortified those gentlemen are going to be! I wonder just how much knowledge they are going to have about such places! Is it going to be better than hearsay evidence? Do you think that they are going to the extent of having witnesses appear before them and thoroughly investigate the proposition before they issue a warrant? Oh, no. We know about that. An officer goes to a trial justice or a police court and says he wants a warrant, and this bill gives him the right if he is acting properly to go into that place either by day or by night. If he goes actuated by the right spirit and goes as he should, it would be all right. But if he goes acting in another spirit, if he goes feeling that he would like to go on the hold-up plan, he can do it. I do not believe that the substitution of this word "solely"—"solely", just what would that mean? Who is going to pass upon a place used "solely"? I do not like the law and that is why I am against it. I believe we have plenty of law without it. I do not believe the best interests of the State of Maine will be injured one particle if this bill is indefinitely postponed.

Mr. BREWSTER: Mr. President, the exact provisions of the act which you are asked to adopt is: "When a police officer, sheriff or deputy sheriff has reason to believe"—I have some confidence in the officer—"has reason to believe that any place, structure or building is being occupied for any of the purposes expressed in section one of this act or that any person is residing in, entering or remaining in any place, structure or building for the purpose of prostitution, lewdness or assignation, he may complain on oath"—that is rather formal—"to a competent magistrate, who may issue a search warrant as in other cases to enter such place," and it goes on.

Up to this time there has not been much difficulty in this situation because it has been the experience of officers that inevitably with prostitution is associated the illegal sale of liquor, and they need simply ask for a search warrant for liquor if they were also going to search a house of prostitution. But that is becoming, as the officers advise, no longer always the case; so that an officer cannot go and make oath that he thinks there is liquor in a place merely because he thinks there is prostitution going on there. In the old days that, they state, was always the case. Today it is not the case. And so they ask for this amendment to the law that they may have a search warrant issued for what seems a very proper purpose if we believe in the enforcement of the law against these matters.

The PRESIDENT: The question before the Senate is on the motion of the senator from Waldo, Mr. Buzzell, that the bill and amendment be indefinitely postponed.

A viva voce vote was had, and the Chair being in doubt a division was had, and fifteen senators voting for indefinite postponement and eleven opposed the motion to indefinitely postpone was carried.

The Chair recognized the senator from Cumberland, Mr. Cram on H. D. 248, Resolve providing for the purchase of "Music and Musicians of Maine."

Mr. CRAM: I move that the Senate insist and ask for a committee of conference.

The motion was agreed to and the Chair appointed as such committee on the part of the Senate:

Messrs. CRAM  
SARGENT  
SPENCER

The Chair recognized the senator from Waldo, Mr. Buzzell on H. D. 335, 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.

Mr. BUZZELL: Mr. President, I yield to the senator from Cumberland, Mr. Cram.

Mr. CRAM: Mr. President, I move the adoption of Senate Amendment

A to H. D. 335, And that the bill as amended be passed to be engrossed.

#### Senate Amendment A to H. D. 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 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 line sixty-five and sixty-six of said bill 'Said justice shall have discretion in the taxation of costs', and inserting instead thereof the words 'No costs shall be allowed either party in any such proceeding.'

The amendment was adopted and the bill as amended by Senate Amendment A was passed to be engrossed and sent down for concurrence.

The PRESIDENT: The Chair recognizes the senator from Washington, Mr. Emery, on the two reports relating to commissioner of sea and shore fisheries.

Mr. EMERY: Mr. President, I move the acceptance of the majority report, ought not to pass.

Mr. CRAM of Cumberland: Mr. President, in speaking on this motion, I would call the attention of the senators to the original bill, which is House No. 62. I also call their attention to the fact that the minority report is that the act be adopted. And Mr. President, I would like in speaking briefly to this motion to call the attention of the senators to the report of the recess Special Legislative Committee. On page 32, sea and shore fisheries, I quote:

"As in the case of the Inland Fisheries and Game Department, we rec-

commend a reduction in the amount appropriated for warden service and that the present amount be reduced by \$15,000.00. The value of the warden service lies in the quality and character of the service rather than in the number of wardens employed. One good man who regards his job impersonally, and knows no rule but the law, is worth two of the kind that have more regard to drawing their compensation than they have for the real interest of the department employing them. We do not regard the wardens in either of the two departments as men of the latter class, but we do feel, that, being men of the right calibre, a reduction in these two departments may be attempted, at least, for the sake of general economy. The amount expended for warden service and expenses in these two great departments totaled over \$130,000 in the last fiscal year. Although both departments are asking for increases for this service, we believe that at this time the amount should be decreased and we are confident that those in charge can work out good results.

We suggest to Your Excellency for consideration the possible consolidation of this department with that of Inland Fish and Game under a department with an appropriate title with a Commissioner in charge to be appointed by the Governor with the advice and consent of the Council."

May I also call the attention of the Senate to the fact that this report was submitted to the Governor and Council by a committee of five, three of whom were members of this Honorable Body, our honored President being one member, the honorable senator from Washington, Senator Emery, being another, and the honorable senator from Waldo, Senator Buzzell, being another; the fourth being the speaker of our present House of Representatives.

No bill has come before this Legislature asking for the consolidation of these two departments, but it seems to me that this House bill No. 62 now under consideration comes very nearly to that. This bill asks for the substitution of one commissioner for the present commission of three. Gentlemen, this House bill should be given serious consideration in view of the recommendations of the special Legislative committee. I firmly believe that with one commissioner this department can be made more efficient and at the same

time more economical. The inland fish and game commission has one commissioner. The great department of agriculture, which is doing such great and excellent work for our State, has one commissioner. Formerly this sea and shore fisheries department had one commissioner—this for many years—and the work was done at a far less cost than at the present time. I believe, gentlemen, that it is progressive legislation to change this particular commission from three to one, and I certainly hope that the motion of the gentleman from Washington the acceptance of the majority report ought not to pass will not prevail.

Mr. EMERY of Washington: Mr. President, I want to say that I am glad the senator from Cumberland has raised the point of the Cole Committee report. That gives me an excellent chance to explain my position in this matter. I want to admit that I approached this session with some feeling that there ought to be a change in the constitution of the sea and shore fishery department, and that before the hearings that were held this winter I was predisposed to this particular bill. At the hearing, however, we had many fishermen from the entire length of the Maine coast, some of them representing associations of several hundred members, and the testimony of 90 per cent—I feel safe in saying 90 per cent of those fishermen say that the present commission ought to be retained and that it is doing satisfactory work. Backing up this assertion there was 100 per cent testimony that since the present commission has been adopted, the lobster fisheries have been steadily increasing. There was 100 per cent testimony that prior to the adoption of the present commission the lobster fisheries constantly decreased. Now I do not know whether the improvement since 1917 in the lobster fisheries on the Maine coast is due to the present constitution of the sea and shore fisheries department, the three-man commission; but I do know that since that commission has been in action the lobster fisheries have improved. That point is indisputable.

Now as practical men, as dealing with one of our great fundamental interests, I ask you, gentlemen, is it good policy to monkey with a condition of affairs that is working well? Isn't it good, sound business policy



to leave well enough alone? If the lobster fisheries are improving, if the fishermen are satisfied under the present three-man commission, why do we want to change? It does not need any argument, I am sure, before this body of men, to prove the point that our fisheries are an exceedingly vital matter.

In the lobster fisheries alone 5000 men are employed. Those 5000 men are earning something like \$6,000,000. They are producing that much value in the course of a year. Outside of the lobster fishery industry there are perhaps 15,000 others interested directly and indirectly, probably not less than 100,000 citizens of Maine are interested in the prosperity and the well being of this great industry. Now if it is on the up grade, if it is being improved, and if the men who themselves are interested in it vitally are satisfied, why should we make any change?

Now I do not want to say much about the genesis of this bill. I only want to say this, that while the proponent is a very worthy citizen, and is worthy of the respect and friendship of every man here, I do question to some extent the sincerity that he may have in putting this bill forward. It is well known that the Governor has entertained some antagonism to Director Crie, the two men do not hitch horses very well because the Director has not been very—

Mr. HINCKLEY of Cumberland: Mr. President—

The PRESIDENT: I must caution the senator to avoid personalities or imputing to any man motives that are not right in debate.

Mr. EMERY: I am very sorry, Mr. President, that I made any remarks that were not called for. I want to say that the bill is generally supposed to have origin in some antagonism. I mean between the Governor and the Director. We do not feel, the sea and shore fisheries committee, that we want to help place the Director in a place where he can be reached. We feel he is doing good work and that he ought to be supported, and I hope the motion will prevail.

Mr. SARGENT of Hancock: Mr. President, Senator Emery has spoken in detail of the particulars of the time when this bill came up for hearing. I think we were all surprised

that the testimony was so strong as it was in favor of the present commission. Senator Emery has stated he approached it, as others of us did, at least with an open mind and possibly somewhat in favor of a change to a one-man commission.

The present commission, consisting of three men coming from various parts of the State, are able to pass upon the various problems that come before this department from the view point of all interests. Not alone are they from different sections of the State, but the custom has been in the past, and probably will continue to be in the future, of appointing to this commission men from different walks in life, but men who are familiar with the fishing industries. At the present time the chairman of the commission is a man who has grown up in the fishing industry. He has been associated with it all his life and has been successful in it, and thoroughly understands the attitude of the fishermen and the problems which affect their daily work. The other member of the now existing commission is a doctor, a man who is of a scientific turn of mind and is constantly investigating those things which affect the industry from the scientific and fundamental standpoint. The third position on the commission, as you know, is now vacant, but was filled by an attorney familiar with the conditions of fisheries and able to give to the commission the advice which they sometimes need from a man of legal training.

There is another important feature which has not been mentioned and that is the fact that in the weir disputes which are constantly becoming more involved, the commission acts as a court of decision to which are referred disputes arising between the weir owners and the municipal officers.

This feature was brought out, you will remember, in the hearing regarding the town of Jonesboro.

It cannot be said that this commission has been an expensive proposition to the State. Their entire expense for salaries and incidental expenses for the last year was between five and six hundred dollars for the three commissioners themselves.

In regard to the warden service which was mentioned: the budget

appropriation reduced the amount to be paid for warden service, and I understand that the commission has agreed to this, and they think, with the improved sentiment among the fishermen, that a decrease in this department is entirely feasible. We have had bills offered to us to correct all sorts of evil, all sorts of imaginary ills, but invariably they have been, so far as I can recall, something that was hoped to make an improvement, but there has been nothing offered which has been proved by trial to be either good or bad. Now in this case we are asked to make a change—not a change for the better, but we are asked to go back to what has been tried and has been in actual operation for thirty years and it has been found that during the greater part of that time the conditions were very bad. So that the remedy which we are offered in this bill has been tried and has been found not to satisfy the conditions which exist and at no time to work as satisfactorily as the present commission has done.

I hope that the majority report will be accepted.

Mr. CRAM: Mr. President, I would like to say a few words more. I appreciate of course the privilege of the honorable senator from Washington to change his mind, but I certainly cannot feel that this report made by the special Legislative committee concerning this department was drawn before careful consideration. They must have given this and the other matters on which they reported their careful consideration before making the recommendations they did to his Excellency and the Council.

The proponent of this bill, the representative from South Portland, is a man who has had much experience along the lines of this particular bill and I know that this bill was drafted by him as a result of that experience.

The honorable senator from Washington has said that the fishermen were satisfied and why should there be a change? Of course we appreciate the fact that the fishermen are largely interested in this matter, very much so, but the question is, Is the public satisfied and is the State satisfied with the conditions as they have existed for the past six years under the three-man commission? So far as our part of the State is concerned, I will say that lobsters have certainly been exceedingly

scarce. We hope that there will be an increase in their propagation.

I feel, gentlemen, that this should be given careful consideration by you. I feel that the motion for the acceptance of the majority report should not prevail.

Mr. BUZZELL of Waldo: Mr. President and members of this Honorable Senate, I will say that when I approach the subject of fishing, and the subject of lobsters, I am in doubt just what to do. I do want to say this for the benefit, the special benefit of the senator from Cumberland, Mr. Cram, and all the rest of the honorable members of this body, if there was an association in my life, or ever an epoch in my life that I am specially proud of it is of the effort I have put in with that legislative committee. This little report is solid full of recommendations and suggestions that are truly worthy of consideration notwithstanding the bunts and rebuffs of the standing army that appeared here opposing many of the bills. Of course, I do not question their actions in the least, but for the special benefit of the senator from Cumberland, Mr. Cram, let me read what appears in the report of the special legislative committee, under the title of "Sea and Shore Fisheries:—"

"The total expenditure for warden service of this department for the fiscal year ending June 30, 1922, for salaries and expenses, was \$50,691.25.

As in the case of the Inland Fisheries and Game Department, we recommend"—bear in mind that word "recommend"—"a reduction in the amount appropriated for warden service and that the present amount be reduced by \$15,000."

I want to say, my colleagues, if you will study this little report as an entirety you will see that we were consistent from the start. We believed in economy. We still recommend that and hope the resolve that carried that proposition for the sea and shore fisheries is \$15,000 less.

And that is why we recommended "The value of the warden service lies in the quality and character of the service rather than in the number of wardens employed." That is a just declaration.

I wonder if anyone objects to that? Can anyone question that: "The value of warden service lies in the quality and character of the service rather than in the number of wardens employed." All right; I think we can all agree, we can go that far, and drive

a stake. "One good man who regards his job impersonally, and knows no rule but the law, is worth two of the kind that have more regard to drawing their compensation than they have for the real interest of the department employing them." You see we were modest when we said "two," for we might have put in many more and said three or four men of the type spoken of there would not be as good as one good man. I want to say this for the benefit of the senator from Cumberland. I ask him to look that over. He sees no "recommendation" there; he sees no "suggestion." We did not go so far as to suggest that, but we called it to the attention of the Legislature. They have misunderstood us and put in that bill to do away with the sea and shore commission of one person, and now recommend three commissioners. "We do not regard the wardens"—There is no particular difference, in our opinion, of the rest of it as I see. Down in the last paragraph it says: "We suggest to Your Excellency for consideration"—we did not go so far as to recommend—"the possible consolidation of this department with that of inland fish and game under a department"—thus and so.

This bill went to the committee of Sea and Shore Fisheries, and it is to be assumed that the committee was selected with care, and I believe it was. I believe they are men of mature judgment; I believe they have given us the best there is in them.

Now as a member of that special committee that got up this report, I do not have to change my position one particle. And I don't want that statement to go that way unchallenged, and I believe I have made it clear, and it is a pleasure, as well as a duty, to support the motion of the senator from Washington.

Mr. CRAM: Mr. President, I ask the privilege of saying a few words in reply to the honorable senator from Waldo.

The PRESIDENT: If there is no objection on the part of the Senate you may reply.

Mr. CRAM: Mr. President, may I read in full the paragraph which the senator from Waldo—the last paragraph of the special committee report—"We suggest to Your Excellency for consideration the possible consolidation of this department with that of inland fish and game under a department in appropriate title with a commission-

er"—mark the word "commissioner"—"in charge to be appointed by the Governor with the advice and consent of the Council."

Of course, my brother senator from Waldo in his failure to read the whole of that paragraph in using the word "thus and so" must have meant the word "commissioner" which was thus and so.

My statement, senators, was that this bill, No. 62, came very close to the recommendations—I used the word "recommendations"—I submit that the word "recommendations" is very close to the word "suggestion," the word "suggestion" being used by this committee. I further submit that this report, this House Bill 62, is along the lines as laid down by the committee, and that the report, the majority report, should not be accepted.

Mr. BUZZELL: Mr. President, I do not think the last statements made by the Senator from Cumberland, Mr. Cram, really need very much reply. I will read this last paragraph to him the same as I did the first: "We suggest to your Excellency for your consideration the possible consolidation of this department"—it has not been consolidated, no move has been made in that direction whatever—"with that of inland fish and game under a department with an appropriate title with a commissioner"—now we suggested a commissioner for both of them provided they were united. We did not suggest taking away this present inland fish and game commission and have a commissioner, but we suggested a consolidation of these two departments, just called it to His Excellency's attention, that if that were done,—suggested a commissioner, a different commissioner. I hope that the motion of the senator from Washington will prevail.

Mr. BREWSTER: I would like to inquire of the senator from Waldo if in his judgment three months ago one commissioner was sufficient for two departments, he now holds that one commissioner is not sufficient for one department?

The PRESIDENT: Does the senator from Waldo, Mr. Buzzell, wish to reply?

Mr. BUZZELL: I will gladly answer the question of the senator from Cumberland, Mr. Brewster, in this way. Some little time has elapsed since then, and as I stated in the beginning, my first remark,

the subject of fish and lobsters, so far as my personal knowledge is concerned, is rather hazy. I will go a little further with that answer, I will say that if many more steps might have been taken in the way of consolidating departments of State, I believe that the people of the State of Maine would have been very much more satisfied than they are today. I believe that with a reorganization, these two departments might be carried on in many respects better than either of them are carried on today in relation to those respects.

A little further in answer to the honorable gentleman, I want to say that we considered the words "suggest" and "recommend"—we were very careful, very careful not to use the word "recommend" unless we were satisfied that our premises were right, and we believed that there is some considerable difference between the definition of "recommend" and "suggest."

The PRESIDENT: The question before the Senate is on the motion of the senator from Washington, Mr. Emery, that the majority report, ought not to pass, be accepted.

A viva voce vote was had and the Chair being in doubt a division was had. Eighteen senators voting in the affirmative and eight opposed the motion to accept the majority report was adopted.

The Chair recognized the senator from Washington, Mr. Emery, on H. D. 257, Resolve in favor of the Penobscot Tribe of Indians for general care, maintenance and education thereof.

Mr. EMERY: Mr. President, I tabled this resolve yesterday at the request of the chairman of the committee on appropriations and financial affairs, but the committee has not been able to consider this bill, and I move that it be retabled until next Monday afternoon.

The motion was agreed to and the bill was tabled and assigned for next Monday afternoon.

The Chair recognized the senator from Hancock, Mr. Phillips, on H. D. 394, Resolve appropriating money for the establishment of a test laboratory at Caribou in the county of Aroostook.

Mr. PHILLIPS: Mr. President, I

move that we accept the report of the committee on bills in second reading.

The motion was agreed to, and the same senator then offered Senate Amendment A to H. D. 394, and moved its adoption.

**Senate Amendment A to H. D. 394**

H. D. 394 is hereby amended by striking out the word "five" in the second line and inserting in place thereof the word "four," so that the resolve as amended shall read as follows:

"Resolved: That there be and hereby is appropriated the sum of four thousand dollars to be expended by the State Department of Health under the direction of the Governor and Council for the purpose of establishing, equipping and maintaining during the years nineteen hundred twenty-three and nineteen hundred twenty-four, of a test laboratory for Aroostook county, same to be located at Caribou."

Senate Amendment A was adopted and the bill as amended was given its second reading and was passed to be engrossed.

The Chair recognized the senator from Washington, Mr. Emery, on S. D. 252, Resolve making appropriations for the Passamaquoddy Tribe of Indians for the years July 1st, 1923 to June 30th, 1925.

Mr. EMERY: Mr. President, the same situation applies to this bill as applied to the other, H. D. 257, and I move that it be tabled until the next session of the Senate.

The motion was agreed to.

The Chair recognized the senator from Androscoggin, Mr. Kirschner, on H. D. 416, An Act amending Chapter 222 of the Public Laws of 1919, relating to fees of constables.

Mr. KIRSCHNER: Mr. President, I move that the bill be passed to be engrossed in concurrence.

The motion was agreed to and the bill was passed to be engrossed.

The Chair recognized the senator from Cumberland, Mr. Brewster, on H. D. 233, 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.

Mr. BREWSTER: Mr. President, I move that this bill be tabled and specially assigned for next Wednesday.

The motion was agreed to.

Mr. BREWSTER: Mr. President, I move we reconsider the vote whereby we declared this bill tabled.

The motion was agreed to.

The PRESIDENT: The question now recurs to the first motion.

Mr. HINCKLEY of Cumberland: Mr. President, it seems to me as though this is important, and as there is another bill of similar nature coming along I move that this bill be tabled and assigned for next Wednesday.

A viva voce vote was had and the Chair being in doubt a division was had. Seventeen senators voted in the affirmative and eight opposed so the bill was tabled.

On motion by Mr. Powers of Aroostook, S. D. 212, An Act to regulate the practice of the system, method or science of healing known as chiropractic, creating a board of examination and registration for those desiring to practice the same, and providing penalties for violation of the act, was taken from the table.

On further motion by the same senator the bill was finally passed.

On motion by Mr. Hinckley of Cumberland, H. D. 116, An Act to amend Section 10 of Chapter 64 of the Revised Statutes, relating to marriage, was taken from the table.

On further motion by the same senator, under suspension of the rules, the bill was given its second reading and was passed to be engrossed.

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On motion by Mr. Smith of Somerset,

Adjourned until Monday, March 26, at 4.30 o'clock P. M.