

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

Monday, March 26, 1923.

Senate called to order by the president.

Prayer by the Rev. S. B. Purves of Augusta.

Journal of previous session, read and approved.

Papers from the House disposed of in concurrence.

Mr. BUZZELL of Waldo: Mr. President, I move that when the Senate adjourns it adjourn to meet tomorrow morning at 9 o'clock.

The motion was agreed to.

From the House: Report of the committee on taxation, ought not to pass, on Resolve in favor of the University of Maine.

In the House the report was accepted.

In the Senate, on motion by Mr. Morison of Penobscot, tabled pending acceptance of the report in concurrence.

From the House: H. D. 374, Resolve in favor of the Bath Military and Naval Orphan Asylum.

In the House, passed to be engrossed as amended by House Amendment A.

In the Senate, on motion by Mr. Eaton of Oxford, House Amendment A was adopted in concurrence, and the bill was given its first reading.

House Bills in First Reading

H. D. 432, Resolve in favor of several academies, institutes, seminaries and colleges for maintenance, repairs and improvements.

H. D. 117, An Act to amend Chapter 41 of the Public Laws of 1919, relating to marriage of persons infected with syphilis.

(Tabled on motion by Mr. Brewster of Cumberland, pending acceptance of the report of the committee on public health ought to pass, in concurrence.)

H. D. 433, An Act to incorporate the North Village Water Company.

H. D. 435, An Act to incorporate the North Village Water Company.

H. D. 435, An Act to amend Section 7 of Chapter 293 of the Public

Laws of 1917, relating to the director of sea and shore fisheries.

From the House: An Act to amend Section 42, Chapter 117, Revised Statutes, as amended by Chapters 29, and 167, Public Laws of 1917, Chapter 214, Public Laws of 1919 and Chapter 219, Public Laws of 1921, relating to salary of County Commissioners, of Androscoggin County. (House Doc. No. 415).

In the House, indefinitely postponed. In the Senate, passed to be engrossed in non-concurrence.

Came from the House, that branch voting to adhere to its former action in indefinitely postponing the bill.

On motion by Mr. Morneau of Androscoggin, the Senate voted to insist on its former action and ask for a committee of conference.

The Chair stated that the committee would be announced later.

From the House: Resolve, in favor of the Augusta State Hospital for maintenance during the years July 1st, 1923, to June 30th, 1924, and July 1st, 1924, to June 30th, 1925. (Senate Doc No. 248).

In the Senate, passed to be engrossed.

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

On motion by Mr. Wadsworth of Kennebec, the Senate voted to reconsider the action whereby the bill was passed to be engrossed. House Amendment A was then adopted in concurrence, and the bill as amended was passed to be engrossed.

From the House: An Act to revise and consolidate the banking laws of this State. (Senate Doc. No. 199).

Came back from the House amended by House Amendment "A".

In the Senate, on motion by Mr. Eaton of Oxford, the action was reconsidered whereby this bill was passed to be engrossed.

House Amendment A was adopted in concurrence.

Mr. HINCKLEY of Cumberland: Mr. President, may I inquire if Senate Amendment A was adopted by the House?

The PRESIDENT: Senate Amendment A was adopted by the House.

On motion by Mr. Eaton, the bill was tabled pending passage to be engrossed.

From the House: An Act to amend Section 52 of Chapter 117 of the Revised Statutes as amended by Chapter 34 of the Public Laws of 1919, relating to the Board of Osteopathic Examination and Registration.

The PRESIDENT: This bill was passed to be enacted by both branches of the Legislature, and was later recalled from the Governor, and the House adopted House Amendment A, and again passed the bill to be engrossed.

On motion by Mr. Hinckley of Cumberland, the Senate voted to reconsider the action whereby this bill was passed to be enacted and passed to be engrossed, and on further motion by the same Senator House Amendment B was adopted and the bill as amended by House Amendment B was passed to be engrossed.

From the House: An Act to regulate the sale of vinegar. (House Doc. No. 356).

In the Senate passed to be engrossed.

Came back from the House amended by House Amendment A.

In the Senate, on motion by Mr. Morneau of Androscoggin, the Senate voted to reconsider the action whereby this bill was passed to be engrossed. 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 in concurrence.

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:

An Act to amend Chapter Two Hundred and Six of the Private and Special Laws of Nineteen Hundred

and Seven, relating to the West Branch Driving and Reservoir Dam Company.

This Act grants to the West Branch Driving and Reservoir Dam Company one of the most valuable water storage franchises in the State of Maine. It gives the said company the right to raise the water level of Chesuncook Lake 8 1-2 feet above its maximum level and the right to take or flow out any water powers belonging to private individuals below the Chesuncook Dam, or below the dam authorized by the Act. The right of eminent domain always has been jealously guarded by the Legislature, but this Act gives it away without restriction. The storage developments in this region are solely for private profit, and although a great industry has located there the fact remains that most of the rights of the people in water storage have been parted with forever in this vast section of Northeastern Maine.

The West Branch Company in the years gone by has been granted everything it has asked for and now seeks further privileges. In my opinion before any such grant is made the rights of the State should be taken into consideration, and the people of the State should share directly in the benefits that will accrue by reason of this increased storage capacity.

This franchise is very similar to that asked for by the Kennebec Storage Reservoir Company and my reasons for disapproving the latter franchise apply with equal force to the present. In the case before us the State already has parted with many valuable rights and certainly a halt should be called. Before any additional privileges are granted the rights of the people should be defined, and a halt should be made in the granting of storage franchises until the proposed constitutional amendment is placed before the people. It is easy to give away these great franchises, but once alienated they never can be recalled. The chain of lakes that already has been decided forever to the West Branch Driving and Reservoir Dam comprises one of the greatest water storage reservoirs in Maine and its value runs into millions of dollars. It will not work a hardship upon the company in question if the charter it seeks is postponed until the people of the State are given the right to decide what they themselves desire to do

in the water storage question. I shall not give my approval to any great water storage projects at this session of the Legislature, for the time has come when all these franchises should be denied until the people come into their own.

Respectfully submitted,

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

The message was read by the secretary.

Mr. WADSWORTH of Kennebec: Mr. President, I move that this message and accompanying bill be tabled until Wednesday morning.

Mr. HINCKLEY of Cumberland: Mr. President, I would like to inquire of the senator from Kennebec through the Chair if tomorrow morning would not be agreeable?

Mr. WADSWORTH: Mr. President, that is satisfactory to me.

The bill and message was tabled and as signed for consideration tomorrow morning.

Veto Message from the Governor

STATE of MAINE

Office of the Governor

Augusta

March 22, 1923.

To the Honorable Senate and House of Representatives:—

I return herewith without my approval:

RESOLVE, Making an appropriation for the Maine Seed Improvement Association.

This resolve calls for an appropriation of \$2,000. Under the general laws of our State a special fund is created the proceeds of which are used to aid societies and organizations that promote the agricultural interests of our State. This fund totals \$15,360.28. It is distributed among 42 different associations connected with the farming interests of the State. In my opinion the Seed Improvement Association should be treated just like all the others and any aid granted it should be taken from the fund referred to. It is not wise to pass special appropriations for these various organizations or give one of them special favors.

I call attention to the fact that the present Legislature has been unusually liberal in its appropriations to help our agricultural interests. The former appropriation of \$3,000 per

year for seed and other work already has been doubled by this Legislature and made \$6,000 and a new item of \$15,000 per year for seed inspection has been passed and approved by the Governor.

In my opinion the various agricultural fairs and improvement associations that are doing good work should be treated alike, and to discriminate in favor of one at the expense of others is not desirable. If it is desirable to increase our State stipend to our various fairs it would be well to raise the present assessment and give an increase to each of the organizations now struggling to maintain themselves.

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 objections of the Governor, and will address myself to that point.

This money was first raised \$1000 each year in the year 1913, and it has been continued since. It is used for the paying of premiums on exhibits of seeds raised in the State of Maine by the different portions of the State. They have had these seed fairs, as they call them, or exhibitions, generally very late in the fall or in the winter season. I think they have held two of them in my county, where we have used some of the money.

The veto message also states that there was \$15,000 raised at this Legislature for certified seed. It is true, but in order to get that money the farmers who have the work of certification done, pay a fee into the State treasury to cover the amount, of \$15,000. The work is done by the officials of the State of Maine under the department of agriculture, but the man who has the work done pays for it with his own money; it costs the State nothing. Why should they take \$1000 from the fees paid in for inspection and pay it out for premiums for seed fairs? I tell you, when they say the department of agriculture is getting more money, that we have been cut down to the bleeding point, and we ask some of these particular things to take care of them.

I move this become a law notwithstanding the objection of the Governor.

The PRESIDENT: The question before the Senate is whether Resolve making appropriation for the Maine Seed Improvement Association shall finally pass and become a law notwithstanding the objections of the Governor.

All those who wish this resolve to become law notwithstanding the objections of the Governor will vote "yes," and those who wish to sustain the veto will vote "no."

The secretary called the roll. Those voting "yes" were Messrs. Adams, Allen, Bemis, Brewster, Buzzell, Carleton, Clark, Cram, Croxford, Eaton, Farrington Hineckley, Morison, Morneau, Powers, Putnam, Ryder, Sargent, Speirs, Stevens, Wadsworth, Wilson—22. Those voting "no" were: Mr. Spencer. Absentees: Messrs. Bailey, Elliot, Emery, Hussey, Kirschner, Phillips, Smith, Trefethen—8.

Twenty-two senators voting in the affirmative and one voting in the negative the resolve was finally passed and became law notwithstanding the objections of the Governor.

Communications From the House of Representatives

STATE OF MAINE

House of Representatives
Office of the Clerk

Augusta, March 23, 1923.

To L. Ernest Thornton, Secretary of the Senate of the Eighty-first Legislature.

Sir:—

The Governor of the State having returned to the House:

"AN ACT to Amend Section 4 of Chapter 197 of the Public Laws of 1917, as amended relating to the State Department of Health," with his objections to the same, the House proceeded to vote on the question:

"Shall the Bill become a law notwithstanding the objections of the Governor?"

A yea and nay vote was taken; ten Representatives voted in the affirmative, and 115 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 23, 1923.

To L. Ernest Thornton, Secretary of the Senate of the Eighty-first Legislature.

Sir:—

The Governor of the State having returned to the House:

"Resolve providing for the purchase of 'Maine 1783-1815'" with his objections to the same, the House proceeded to vote on the question:

"Shall the resolve become a law notwithstanding the objections of the Governor?"

A yea and nay vote was taken; fifty representatives voted in the affirmative, and eighty-six 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.

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

Appropriations and Financial Affairs

By Mr. Clark of Lincoln: Resolve in favor of Louise Stratton, stenographer for the committee on temperance.

By Mr. Adams of Kennebec: Resolve in favor of Irving W. Case, for services as clerk to the committee on ways and bridges.

Orders

On motion by Mr. Eaton of Oxford, it was

Ordered, that the Governor be requested to return to the Senate Resolve appropriating money for the Maine School for the Deaf.

Bills in the First Reading

S. 270. An Act to amend Chapter 38 of the Public Laws of 1919, relative to retiring and pensioning employes of the State.

S. 271. An Act to regulate the use of aircraft.

S. 272. An Act relating to adoption.

S. 273. Resolve, to appropriate money to pay for egg lobsters purchased in 1922.

S. 274. Resolve, appropriating money to purchase and install a new engine in the State boat "Pauline."

S. 276. An Act amending Section 33

and Chapter 127 of the Revised Statutes of Maine, relating to the disposal of intoxicating liquors declared forfeited.

S. 277. Resolve, appropriating money for continuance of white pine blister rust control.

S. 278. Resolve, providing a State pension for Mrs. Cora V. Swift of Portland.

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.

Mr. Wilson of Aroostook, presented Senate Amendment A and moved its adoption

Senate Amendment A to Senate Document 279

Amend Senate document 279 by striking out in the third line of the second paragraph on page 2 after the words "some of" the word "thirty," and substituting in place thereof the word "twenty," so that said paragraph as amended shall read as follows:

"Be it further resolved, that there be and hereby is appropriated for the Northern Maine Sanatorium for general maintenance the sum of twenty-five thousand dollars for the year from July first, nineteen hundred twenty-four, to June thirtieth, nineteen hundred twenty-five."

Senate Amendment A was adopted and the bill was given its first reading as amended.

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

Senate 281. 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.

Senate 282. An Act to change the name of Number Twenty-one Plantation, in Hancock County, to Osborn Plantation.

Senate 283. An Act to amend Sections 20, 27 and 28 of Chapter 127, Revised Statutes, as amended by

Chapter 291, Public Laws of 1917, relating to intoxicating liquors.

The PRESIDENT: The Chair will state that the resolve appropriating money for the Maine School for the Deaf, is before the Senate, and recognizes the senator from Oxford, Mr. Eaton.

Mr. EATON: Mr. President, I move that we reconsider the vote whereby this resolve was passed to be enacted.

The motion was agreed to and on further motion by the same senator the vote was reconsidered whereby the resolve was passed to be engrossed.

The same senator then presented Senate Amendment A and moved its adoption.

Senate Amendment A to H. D. 375

H. D. 375 is hereby amended by striking out everything after the word "resolve," and substituting therefor the following: "That there be and hereby is appropriated for the Maine School for the Deaf for the year ending June thirtieth, nineteen hundred twenty-four, twenty-seven thousand dollars for personal services, fourteen thousand dollars for maintenance and three thousand dollars for repairs and equipment; for the year ending June thirtieth, nineteen hundred twenty-five, twenty-seven thousand dollars for personal services, fourteen thousand dollars for maintenance and three thousand dollars for repairs and equipment."

Senate Amendment A was adopted and the resolve was hereby passed to be engrossed as amended.

Veto Message from the Governor

STATE OF MAINE

Executive Department

Augusta, March 26th, 1923.

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

I return herewith without my approval

RESOLVE, in favor of Warren Prouty.

This Resolve calls for an appropriation of \$5600 to be paid to Warren Prouty of Veazie, the claim being that certain buildings belonging to Prouty were destroyed by fire alleged to have been started by an inmate of the Bangor State Hospital.

In 1921 the 80th Legislature passed a Resolve similar to the one before you, which provided for the payment of \$10,000 to the Austin W. Jones Com-

pany of Veazie to reimburse him for the loss of his buildings by fire alleged to have been started by the insane inmate herein referred to. I vetoed the Jones Resolve and my veto was sustained. During the last hours of the session, when affairs were in their usual confused state, another Resolve was introduced and passed, and under its permission was given the Jones Company to bring legal action against the State of Maine. This Resolve contained an unusual clause that escaped the attention both of the Attorney General and of the Chief Executive.

The clause above referred to contained the following language: "The liabilities of the parties shall be the same as the liabilities between individuals." By reason of this language the State was placed in an unfortunate legal position. Without question, those who drafted the permissive Resolve inserted the foregoing language for a purpose and the result was that the State was obliged to pay the sum of \$20,391.56 under a decision of the court. Had the usual form of Resolve been adopted whereby the State allows itself to be sued by its citizens, the State's liabilities would have been fairly tested and a safe precedent would have been established.

Under the decision, however, that resulted from the unusual language of the Resolve, the State may be liable to endless suits if succeeding Legislatures are willing to deliberately open the door as wide as the 80th Legislature unintentionally opened it.

The doctrine that the State of Maine is liable for the criminal acts of escaped or paroled inmates of its institutions, even though the State's servants and employes have not exercised due care in connection with such inmates, is dangerous and far-reaching. I do not believe the State's liability should be extended to cover these cases, nor do I believe that any material or legal obligation rests upon the State other than to allow the party who was damaged to sue the State under the usual and long established practice. That was all the 80th Legislature intended to allow.

If the State is to be held liable in these cases, the claims that hereafter will be presented will run into vast sums of money. Already there are indications that other claims are being prepared and once the doors are opened there will be no end.

There is a doctrine in law that in some cases the loss must remain where it falls and it well may be that such a

doctrine is applicable in the matter before us, where a sovereign State is concerned. I would grant the claimant the right to bring action against the State, notwithstanding the fact, that our recent experiences in lawsuits have been most unfortunate. In the DeForrest Keyes claim the 80th Legislature allowed suit to be brought against the State and the State paid a verdict of \$40,263.12. The two permissions given by the 80th Legislature to sue the State cost the taxpayers \$60,654.58. If one mistake was made in 1921 there is no reason for another in 1923.

I feel confident it was not the intention of the 80th Legislature to establish any such precedent as the Jones case, and if this Legislature gives Prouty a right to sue the State under the usual conditions the verdict of the supreme court will then furnish a precedent that future Legislatures can rely upon.

Respectfully submitted,

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

The message was read by the secretary.

On motion by Mr. Hinckley of Cumberland, tabled and specially assigned for tomorrow morning.

Reports of Committees

Mr. Wadsworth, from the committee on Insane Hospitals, on Resolve in favor of the Bangor State Hospitals for the construction of new floors in wards C-2 and E-2, reported that the same ought not to pass.

The report was accepted and sent down for concurrence.

Messrs. Hinckley from the committee on Judiciary, and Putnam from the committee on Interior Waters, on Resolve, proposing an amendment to the Constitution of the State of Maine authorizing the conservation, storage and control of the waters within the State (Senate Doc. No. 107), reported that the same ought not to pass.

On motion by Mr. Brewster of Cumberland, tabled and specially assigned for tomorrow morning.

The same senator, from the same committee, on An Act to amend Section 64 of Chapter 86 of the Revised Statutes, relating to property exempt from attachment (Senate Doc. No. 91), reported that the same ought not to pass.

Mr. Buzzell, from the same commit-

tee, on 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 fish products through co-operation (Senate Doc. No. 226), reported that the same ought not to pass.

Mr. Hinckley, from the same committee, on An Act relating to inheritance taxes (Senate Doc. No. 192), reported that the same ought not to pass.

Mr. Spencer, from the committee on Temperance, on An Act to amend Chapter 294 of the Public Laws of 1917, as amended by Chapter 63 of the Public Laws of 1921, relating to seizure and forfeiture of vehicles carrying intoxicating liquors intended for illegal sale (House Doc. No. 53), reported that the same ought not to pass, same subject being covered in other bills.

The same senator, from the same committee, on An Act relating to the sale of proprietary medicines, drugs, extracts, and other combinations for beverage or tipping purposes (Senate Doc. No. 95), reported that the same ought not to pass, as the subject matter is contained in other bills.

The same senator, from the same committee, on An Act to define the phrase "intoxicating liquors" (Senate Doc. No. 96), reported that the same ought not to pass, as the subject matter is contained in other bills.

The same senator, from the same committee, on An Act to amend Section 21 of Chapter 127 of the Revised Statutes of Maine as amended by Chapter 155 of the Public Laws of 1919, relating to flavoring extracts and syrups as intoxicating liquors, reported that the same ought not to pass, the subject matter being contained in other bills.

The reports were accepted and sent down for concurrence.

The majority of the Committee on Sea and Shore Fisheries, on An Act to amend Section 35, of Chapter 45 of the Revised Statutes, relating to legal size of lobsters and method of measurement, in York County (Senate Doc. No. 81), reporting that the same ought not to pass.

(Signed)

SARGENT
JORDAN
GAMAGE
LAMSON
BAKER
BOMAN

The minority of the same Committee, on the same subject matter, reporting the same in a new draft, un-

der the same title, and that it ought to pass.

(Signed)

LITTLEFIELD
GOLDTHWAITE
STEVENS
EMERY

Mr. STEVENS of York: Mr. President, I move that the minority report be accepted, and I would like briefly to state our position, and why we ask for the minority report.

As you all know—perhaps there are those who are not fully acquainted with the conditions that exist in York County,—we are on the border of New Hampshire in which they have a 9-inch law—in New Hampshire and Massachusetts and New York—and our fishermen, unanimously backed up by the association, ask for this 9-inch law. They have a good market right on the New Hampshire side, and also one of the best markets during three months in the year in York, Wells and Kennebunkport. The lobster fishermen there in York County for the last two years have taken notice of how the lobsters have increased, especially the 9-inch lobsters and the small lobsters, for the simple reason that they take the female lobsters and return them to the waters where they are caught without any expense to the State or any one else, for their own protection.

Coming down to the matter of the difference of opinion between Cumberland County and York County, they have agreed among themselves that they can make the arrangement where the line of demarcation comes, that they can make it satisfactory to the fishermen on the other side.

Another matter to which I wish to call your attention; some one has suggested something about they could sell the lobsters over in Cumberland County. The answer of the parties who went to the attorney general was that a 9-inch lobster sold in any other county of the State would be just as illegal as it is at the present time. The fishermen in York County agree, and I know that they are sincere when they say, that they will under the direction of the director of sea and shore fisheries make themselves wardens to serve without pay, if they can have the privilege of catching the 9-inch lobsters in York County. We have, in Kennebunkport especially, more hotels than any other resort on the

coast, and the hotel-keepers there are unanimous in support of this bill, for the reason that a 9-inch lobster served on the table makes a regular order, while some of the 10-1-2 inch lobsters are so large that some of the hotel men cannot afford to serve them often—in other words, they have to split them for an order. We have found that the men up there,—every fisherman in York County,—are in support of this bill, and they do not see any reason why they should not have the right to fish as they see fit in their own county.

Some one has said that it would be a special law. I find that there are special laws in this state regarding the matter of deer, and other kinds of fish; they have a close season and an open season. So that we feel that we have a just cause, and I hope and trust that when the Senate votes on this matter they will see fit to support the minority report.

Mr. SARGENT of Hancock: Mr. President, I should hesitate to say anything on this at all had it not become more or less of a custom for the Legislature to use up a certain amount of time during each session in discussion of the lobster law. It has appeared necessary every session to bring it up in some form.

For a long time the discussion and argument has been on a state-wide law to change the legal length to some length shorter than at present. After a number of years of fighting on this line, the York County fishermen have felt it desirable to narrow down the issue to a law affecting their own county and not the State as a whole.

Now I would be glad if I could feel that I was doing the best thing for the interests of the industry to agree with Senator Stevens. But my convictions are so firm in the opposite direction that I could not agree that a 9-inch law even for York County is desirable or in any way a law that we should approve of in place of our statute law. My principal reason for this is that it seems to me that all our laws should conform to the natural laws as we know them, and it has been established that very few lobsters are found under 10 inches that are bearing eggs and are reproducing their kind; under 9 inches in length, which they are attempting to establish for York County, no lobsters are found bearing eggs. For

this reason alone it seems to me that we should not allow a law on our statute books which surely would tend to decrease the supply.

It was shown at the hearing before the sea and shore fishery committee that the lobster supply along our coast is increasing. The fishermen were unanimous in this; but I think I am right in saying that the fishermen from our eastern counties were more certain of this, that they had no hesitancy in saying that the supply of lobsters at the present time under our present laws is increasing. At that hearing petitions were presented carrying the names of about 1100 fishermen, very much opposed to any change in the length of lobsters, and their reason for this was that they, realizing the present favorable conditions of the lobster supply, the increasing supply, are very unwilling to have any change made to in any way injure their industry. We should not forget that this industry is one which affects a group of men who would have difficulty in earning a livelihood in any other way. Their homes are isolated, and they are on the islands along our coast, and suffer great hardship and they have a little different attitude toward changing the law than most of us.

Any time that a law is changed affecting their industry they think that it is a matter of politics largely. They feel that they are made to bear the burden of some trading going on up here, and for that reason too, I urge that no change be made at this time in this law.

It has been of course a peculiar condition existing in York county; situated as they are, bordering on New Hampshire where the 9-inch law is in force, they are called upon to meet the competition of the fishermen in those waters, and for those fishermen in York county who are not honest there is an opportunity for easy disposal of illegal lobsters. If the change contemplated is made, the division line which is causing trouble will merely be transferred from the State boundary to the boundary between York and Cumberland counties, and it seems to me safe to assume that the difficulty there would be as great as that which now exists on the State border. Possibly, if this is so, by the next Legislature—but surely within a few years—we may expect Cumber-

land county men to come here, asking for a change in the law as affecting that county, and it will be but a few years before the fishermen along the whole coast will be forced, perhaps, to ask for a change similar to the one that York county is asking for. I feel sure that the change affecting one county will result in more dissatisfaction rather than less, and I hope that the minority report will not be accepted.

Mr. CRAM of Cumberland: Mr. President, I certainly am glad to agree with the senator from Hancock county, in believing that this law, accepting the minority report, would be detrimental to the lobster industry in all other parts of the State. I believe that the law should be uniform throughout the State. Certainly, if York County has the privilege of a 9-inch law, which is now I understand the law in New Hampshire, Cumberland county and all the counties east would have the same difficulty in connection with the law that York county now complains of, being situated on the border of New Hampshire—the fishermen who might then obtain what would then be short lobsters, less than 10 1-2-inch lobsters, that being the law now in force, could find a market in York county for the disposal of all of their lobsters from 10 1-2 inches down to 9 inches.

I firmly believe that it would be detrimental to the interests of the lobster industry in all other parts of the State, and I believe that the acceptance of this minority report should not go through.

The PRESIDENT: The question before the Senate is on the motion of the Senator from York, Mr. Stevens, that the minority report, reporting the bill in new draft, be accepted.

A viva voce vote was had. The Chair being in doubt, a division was had and ten senators voting in the affirmative and ten voting in the negative, the Chair voted "no" and the motion was lost.

On motion by Mr. Brewster of Cumberland, the majority report, "ought not to pass," was accepted.

Mr. Eaton on appropriations and Financial Affairs, on

RESOLVE in favor of the Children's Aid Society for maintenance.

RESOLVE in favor of Eastern Eastern Maine Orphans' Home, Bangor, Maine.

RESOLVE, appropriating money to aid Girls' Orphanage, Lewiston.

RESOLVE, appropriating money to aid Healy Asylum, Lewiston.

RESOLVE in favor of St. Elizabeth's Roman Catholic Asylum and Holy Innocent's Home, Portland, Maine.

RESOLVE in favor of St. Louis Home and School, Dunstan Heights, Maine.

RESOLVE in favor of Children's Heart Work Society.

RESOLVE in favor of Maine Children's Home Society of Augusta, for the years 1924 and 1925.

RESOLVE in favor of York County Children's Aid Society of Saco.

RESOLVE in favor of Augusta General Hospital.

RESOLVE granting aid to the Bar Harbor Medical and Surgical Hospital

RESOLVE in favor of appropriating funds in favor of the Bath City Hospital

RESOLVE in favor of Calais Hospital.

RESOLVE in favor of Central Maine General Hospital of Lewiston.

RESOLVE in favor of Charles A. Dean Hospital of Portland, Maine.

RESOLVE in favor of Children's Hospital of Portland, Maine.

RESOLVE appropriating money to aid the Eastern Maine General Hospital at Bangor.

RESOLVE in favor of the Gardiner General Hospital.

RESOLVE in favor of the Knox County General Hospital.

RESOLVE in favor of Madigan Memorial Hospital, Houlton, Maine.

RESOLVE making appropriation in aid of the Maine Eye and Ear Infirmary for the fiscal years 1923 and 1924.

RESOLVE in favor of the Maine General Hospital.

RESOLVE in favor of the Memorial Hospital, Bluehill, for maintenance.

RESOLVE in favor of the Northern Cumberland Memorial Hospital at Bridgton.

RESOLVE in favor of Northern Maine General Hospital at Eagle Lake.

RESOLVE for the maintenance of Old Town Hospital.

RESOLVE appropriating money for the benefit of Penobscot General Hospital, Old Town, Maine,

RESOLVE in favor of Presque Isle General Hospital,

RESOLVE providing for medical and surgical treatment and care of indigent persons by Rumford Hospital Association at Rumford,

RESOLVE appropriating money to aid St. Mary's General Hospital, Lewiston,

RESOLVE in favor of Trull Hospital Aid Association of Biddeford,

RESOLVE in favor of Waldo County General Hospital for maintenance,

RESOLVE in favor of the Webber Hospital Association of Biddeford,

RESOLVE in favor of the York Hospital in the town of York,

RESOLVE, appropriating money for the Good Samaritan Home Association, Bangor, Maine, for the care, medical and surgical treatment of maternity patients and their children, the resources of whom and of whose responsible relatives are insufficient to pay for the same,

RESOLVE in favor of the Temporary Home for Women and Children for maintenance and repairs,

RESOLVE in favor of the Home Aged Women at Rockland,

RESOLVE providing for assistance to the deaf by the Maine Mission for the Deaf,

RESOLVE in aid of the Maine Institution for the Blind,

RESOLVE, providing for Sanatorium Treatment by the Bangor Anti-Tuberculosis Association in Bangor, for persons who are in need of the same and are unable to pay for it,

Reported the same in a new draft, under the title of Resolve for charitable and benevolent institutions, for the care, support and medical or surgical treatment of certain persons, and that it ought to pass.

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

Mr. Eaton, from the committee on Appropriations and Financial Affairs, and Mr. Sargent from the committee on School for Feeble Minded, on "Resolve in favor of the Maine School for Feeble Minded for additions and improvements" (House Doc. No. 185), reported the same in a new draft, under the same title, and that it ought to pass.

Mr. Phillips, from the committee on

Insane Hospitals, on Resolve, in favor of the Bangor State Hospital for maintenance and other purposes for the years July 1st, 1923, to June 30th, 1924, and July 1st, 1924, to June 30th, 1925, reported that the same ought to pass.

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

Mr. Buzzell, from the committee on Judiciary, on An Act for the better protection of banks in particular transactions (Senate Doc. No. 186), reported 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 entitled An Act to encourage co-operative marketing (Senate Doc. No. 219), 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 Portland Delegation, on An Act to grant a new charter to the city of Portland (Senate Doc. No. 66), reported the same in a new draft, under the same title, and that it ought to pass.

The report was accepted, and on motion by Mr. Brewster of Cumberland, the bill was tabled for printing and 1000 copies ordered printed.

Mr. Sargent, from the committee on Sea and Shore Fisheries, on An Act to amend Chapter 260, S. L. 1911, relating to a close time on lobsters in the waters of Winter Harbor in Hancock county, reported that the same ought to pass.

Mr. Spencer, from the committee on Temperance, on Act Act to amend Chapter 294 of the Public Laws of 1917, as amended by Chapter 63 of the Public Laws of 1921, relating to intoxicating liquors (Senate Doc. No. 61), 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 An Act to amend Chapter 107 of the Revised Statutes, prohibiting the manufacture of intoxicating liquors (House Doc. No. 148), reported the same in a new draft, under the title of "An Act to amend Chapter 107 of the Revised Statutes, as amended by Section 17 of Chapter 62 of the Public Laws of 1921, prohibiting the manufacture of intoxicating liquors," and that it ought to pass.

The same senator, from the same

committee, on An Act to amend Section 21 of Chapter 127, Revised Statutes, as amended by Chapter 235, Public Laws of 1919, relating to intoxicating liquors (Senate Doc. No. 62), 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 An Act to amend Section 22 of Chapter 127 of the Revised Statutes of Maine, as amended by Chapter 291 of the Public Laws of 1917, relating to the sale of flavoring extracts, reported the same in a new draft, under the title of "An Act to amend Section 22 of Chapter 127 of the Revised Statutes, as amended by Chapter 291 of the Public Laws of 1917, relating to the sale of intoxicating liquor," and that it ought to pass.

The reports were accepted and the bills tabled for printing under the Joint Rules.

Final Committee Reports

Mr. Stevens, from the committee on Sea and Shore Fisheries, submitted its final report.

Mr. Clark from the committee on Temperance, submitted its final report.

Mr. Bemis, from the committee on State School for Boys, State School for Girls and State Reformatories, submitted its final report.

Mr. Spencer, from the committee on Temperance, submitted its final report.

The reports were accepted.

Special Report

The committee desires to state briefly and publicly that it has felt the importance of its responsibility.

While it did not seek the service, it has been cheerfully rendered with the sole motive of performing a public obligation.

Almost every bill has been re-drafted without incorporating any new features outside of the bills themselves. Such legislation as has been approved appears to us to be both plain in construction, reasonable and enforceable, in form and substance, and consistent with previous enactments.

If in the opinions of others such should not appear to be the case criticism will be welcomed.

During the hearing and throughout correspondence with the public we have been conscious of an overwhelming sentiment and sympathy for real enforcement, and our only hope is that such legislation as we

have recommended may meet with the approval of our colleagues.

(Signed) SPENCER.

For the Committee on Temperance,
Placed on file.

Passed to be Engrossed

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

House 120. An Act to amend Section 29 of Chapter 33 of the Revised Statutes, as amended by Chapters 219 and 244 of the Public Laws of 1917, and Chapter 196 of the Public Laws of 1919, relating to transportation of fish under tag without owner accompanying the same.

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

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

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

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

House 423. Resolve, in favor of the State School for Boys for maintenance and other purposes.

Mr. Bemis of Somerset, presented Senate Amendment A and moved its adoption.

Mr. BEMIS: Mr. President, in offering this amendment I will say that it does not increase or diminish the amounts the resolve provides for, but only corrects an error in spreading this amount over a given period.

The amendment was adopted and the resolve as amended was passed to be engrossed, under suspension of the rules.

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

House 429. An Act to constitute Ganneston Park in the cities of Au-

gusta and Hallowell in Kennebec County, a game sanctuary.

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

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

House 431. An Act relating to the duties of the Superintendent of Public Buildings.

Senate 58. Resolve, proposing an amendment to the Constitution prohibiting the use of public funds for sectarian schools.

Senate 130. An Act to amend Section 169 of Chapter 16 of the Revised Statutes, relating to Teachers' Pensions.

Senate 166. An Act to amend Section 24 of Chapter 70 of the Revised Statutes, relating to deposits in the County Treasury of certain sums of money derived from estates in the Probate Court.

Senate 171. An Act to amend Section 12 of Chapter 76 of the Revised Statutes, relating to proof of appointment.

Senate 172. An Act to amend Section 12 of Chapter 76 of the Revised Statutes, as amended, relating to sale of real estate of non-residents or of minors out of the State.

S. 173: An Act to amend Section 26 of Chapter 70 of the Revised Statutes, as amended, relating to payment of legacies.

S. 174: An Act to amend Section 55 of Chapter 68 of the Revised Statutes, relating to commissioners on disputed claims in the probate court.

S. 175: An Act to amend Section 18 of Chapter 70 of the Revised Statutes, relating to allowance to minor children.

S. 176: An Act to amend Section 5 of Chapter 67 of the Revised Statutes, relating to sessions of probate court.

S. 180: An Act to amend Section 13 of Chapter 80 of the Revised Statutes, relating to waiver of provisions of will.

S. 181: An Act additional to Chapter 77 of the Revised Statutes, relating to who shall cite a trust officer to account.

S. 188: An Act permitting sterilizing operations in certain cases of mental disease and feeble-mindedness.

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

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

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

Passed to be Enacted

(Emergency Measure)

An Act to provide for an issue of State highway and bridge bonds.

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-two senators voting in the affirmative and none in the negative, the bill was passed to be enacted.

Finally Passed

(Emergency Measure)

Resolve in favor of the Central Maine Sanatorium for fire protection.

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

Passed to be Enacted

An Act to amend Section 72 of Chapter 11 of the Revised Statutes, relating to the sale of real estate for taxes.

An Act to amend Sections 27 and 28 of Chapter 36 of the Revised Statutes, relating to the packing and grading of apples.

An Act additional to and amendatory of Chapter 75 of the Special Laws of 1866, as amended by Chapter 18 of the Private and Special Laws of 1878, as amended by Chapters 164 and 304 of the Private and Special Laws of 1905, and as amended by Chapter 236 of the Private and Special Laws of 1911, entitled "An Act creating the South Paris Village Corporation," relating to a public sewer for said corporation.

An Act to amend Section 18 of Chapter 135 of the Revised Statutes, relating to bail.

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

An Act to authorize the city of Lewiston to issue its bonds to the amount of eighty thousand dollars to refund

its bonds now outstanding and maturing in the year 1924.

An Act to provide for the designation and registration of farm names.

An Act to prohibit the conferring of degrees without special authorization.

An Act to amend Section 24 of Chapter 128 of the Revised Statutes, relating to conspiracies.

An Act to amend Paragraph 15 of Section 45 of Chapter 117 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1921, relating to clerk hire in office of register of deeds in Waldo county.

Finally Passed

Resolve in favor of the Maine Railroad committee.

From the House: Resolve, providing aid in the control and suppression of the European corn borer.

Mr. WILSON of Aroostook: Mr. President, I move that we reconsider the vote whereby the Resolve providing aid in the control and suppression of the European corn borer was passed to be engrossed.

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

Senate Amendment A To

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

Amend said resolve by striking out the words "ten thousand" wherever they appear in said resolve and by substituting in place thereof the words "seven thousand five hundred," so that said resolve when amended, shall read as follows:

"Resolve: That there be, and hereby is, appropriated the sum of seven thousand five hundred dollars in 1924, and seven thousand five hundred dollars in 1925, to be expended under direction of the commissioner of agriculture for the control and suppression of the insect known as the European corn borer, and in educational work among the farmers of the State for the same purpose."

Senate Amendment A was adopted and the resolve as amended was passed to be engrossed and sent down for concurrence.

Orders of the Day

The PRESIDENT: This brings us to the special assignments for today, the first of which is Resolve in favor of the State Armory at Lewis-

ton, and the Chair will recognize the senator from Cumberland, Mr. Hinckley.

Mr. HINCKLEY: Mr. President, I move this resolve be referred to the next Legislature.

The motion was agreed to by a viva voce vote, and sent down for concurrence.

The PRESIDENT: The next matter is H. D. No. 257, Resolve in favor of the Penobscot Tribe of Indians, for the general care, maintenance and education thereof, the pending question being passage to be engrossed, and in the absence of the senator from Washington, Mr. Emery, on whose motion it was tabled—

Mr. EATON of Oxford: Mr. President, I move that this resolve be tabled until tomorrow.

The motion was agreed to and the matter was specially assigned for tomorrow morning.

The PRESIDENT: The next matter is S. D. No. 252, Resolve making appropriations for the Passamaquod Tribe of Indians for the years July 1st, 1923, to June 30th, 1925, tabled by the senator from Washington, Mr. Emery.

Mr. EATON of Oxford: Mr. President, I move that this resolve be tabled until tomorrow.

The motion was agreed to and the matter was specially assigned for tomorrow morning.

The PRESIDENT: This brings us to the tabled and unassigned matters, under general orders of the day.

Mr. WILSON of Aroostook: Mr. President, I move to take from the table H. D. 403, An Act for the control and suppression of the European corn borer.

The motion was agreed to, and on further motion by the same senator the bill was passed to be engrossed in concurrence with the House.

Mr. SPENCER of York: Mr. President, I move to take from the table H. D. No. 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.

The motion was agreed to and the senator yielded to the senator from Cumberland, Mr. Brewster.

Mr. BREWSTER: Mr. President, I

offer Senate Amendment A and move its adoption.

Senate Amendment A to House Document No. 402

House Document 402 is hereby amended by striking out the second, third and fourth paragraphs of said act.

The motion was agreed to, Senate

Amendment A was adopted, and the bill as amended was passed to be engrossed, and sent down for concurrence.

On motion by Mr. Ryder of Piscataquis,

Adjourned until tomorrow morning at 9 o'clock.

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