

# MAINE STATE LEGISLATURE

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# Legislative Record

OF THE

# Eighty-First Legislature

OF THE

STATE OF MAINE

1923

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**SENATE**

Thursday, March 29, 1923.

Senate called to order by the President.

Prayer by the Rev. H. H. Brown of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Report from the committee on agriculture on An Act to amend Section 16 of Chapter 6 of the Revised Statutes as amended by Chapter 285 Public Laws of 1917 and by Chapter 199 Public Laws of 1919 relating to inventory of exempt live stock and fowl (House Doc. No. 293), reporting the same in a new draft under title of "An Act to amend Section 16 of Chapter 9 of the Revised Statutes as amended by Chapter 285 of the Public Laws of 1917 and further amended by Chapter 199 of the Public Laws of 1919 relating to inventory of exempt live stock and fowl" (House Doc. No. 453), and that the same ought to pass.

The report was accepted, and on motion by Mr. Hinckley of Cumberland, the rules were suspended and the bill was given its two readings and passed to be engrossed.

From the House: Report from the committee on judiciary on An Act amending Section 55 of Chapter 104 of the Revised Statutes relating to reduction of bail by bail commissioners (House Doc. No. 301), reporting the same in a new draft under the same title (House Doc. No. 444), and that it ought to pass.

Which came from the House, the bill passed to be engrossed as amended by House Amendment "A."

On motion by Mr. Hinckley of Cumberland, House Amendment A was adopted in concurrence and the bill as amended by House Amendment A was passed to be engrossed.

From the House: Majority report, ought to pass and minority report, ought not to pass from the committee on legal affairs, on An Act to amend Section 22 of Chapter 51 of the Revised Statutes relating to corporate records and stock lists.

Which came from the House, that

branch having accepted the minority report, ought to pass.

Mr. BREWSTER of Cumberland: Mr. President, I move we adopt the majority report.

A viva voce vote was had, which was doubted.

Mr. BREWSTER: Mr. President, is an explanation of it in order?

The PRESIDENT: Certainly, it is debatable.

Mr. BREWSTER: This is a bill that was heard quite thoroughly before the committee on legal affairs, and it has been the subject of rather serious abuse in connection with Maine corporations so far as securing stock lists of the corporations is concerned to use them for what have been called sucker lists, to mail out propoganda regarding mining corporations and other corporations of that kind to lists of investors in various Maine Corporations. It does not seem to be within the proper purposes of a corporation that its stockholders should have stock lists for purposes not related to the corporation. If there is any difficulty coming up in an annual meeting and you want a stock list, you can get it—this does not affect that. If you have any other interest in the affairs of the corporation you can have full information. But if a stock jobbing house in Boston or New York buys one share in a Maine corporation simply for the purpose of securing the stock list and then mailing prospectuses of all the other stocks which they may have on their lists, it is a very grave abuse, and under the present law cannot be very effectually prevented. This act is designed to do that, while giving proper protection for all minor stockholders.

The PRESIDENT: All those in favor of the motion of the senator from Cumberland, Mr. Brewster, that the majority report, ought to pass, be adopted, will rise and stand until counted.

Twenty-three senators voting in favor of the motion and one against, the motion was adopted.

Mr. BREWSTER: Mr. President, would it be in order to have the bill take its readings at this time?

The PRESIDENT: The Chair would entertain such a motion.

Senator Brewster then moved that the rules be suspended and the bill take its readings at this time and be passed to be engrossed.

The motion was agreed to and the

bill was read twice and passed to be engrossed.

From the House: Report from the committee on library on An Act to provide for the preservation of archaeological objects and sites, and for the appointment of a committee on archæology (House Document 434), and that the same ought to pass.

Which came from the House amended by House Amendment A.

House Amendment A was read by the Chair.

Mr. HINCKLEY of Cumberland: Mr. President, does that "four" refer to dollars or thousands of dollars?

The PRESIDENT: Apparently it is simply an amendment to change the number of a section.

On motion by Mr. Hinckley, House Amendment A was adopted and the bill as amended by House Amendment A was passed to be engrossed in concurrence.

From the House: The committee on public utilities on An Act to amend Paragraph 23, Section 15, Chapter 55 of the Revised Statutes relating to public utilities, reporting the same in a new draft under title of "An Act to amend Section 15 of Chapter 55 of the Revised Statutes relating to public utilities, (House Doc. No. 425), and that it ought to pass.

The PRESIDENT: The Chair will state that this bill comes from the House indefinitely postponed, the committee having reported a new draft and that it ought to pass.

Mr. SPENCER of York: Mr. President, I move that the bill lie on the table until tomorrow pending acceptance of the report.

Mr. HINCKLEY of Cumberland: Mr. President, may it not simplify matters to take it up later in the day?

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

It was so voted.

From the House: An Act to incorporate the towns of South Thomaston and Owl's Head in the county of Knox into a single town (Senate Doc. No. 228.)

Which came back from the House amended by House Amendment "A," which was read by the Chair.

Mr. HINCKLEY of Cumberland: Mr. President, I move that we reconsider our action whereby we passed this bill to be engrossed.

Mr. SPENCER of York: Mr. President, I move that this bill lie on the table until this afternoon.

It was so voted.

From the House: Resolve appropriating money to set forth the natural agricultural, industrial and recreational advantages of the State of Maine (House Doc. No. 334.)

Which came from the House that branch having reconsidered their former action in passing the bill to be engrossed and amending the bill by House Amendment "A."

On motion by Mr. Eaton of Oxford, 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.

From the House: An Act to revise the military law of the State of Maine (House Doc. No. 407.)

Which came from the House that branch having reconsidered their former action in passing the bill to be engrossed and having adopted House Amendment "A."

On motion by Mr. Hinckley of Cumberland, the Senate voted to reconsider the action whereby this bill was passed to be engrossed, 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.

From the House: Resolve providing for an annual display of the agricultural products and resources of the State of Maine at the Eastern States Exposition (House Doc. No. 205.)

Which came from the House, that branch having reconsidered their former action in passing the bill to be engrossed, adopted House Amendment "A" and passed the bill to be engrossed as amended.

On motion by Mr. Eaton of Oxford, the Senate voted to reconsider the action whereby this bill was passed to be engrossed, and on further motion by the same senator House Amendment A was adopted in concurrence, and the resolve as amended by House Amendment A was

passed to be engrossed in concurrence.

From the House: Resolve making appropriation for the support and maintenance of the State Experiment Station (House Doc. No. 215.)

Which came from the House, that branch having reconsidered their former action in passing the bill to be engrossed, adopted House Amendment "A" and passed the bill to be engrossed as amended.

On motion by Mr. Eaton of Oxford, the Senate voted to reconsider the action whereby this bill was passed to be engrossed, 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 in concurrence.

From the House: Resolve in aid of navigation on Moosehead Lake (House Doc. No. 230.)

Which came from the House, that branch having reconsidered their former action in passing the bill to be engrossed, adopted House Amendment "A" and passed the bill to be engrossed as amended.

On motion by Mr. Eaton of Oxford, this resolve was tabled.

#### Communication from the Executive

A veto message was received from the Governor relative to the University of Maine.

This message has been printed and appears in the House Report.

On motion by Mr. Hinckley of Cumberland, reading of the document omitted and it was ordered placed on file.

#### Communication from the House of Representatives

STATE OF MAINE,

House of Representatives,  
Office of the Clerk.

Augusta, March 28, 1923.

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

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

"Resolve, providing for Aid in the Payment of Premiums Awarded by the Houlton Agricultural Society," with his objections to the same, the House proceeded to vote on the question:

"Shall this Resolve become a law notwithstanding the objections of the Governor?"

A yea and nay vote was taken, sixty-seven Representatives voted in the affirmative, and seventy-three in the negative, and accordingly the resolve failed of a passage.

Respectfully,

CLYDE R. CHAPMAN,  
Clerk of the House.

Read and placed on file.

On motion by Mr. Hinckley of Cumberland, it was voted that when the Senate adjourns it adjourn to meet at 9 o'clock tomorrow morning.

#### Senate Bills in First Reading

Senate 293: An Act to grant a new charter to the City of Portland.

Mr. Brewster of Portland, presented Senate Amendment A and moved its adoption.

#### Senate Amendment A to S. D. 293

Section 3 of Article IX of S. D. 293 is hereby amended by striking out the paragraphs designated "Plan 1," "Plan 2," and "Plan 3," under title of "Forms of Charter," and by inserting in place thereof the following:

Plan 1. Present form of charter with mayor, board of nine aldermen, and common council of twenty-seven members elected by wards without party designation.

Plan 2. Form providing mayor and board of fourteen councilors elected for a term of two years, one from each ward and five at large with party designation retained.

Plan 3. Council manager form providing for a city council of five members elected one each year for a term of five years from the city at large without regard toward ward lines and without party designation, and a city manager elected by the council.

The Amendment was adopted and on further motion by the same senator, under suspension of the rules, the bill was given its second reading and passed to be engrossed as amended.

Sent down for concurrence.

Senate 295: An Act to constitute the State Superintendent of Schools a member, ex officio, of the board of trustees of the University of Maine.

On motion by Mr. Hinckley of Cumberland, the rules were suspended and the bill was given its second reading.

On motion by Mr. Allen of York, the bill was tabled pending passage to be engrossed.

Senate 296: An Act to encourage and provide for a system of uniform accounting in cities, towns and village corporations.

On motion by Mr. Hinckley of Cumberland, the rules were suspended and the bill was given its second reading at this time and passed to be engrossed.

#### Reports of Committees

Mr. Wilson, from the committee on inland fisheries and game, on An Act to amend Section 46 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 33 of the Public Laws of 1919, and by Chapter 218 of the Public Laws of 1921, relating to the protection of fur-bearing animals, reported that the same be placed on file, as the subject matter has been incorporated in another bill.

The same senator from the same committee on Resolve, appropriating money to aid in the screening of Lake Sebasticook, in the town of Newport, county of Penobscot, reported that the same be placed on file as the subject matter has been incorporated in another resolve reported by this committee.

Mr. Trefethen from the committee on insane hospitals, on Resolve in favor of the Bangor State Hospital, for the construction and equipment of a new building for male patients, reported that legislation is inexpedient.

Mr. Wadsworth, from the same committee, on Resolve in favor of the Augusta State Hospital for construction of a building for women nurses and attendants, reported legislation inexpedient.

Mr. Buzzell, from the committee on judiciary, on An Act to amend Section 18, Chapter 84, Revised Statutes, relating to duties of county attorneys (Senate Doc. No. 204), reported that the same ought not to pass.

The reports were accepted and sent down for concurrence.

Mr. Emery from the committee on Claims, on

Resolve to reimburse the town of Alexander for expenses incurred in caring for Vern Carlow, a soldier,

Resolve in favor of Harvey P. Libby to reimburse him for loss of buildings and personal property caused by fire set by R. Blourde, an inmate of

the Maine School for Feeble Minded located at Pownal,

Resolve in favor of Frank M. Hultit to reimburse him for loss of buildings and personal property caused by a fire set by R. Blourde, an inmate of the Maine School for Feeble Minded located at Pownal,

Resolve reimbursing the town of Rangelev for money expended for the support of certain State Paupers,

Resolve in favor of George H. Townsend for material furnished for the construction of the Central School Buildings for the Maine State School for Girls,

Resolve in favor of reimbursing Hancock county and Mt. Desert Bridge District for interest on sale of bonds deposited with the State,

Resolve, in favor of A. Williams and Company to reimburse them for loss in State Highway Construction during the years 1917 and 1918.

Resolve, in favor of the Emery-Waterhouse Company, of Portland, Maine, for material furnished for the construction of the Central School Building for the State School for Girls at Hallowell,

Resolve, in favor of the town of Abbot,

Resolve, in favor of Church Hardware Company for material furnished for the construction of the Central School Buildings for the Maine State School for Girls,

Resolve, in favor of Louis H. Winship,

Resolve, in favor of Mrs. Nora E. Mohan of Portland.

Resolve, appropriating money to reimburse the town of Whitefield, for payments for sheep and turkeys killed by dogs and wild animals.

Resolve, reimbursing E. W. Pike, assignee of E. G. Weston, Inc., for damage done an outdoor platform scale by a truck of the Highway Department,

Resolve in favor of the town of Mattawamkeag to reimburse for cost of replanking bridge,

Resolve, to reimburse the town of Charleston for State Pension paid to Irving Curtis,

Resolve, in favor of Horace White, of Topsfield,

Resolve, reimbursing the town of Skowhegan for money expended for

support of paupers, and for Mother's Aid.

Resolve to reimburse the County of Somerset for expenses of location of public lots.

Resolve, in favor of the town of Madison to reimburse it for the amount expended for relief of Pearl Marion O'Connor and five children, with statement of facts,

Resolve, in favor of the town of Madison for amount expended for relief of Mary Pugh,

Resolve, in favor of Mary S. Burnham,

Resolve, in favor of the County of Cumberland,

Resolve, in favor of B. W. Baden, of Carmel for loss of cow,

Resolve, in favor of the Plantation of Macwahoc to reimburse for cost of planking bridge,

Resolve, in favor of Norman W. McLeod of Monticello for supplies furnished Advardis Bilyea,

Resolve in favor of the Northern Maine Sanatorium to compensate Astle and Page for extra work on the Sanatorium buildings,

Resolve, in favor of J. L. Martin of Milo,

Resolve, appropriating money to reimburse the town of Kingman for support of William Cunard,

Resolve, for payment of money due from the State to several towns for rental of armories,

Resolve, to reimburse the town of Embden for support of a pauper,

Resolve, in favor of Mrs. Theodora A. Jones of South Portland,

Resolve, to reimburse the town of Thomaston for money expended in rebuilding So. Warren Bridge, so-called, on Trunk Line "D,"

Resolve, in favor of the town of Newburg,

Resolve, to reimburse the town of Eastport for the cost of repairing a bridge,

Resolve, in favor of the town of Fairfield to reimburse said town for money expended for the care of the family of Robert Packard,

Resolve, in favor of the City of Bath,

Resolve appropriating money to reimburse Machias Lumber Company for taxes paid.

Resolve, appropriating money to reimburse William O. B. Walker for taxes paid,

Resolve, appropriating money to reimburse Annetta O. B. Walker for taxes paid,

Resolve, in favor of the town of Haynesville for School Fund,

Resolve, in favor of the American Realty Company, Portland, Maine,

Resolve, reimbursing the town of Brownville for money expended for support of paupers,

Resolve, in favor of A. M. Currier, of Seven Islands, Arcoostook County, Maine,

Resolve to reimburse Kenneth Pressley of Trescott, Washington County, for loss of sheep killed by dogs or wild animals,

Resolve, in favor of Charles Parkinon of Trescott, reimbursing him for loss of sheep killed by dogs or wild animals,

Resolve, in favor of the town of Smyrna to reimburse for support of John Pomeroy,

reported the same in a new draft, under the title of "Resolve appropriating money to pay claims allowed by the Committee on Claims," and that it ought to pass.

Mr. EATON of Oxford: Mr. President, I would like to inquire the total amount of the resolve in the new draft?

The PRESIDENT: The Chair will state that the resolve in the new draft calls for \$32,975.34.

Mr. HICKLEY of Cumberland: And this amount is now in one resolve?

The PRESIDENT: Yes. The resolves, the titles of which were read, the committee has reported one resolve covering the entire list.

Mr. Cram, from the Committee to consider the Cole report, on An Act to amend Sections 19, 22 and 23 of Chapter 9 of the Revised Statutes, and Sections 28, 30 and 33 of Chapter 51 of the Revised Statutes, relating to corporations (Senate Doc. No. 131), reported the same in a new draft, under the title "An Act to amend Section 33 of Chapter 51 of the Revised Statutes, relating to corporations," and that it ought to pass.

Mr. Wilson, from the Committee on Inland Fisheries and Game, on An Act to amend Section 46 of Chapter 46 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 133 of the Public Laws of 1919 and by Chapter 218 of the Public Laws of

1921, relating to the protection of fur-bearing animals, reported the same in a new draft, under the same title, and that it ought to pass.

Mr. Croxford, from the Committee on Public Health, on An Act to amend Chapter 197 of the Public Laws of 1917 as amended by Chapter 172 of the Public Laws of 1919 as amended by Chapter 162 of the Public Laws of 1921, and to amend Chapter 19 of the Revised Statutes as amended, relating to the State Department of Health (Senate Doc. No. 57,) 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.

#### Final Reports

Mr. Emery from the Committee on claims submitted its final report.

Mr. Putnam from the Committee on Interior Waters submitted its final report.

Mr. Sargent from the Committee on Library submitted its final report.

Mr. Speirs from the Committee on Mercantile Affairs and Insurance submitted its final report.

Mr. Sargent from the Committee on School for Feeble Minded submitted its final report.

Mr. Phillips from the Committee on State Lands and Forest Preservation presented its final report.

The reports were accepted.

#### Passed to be Engrossed

House 214: An Act to amend Paragraph XI of Section 6 of Chapter 10 of the Revised Statutes relating to forest land exempted from taxation.

House 454: Resolve, granting a Teacher's Pension to Melville C. Smart of Gray.

House 455: An Act to amend Section 14 of Chapter 78 of the Revised Statutes, relating to conveyances not effectual against others unless recorded.

House 456: An Act to incorporate the Ashland Water and Sewer Company.

House 458: An Act to authorize the sale of Sebec Dam Company and purchase by Milo Electric Light and Power Company of all the property, rights, privileges, immunities and franchises of Sebec Dam Company.

House 462: Resolve to provide a

Teacher's Pension for Fannie Marble

House 463: An Act to provide for the location and operation of mines.

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

House 284: An Act to amend Chapter 260 of the Private and Special Laws of 1911 relating to a close time on lobsters in the waters of Winter Harbor in Hancock County.

S. 285. 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 intoxicating liquors.

(On motion by Mr. Spencer of York, tabled pending second reading.)

S. 286. An Act to amend Section 21 of Chapter 127 of the Revised Statutes, as amended by Chapter 235 of the Public Laws of 1919, relating to intoxicating liquors.

S. 287. An Act to amend Section 17 of Chapter 127 of the Revised Statutes, as amended by Chapter 62 of the Public Laws of 1921, prohibiting the manufacture of intoxicating liquors.

S. 288. An Act to amend Section 22 of Chapter 127 of the Revised Statutes, as amended by Chapter 291 of the Public Laws of 1917, relating to the sale of intoxicating liquors.

S. 289. Resolve in favor of the Maine School for Feeble Minded for additions and improvements.

S. 290. Resolve in favor of the Bangor State Hospital for maintenance and other purposes.

Mr. Wadsworth of Kennebec, presented Senate Amendment A and moved its adoption.

#### Senate Amendment A to S. D. 290

"Amend Senate Document 290 by striking out the last paragraph thereof."

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

S. 291. An Act entitled "An Act to encourage co-operative marketing."

S. 292. Resolve for charitable and benevolent institutions for the care, support and medical or surgical treatment of certain persons.

On motion by Mr. Brewster of Cumberland, the vote was reconsidered whereby H. D. 455, An Act to amend Section 14 of Chapter 78 of the Revised Statutes, relating to conveyances



not effectual against others unless recorded, was passed to be engrossed.

On further motion by the same senator the bill was indefinitely postponed. Sent down for concurrence.

#### Passed to be Enacted

An Act to amend Section 10 of Chapter 172 of the Public Laws of 1919, relating to local health officers.

An Act to amend Chapter 173 of the Public Laws of 1919, relating to the registration of resident hunters and to provide for the registration of resident inland fishermen.

(On motion by Mr. Buzzell of Waldo, tabled pending passage to be enacted).

#### Orders of the Day

The PRESIDENT: This brings us to the orders of the day under special assignment. The first is H. D. No. 353, An Act to amend Section 19 of Chapter 37 of the Revised Statutes, relative to the sale of milk, and the Chair recognizes the senator from Cumberland, Mr. Hinckley.

Mr. HINCKLEY: Mr. President, I move that we adopt Senate Amendment A.

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

Mr. HUSSEY of Aroostock: At the request of Senator Wilson, I move to take from the table House report (ought not to pass) from the committee on taxation on resolve amending Section 8 of Chapter 9 of the Constitution as amended by Article 36 of the Constitution providing for a tax upon income derived from intangible property.

The motion was agreed to and the senator yielded to the senator from York, Mr. Allen.

Mr. ALLEN: Mr. President, members of the Senate, this, as I understand it, is a bill that comes from the House with the bill substituted for the report. Am I correct?

The PRESIDENT: The Chair will state that is correct.

Mr. ALLEN: Mr. President, I now move that the committee report ought not to pass be accepted.

The PRESIDENT: In order that the Senate may understand thoroughly, the committee on taxation on resolve amending the Constitution providing for a tax upon income derived

from intangible property, reported ought not to pass. The House has substituted the resolve for the report. Now the senator from York, Mr. Allen, moves that the committee report ought not to pass be accepted.

Does the senator wish to address himself to the question?

Mr. ALLEN: No, Mr. President.

The motion was agreed to by a viva voce vote, the committee report ought not to pass was accepted, and the papers were sent down.

The PRESIDENT: The next matter under special assignment is S. D. No. 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, and the Chair recognizes the senator from Oxford, Mr. Eaton.

Mr. EATON: Mr. President, I have no motion to make at the present time.

The PRESIDENT: The pending question is the passage to be engrossed.

Mr. BREWSTER of Cumberland: Mr. President, the senator from Oxford has kept this on the table for a day or so to give me opportunity to look into the matter and I have not had the chance to do it. I think he has been very courteous in letting it go along, but I prefer it to be kept on the table until I can give him the answer which he wishes. He is doing it out of courtesy to me rather than himself, and I think he is going too far. I move to keep it on the table. I may be able to take it up later in the day.

The motion was agreed to and the matter was tabled.

The PRESIDENT: The next matter is the veto from the Governor on An Act to amend chapter 204, public laws of 1917, authorizing the treasurer of State to negotiate a temporary loan.

Mr. HINCKLEY of Cumberland: Mr. President, I will just state to the Senate that since yesterday afternoon I have talked with the State treasurer and he informs me that he still feels that this is absolutely essential to the proper conducting of the finances of the State to have this become a law.

The PRESIDENT: The question is

whether bill, An Act to amend Chapter 204, Public Laws of 1917, authorizing the treasurer of State to negotiate a temporary loan, shall become a law notwithstanding the objections of the Governor. All those wishing to pass the measure over the Governor's veto will vote "yes," those wishing to sustain the Governor's veto will vote "no."

The Secretary called the roll. Those voting "yes," were Messrs. Adams, Bemis, Buzzell, Carlton, Clark, Croxford, Eaton, Elliot, Emery, Farrington, Hinckley, Hussey, Morrison, Morneau, Phillips, Powers, Ryder, Sargent, Smith, Stevens, Trefethen, Wadsworth—22; those voting "no" were Messrs. Allen, Brewster, Cram, Putnam, Speirs, Spencer—6; absentees: Messrs. Bailey, Kirschner, Wilson.

Twenty-two senators voting yes, and six voting no, the bill became a law notwithstanding the objections of the Governor.

Mr. HINCKLEY of Cumberland: Mr. President, in the matter of the State armory at Lewiston we voted yesterday to adhere to our position. I want to make a motion that we reconsider, for the purpose of doing a courtesy to the House and agreeing to a committee of conference with them on this matter, and I now move that we reconsider the action where-by we adhered.

The motion was agreed to, and on further motion by the same senator it was voted to recede and join in a committee of conference.

The PRESIDENT: The Chair will appoint as members of the committee of conference on the part of the Senate, the senator from Cumberland, Mr. Hinckley, the senator from Knox, Mr. Elliot, and the senator from Aroostook, Mr. Hussey.

(Mr. Buzzell in the Chair)

Mr. HUSSEY of Aroostook: Mr. President, I move that the rules be suspended, and that at this time I may be allowed to introduce An Act, and I wish to address myself to this proposition.

This is An Act to make legal and valid the proceedings at the town meeting of the town of Washburn held on Monday last. There are two villages in the town of Washburn, the village of Washburn and the village of Crouseville. It has been customary to post the regular war-

rant in the village of Washburn and an attested copy in the village of Crouseville. The constable who signed the warrant inadvertently sent that particular warrant to the village of Crouseville and caused it to be posted. The warrant that the constable posted in the village of Washburn was signed by him with a typewriter. So that it would seem that there has been no legal notice of this town meeting. That being the case, of course the proceedings at this town meeting are void, and this Act would simply make them legal and valid.

The motion was agreed to and the bill was received under suspension of the rules.

Mr. HUSSEY: Mr. President, I now move that the bill take its regular course without reference to a committee.

Mr. HINCKLEY: Mr. President, may I inquire of the gentleman if he wishes the rules suspended and the bill given its several readings at this time, which would be out of the regular course?

The PRESIDENT pro tem: The senator from Aroostook may reply through the Chair.

Mr. HUSSEY: Replying through the Chair, I do.

Under suspension of the rules the bill was given its first and second readings and passed to be engrossed.

Mr. TREFETHEN of Franklin: Mr. President, I move the suspension of the rules that I may introduce a resolve out of order.

Mr. HINCKLEY: Mr. President, I should like to inquire through the Chair what the resolve is.

The PRESIDENT pro tem: The senator from Franklin hears the inquiry of the senator from Cumberland and may answer through the Chair.

Mr. TREFETHEN: Mr. President, it is a resolve in favor of the State Laboratory of Hygiene, Department of Health. The facts are these: They had a fire over there some ten or twelve days ago, which destroyed the greater part of their apparatus, and came near losing the vital statistics. I think it is a statute that the State shall provide rooms for this department, and they have no place now. The place they did occupy was owned by the State Insane Hospital, and they have been

ordered out, and they are not wanted there even if they return after the repairs are made.

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

The SECRETARY: \$35,000.

Mr. PHILLIPS of Hancock: Mr. President, I wish to make a few remarks in regard to this. It seems, as the senator from Franklin has said, that the State laboratory has burned up and there is no place to go. Now they have found a fireproof garage a short distance from the State House which can be obtained for about \$26,000, and the material and cost of putting it in shape will cost about \$10,000 more,—\$9000 more. This seems to all of us a very fine opportunity to obtain a fireproof building for our statistics; the vital statistics of the State were very nearly ruined, and you all know what it would mean if we were to lose the vital statistics in the State of Maine.

I will say in regard to the financial situation, that the Sheppard-Towner bill carried an appropriation of \$14,000, which as it did not pass leaves that amount to put into this building. Now this seems to be a rare opportunity for us to get a fireproof building for the State laboratory, and the subject is one of the most vital that we have in the State, and I hope the senators will see fit to grant this request.

Mr. HINCKLEY: Mr. President, this seems to be a real emergency, where the State must do something. If I understand the situation correctly, there is absolutely no place where the laboratory of the State Board of Health can be housed. This seems to be the only available building. I move that under suspension of the rules, and without reference to a committee this resolve be given its two readings at this time.

The motion of the senator from Franklin was agreed to by unanimous vote and the Resolve was received under suspension of the order limiting the time for the reception of acts and resolves, and on motion of the senator from Cumberland, Mr. Hinckley, the resolve was given its two readings, passed to be engrossed and sent down for concurrence.

On motion by Mr. Eaton of Oxford, H. D. 421, Resolve in favor of the Pen-

obscoot Tribe of Indians for re-drafting plan book, was taken from the table.

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

Mr. MORISON of Penobscot: Mr. President, I move that the senate reconsider the vote of yesterday afternoon whereby was accepted in concurrence the report of the committee or claims, ought ought not to pass, on resolve in the town of Prentiss, and I will say if this is done I will then move to refer the matter to the next Legislature.

The motion was agreed to, and on further motion by the same senator the bill was referred to the next Legislature.

Sent down for concurrence.

Mr. SPENCER of York: Mr. President, I move that we take from the table S. D. 285, 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 intoxicating liquors.

The motion was agreed to.

The same senator then offered senate amendment A to S. D. 285, as follows:

"Amend the first paragraph of said bill by striking out the words "except an officer of enforcement in possession of the same to be used as evidence."

Mr. SPENCER: Mr. President, that was an error in being placed there, as it was stricken out in the re-draft of the section that followed. It is simply a clerical error that I wish to correct. I move the adoption of the amendment.

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

Sent down for concurrence.

Mr. SPENCER of York: Mr. President, I also tabled a bill this morning, House 425, from the public utilities committee, and I wish to say that the bill proposes to put under the head of transportation vessels, gasoline or naphtha propelled boats, which are now common in the State of Maine and exceed in size many of those boats engaged in similar transportation of passengers and freight that are run by

steam. Under the present law in reference to inspection, control and regulation of such boats gasoline and naphtha propelled boats are not included, and that is simply the purpose of the committee in reporting this bill, to bring them all in the same class.

I think the bill was indefinitely postponed in the House. I move the acceptance of the report.

The PRESIDENT: We have already accepted the report and the bill has had its first reading and was tabled pending second reading.

Mr. SPENCER: Mr. President, I move that the bill take its second reading.

Mr.: WADSWORTH of Kennebec: Mr. President, I think that this same matter is taken care of under senate document 269, and I would like to look up the matter a little. I hope the matter may stay on the table until later in the day, if that is agreeable to the senator from York.

Mr. SPENCER: Mr. President, that is agreeable to me. The bill was tabled.

Mr. SPENCER of York: Mr. President, I tabled the bill to incorporate the towns of South Thomaston and Owl's Head into a single town,—which is the one I presume that I confused with this one—which came back to the Senate with the report of the passage in an amended form.

The President pro tem: That is the one that came from the House engrossed as amended by House Amendment A.

Mr. SPENCER: I wish to make the motion, and of course the Senate will dispose of it as they see fit, that we insist on our former action and that a committee of conference be appointed, and I will address myself to the proposition as it was the original report of the committee.

The PRESIDENT pro tem: The senator is in order.

Mr. SPENCER: The matter was heard before the committee extensively and after consideration it was the unanimous report of the committee that there should be some form of bill submitted that should enable the people of the town of South Thomaston as formerly incorporated to vote upon the matter of consolidation themselves, and with that in view this bill was drafted. The amendment has the ef-

fect of submitting it to each town individually, and if either town refuses to approve of the act it is defeated. But the original bill includes the old town in statu quo, which was its former position two years ago, and they at that time felt that they should have had a referendum. For that reason I have felt that this bill unamended would give them that opportunity. I think it is only fair.

I have been on the committee on towns for several sessions, and a great many of these matters are hardly worth the attention of the committee. I have felt that the interest of the State was the larger interest involved—that the State's interest demanded that we have towns which were of sufficient size and ability financially to support themselves and not be charges upon the State. I have in my thought of this matter drawn up a few suggestions which I believe would standardize our towns in the State of Maine and they are these:

That when the Legislature incorporates a town it should have these ideas in view:

1. The territory should be definite and the area adequate for future expansion.
2. The geographical surroundings should be conducive to self-development.
3. The normal resources should be self-sustaining.
4. The character of the inhabitants should be permanent.
5. The population should be capable of performing its municipal obligations.
6. The division should only be made with the consent of the majority.
7. The State's interest in division is paramount.

This town of Owl's Head, as I understand it, has less than 500 inhabitants, and its valuation is less than \$200,000. I think that the same statement is true of the town of So. Thomaston—both are small towns. The original town had less than 1000 inhabitants.

It is almost impossible to maintain a high school in this State under existing conditions, and I guess I may say normal also, unless a town has a larger valuation than either of these, or even larger population.

It seemed to me that as these towns had already been divided, that it is for them to show whether in the future

they should continue the present conditions with reference to their financial ability to sustain the burdens of taxation necessary to perform their civil functions. I only present this for the consideration of the Senate, feeling that no greater service could be done to the State of Maine than that a commission should be established by the Legislature at some time to consider the advisability of investigating all small towns in the State of Maine, with the distinct purpose that they may be so arranged, so constituted that they may add to the strength of the State financially rather than become public charges. When that thing has been accomplished, we can do away with our State aid to schools and our State aid to highways, and for this reason, if for no other, I believe that if these two little towns could be put together it would be for the benefit of the State, and for that reason alone I have addressed you on this proposition.

(The President in the Chair).

Mr. BUZZELL of Waldo: Mr. President, I hope the motion of the senator who has just spoken will not prevail. It seems to me the House has taken the logical attitude on this matter by its adoption of Senate Amendment A. I hardly see how the senator from York can possibly feel that this bill is fair. Just stop and think of the combined vote of two places, one large place and the other small, and if they both vote for such a proposition, that is right!

Amendment A provides if the majority vote in both places is for that proposition, why then, let them return. Why, stop and think of this Legislature endorsing such a proposition! It would be a good deal like New York and Brooklyn, Bangor and Brewer, if the combined vote of both of these places was for one proposition, especially if Bangor advocated the passage of the proposition or New York advocated the passage of the proposition! How can we say that is fair? I feel that the motion of the senator from York should not prevail, and I say this in view of the fact that I hope that House A may be adopted later.

Mr. SARGENT of Hancock: Mr. President, two years ago I voted to separate this town into two towns. Soon after voting, however, as I looked at the matter further, and during the summer as I heard more about it, I became convinced that I had made a mis-

take. This town having been divided only since the act which was passed at the last Legislature became effective, and believing that we made a mistake at that time, it seems to me that the only thing that I could vote for would be to undo that mistake as far as possible and put the towns back together. In considering this proposition at the present time, these two towns having been in existence so short a time, it seems to me that we can in practice look upon it as a single town and place ourselves in the position of voting upon the division of the town.

Mr. WADSWORTH of Kennebec: Mr. President I would like to inquire if a motion would be in order at the present time to indefinitely postpone the whole matter?

The PRESIDENT: The Chair will say that it would be.

Mr. WADSWORTH: I would like to make such a motion. Now this matter was before us two years ago. It was considered at a number of different times. Arguments were heard pro and con. There were quite a number of people here from the two different towns and we heard the matter until we were tired of it. The town was divided, and they come back here the very next session, the following session of the Legislature, and ask to have that work undone. Already we are having amendments for different purposes adopted and refused, and this bill will go back and forth between the House and the Senate, and it seems to me that it is no more than fair to the people down there that they have a chance to try this experiment two years more at least and see if they can get along.

I make a motion that we indefinitely postpone the matter.

Mr. BUZZELL of Waldo: Mr. President, Members of the Senate: I am glad to say that I am willing to support the motion of the senator from Kennebec.

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

The motion was agreed to by a viva voce vote and the bill was indefinitely postponed.

On motion by Mr. Eaton of Oxford, H. D. 430, resolve in favor of the State Reformatory for Men for maintenance, was taken from the table, and on further motion by the same senator the

bill was given its second reading and passed to be engrossed in concurrence.

On motion by Mr. Eaton of Oxford, resolve in aid of navigation on Moosehead Lake, was taken from the table.

On further motion by the same senator, the Senate voted to reconsider the action whereby this resolve was passed to be engrossed. House Amendment A was then adopted in concurrence and the resolve as amended was passed to be engrossed in concurrence.

Mr. ALLEN of York: Mr. President, I would like to inquire if the bill went through the House this morning. H. 466, An Act relating to the income and appropriations for the several State institutions, submitted by the Cole report committee.

The PRESIDENT: The Chair will state to the senator from York that the bill does not appear to be in the papers today.

On motion by Mr. Hinckley of Cumberland, a recess was taken until 2 o'clock this afternoon.

#### After Recess

The Senate was called to order by the President at 2 o'clock.

Papers from the House disposed of in concurrence.

The PRESIDENT: In these House bills which are printed, if the Senate feels that it is wise to do so we can give the bills their second reading under suspension of the rules so that they may be passed to be engrossed and go to the printer. The Chair without a motion will do nothing but the regular course.

Mr. CLARK of Lincoln: Mr. President, I am in favor of the bills being passed along under suspension of the rules.

#### Papers from the House

The committee on agriculture, on An Act to amend Section 18 of Chapter 34 of the Revised Statutes relating to the apportionment of State aid to county and local agricultural societies (House Doc. No. 292), reported same in a new draft, under the same title, (House Doc. No. 475) and that it ought to pass.

The report was accepted in concurrence, the bill given its first reading

and under suspension of the rules was given its second reading and was passed to be engrossed in concurrence.

The same committee on An Act to amend Section 2 of Chapter 34 of the Revised Statutes, as amended by Chapter 81 of the Public Laws of 1921 relating to the duties of the commissioner of agriculture (House Doc. No. 468), reported that the same ought to pass.

The report was accepted in concurrence, and the bill was then tabled on motion by Mr. Eaton of Oxford.

The committee to consider the Cole report, on An Act relating to the State Park Commission (House Doc. 467), reported that the same ought to pass.

The report was accepted in concurrence and the bill given its first reading.

On motion by Mr. Hinckley of Cumberland, the rules were suspended, the bill given its second reading and passed to be engrossed in concurrence.

The same committee on An Act relating to the income and appropriations of the several departments and State institutions (House Doc. No. 466), reported that the same ought to pass.

The report was accepted and on motion by Mr. Eaton of Oxford, tabled pending second reading.

The committee on Inland Fisheries and Game, on An Act additional to Chapter 219 of the Public Laws of 1917, as amended, fixing the legal length of, and also daily limit on, trout and landlocked salmon which may be taken in certain Rangeley Waters, in Franklin and Oxford Counties, reported the same in a new draft, under the same title (House Doc. No. 481), and that it ought to pass.

The report was accepted in concurrence and the bill given its first reading. On motion by Mr. Hinckley of Cumberland, the rules were suspended, the bill given its second reading and passed to be engrossed in concurrence.

The same committee, on An Act additional to Chapter 219 of the Public Laws of 1917 relating to the protection of black bass in Lake Walden and Hancock Lake, so-called, situated wholly or partly in the town of Denmark, in the County of Oxford, and in the town of Sebago, in the county of Cumberland, reported the same in a new draft, under the title of "An Act relating to the protection of black bass in Lake Walden and Hancock Lake, so-called, situated

wholly or partly in the town of Denmark, in the County of Oxford, and in the town of Sebago, in the County of Cumberland (House Doc. No. 480), and that it ought to pass.

The report was accepted in concurrence and the bill given its first reading. On motion by Mr. Morison of Penobscot, the rules were suspended, the bill given its second reading and passed to be engrossed in concurrence.

The same committee, on An Act relating to plug fishing for landlocked salmon and trout in Mooselucmaguntic and the Richardson Lakes, in the counties of Oxford and Franklin, reported the same in a new draft, under the same title (House Doc. No. 479), and that it ought to pass.

The report was accepted in concurrence and the bill given its first reading. On motion by Mr. Croxford of Penobscot, the rules were suspended, the bill given its second reading and passed to be engrossed in concurrence.

The same committee, on An Act to amend Chapter 134 of the Public Laws of 1919, as amended by Chapter 19 of the Public Laws of 1921, relating to fishing in Kennebago Stream, in the county of Franklin, and in the county of Oxford, reported the same in a new draft, under the title of "An Act relating to fishing in certain waters in Franklin and Oxford Counties" (House Doc. No. 478), and that the same ought to pass.

The report was accepted in concurrence and the bill given its first reading. On motion by Mr. Hinckley of Cumberland, the rules were suspended, the bill given its second reading and passed to be engrossed in concurrence.

The committee on Judiciary, on Resolve, relating to the acquirement of certain lands in the Ogunquit Village Corporation in the town of Wells, for a public park, and making an appropriation therefor, reported the same in a new draft, under the title of "An Act to incorporate the Ogunquit Beach District" (House Doc. No. 474), and that it ought to pass.

The report was accepted in concurrence and the bill given its first reading. On motion by Mr. Buzzell of Waldo, the rules were suspended, the bill given its second reading and passed to be engrossed in concurrence.

The same committee, on An Act to provide a new charter for the City of Rockland and to repeal Chapter 482, Private and Special Laws of 1885 (House Doc. No. 64), reported the same in a new draft, under the same title, and that it ought to pass.

The report was accepted in concurrence. On motion by Mr. Hinckley of Cumberland, the rules were suspended and the bill without printing was given its two readings at this time and passed to be engrossed, in concurrence.

The same committee, on An Act additional to and amendatory of Chapter 139 of the Revised Statutes, as amended by Chapter 88, Public Laws of 1917, relating to transfer of insane or feeble minded inmates, reported the same in a new draft, under the same title (House Doc. No. 476), and that it ought to pass.

The report was accepted in concurrence. On motion by Mr. Hinckley of Cumberland, the rules were suspended, the bill given its second reading and passed to be engrossed in concurrence.

The committee on Legal Affairs, on An Act to amend Section 98 of Chapter 82, Revised Statutes, relating to the Superior Courts (House Doc. No. 289), reported the same in a new draft, under the title of "An Act to amend Section 98 of Chapter 82 of the Revised Statutes, as amended by Chapter 39 of the Public Laws of 1921, relating to the Exchange of Justices of Superior Courts" (House Doc. No. 472), and that it ought to pass.

The report was accepted in concurrence. On motion by Mr. Brewster of Cumberland, the rules were suspended, the bill given its second reading and passed to be engrossed in concurrence.

The same committee, on An Act to change the jurisdiction of the Supreme Judicial and Superior Courts, reported the same in a new draft, under the title "An Act additional to 'An Act providing for retirement of Justices of the Supreme and Superior Courts and their reappointment as active retired justices'" (House Doc. No. 477), and that it ought to pass.

The report was accepted in concurrence. On motion by Mr. Brewster of Cumberland, the rules were suspended, the bill given its second reading and passed to be engrossed in concurrence.

The same committee, on An Act with reference to the jurisdiction of the courts in certain cases under Chapter 120 of the Revised Statutes, relating to desertion and non-support of families (House Doc. No. 216), reported the same in a new draft, under the same title (House Doc. No. 471), and that it ought to pass.

The report was accepted in concurrence. On motion by Mr. Cram of Cumberland, the rules were suspended, the bill given its second reading and passed to be engrossed in concurrence.

The committee on Mercantile Affairs and Insurance, on An Act relating to the incontestable clause in life insurance policies (House Doc. No. 320), reported that the same ought to pass.

The report was accepted and the bill given its first reading.

House Amendment A was read by the Chair, and adopted in concurrence on motion by Mr. Morneau of Androscoggin.

The bill as amended was then passed to be engrossed in concurrence.

The Portland Delegation, on An Act to grant a new charter to the City of Portland (House Doc. No. 79), reported the same in a new draft, under the same title (House Doc. No. 473), and that it ought to pass.

The report was accepted in concurrence and the bill given its first reading.

House Amendment A was read by the Chair, and on motion by Mr. Brewster of Cumberland, was adopted in concurrence and the bill as amended was passed to be engrossed in concurrence.

The committee on Salaries and Fees, on An Act to amend Chapter 37 of the Private and Special Laws of 1917 as amended by Chapter 124 of the Private and Special Laws of the Special Session of 1919, relating to the salaries of the Chief of Police and Police Captains of the city of Lewiston (House Doc. No. 74), reported that the same ought to pass.

On motion by Mr. Hinckley of Cumberland, tabled pending acceptance of the report of the committee.

The same committee, on An Act to increase the salary of the Clerk of Courts of Franklin County, reported the same in a new draft, under the same title, and that it ought to pass.

The report was accepted in concurrence. On motion by Mr. Hinckley of Cumberland, the rules were suspended and the bill without printing was given its two readings and passed to be engrossed, in concurrence.

The committee on Taxation, on An Act to amend Paragraph 9 of Section 6, Chapter 10 of the Revised Statutes, as amended by Chapter 105, Public Laws of 1919, and by Chapter 119, Public Laws of 1921, relating to exemption from taxation of the estates of war veterans (House Doc. No. 323), reported the same in a new draft, under the same title, (House Doc. No. 469), and that it ought to pass.

The report was accepted in concurrence and the bill given its first reading. On motion by Mr. Eaton of Oxford, the rules were suspended, the bill given its second reading and passed to be engrossed in concurrence.

The same committee, on message of the Governor on Maine's Tax Exemption Law, reported a resolve under the title of Resolve appropriating \$3,000 for the purpose of investigating the tax exemption laws of the State of Maine as found in Section 6, Chapter 10, of the Revised Statutes (House Doc. No. 470), and that it ought to pass.

The report was accepted in concurrence and the bill given its first reading. On motion by Mr. Buzzell of Waldo, the rules were suspended, the bill given its second reading and passed to be engrossed in concurrence.

The committee on Ways and Bridges, on An Act additional to Chapter 24, Revised Statutes, relating to highways (House Doc. No. 465), reported that the same ought to pass.

The report was accepted in concurrence and the bill given its first reading. On motion by Mr. Clark of Lincoln, the rules were suspended, the bill given its second reading and passed to be engrossed in concurrence.

The same committee, on An Act to amend Section 6 of Chapter 25 of the Revised Statutes, as amended by Chapter 258, Public Laws of 1917, and by Chapter 215, Public Laws of 1921, relating to authority in general of the State highway commission. (House Doc. No. 272), reported that the same ought to pass,

The report was accepted in concur-



rence and the bill given its first reading. On motion by Mr. Trefethen of Franklin, the rules were suspended, the bill given its second reading and passed to be engrossed in concurrence.

The same committee, on An Act to amend Chapter 25 of the Revised Statutes of Maine, 1916 revision, as enlarged and amended by Chapter 258 of the Public Laws of the State of Maine for the year 1917, by Chapter 220 Public Laws of Maine for the year 1919, and by Chapter 263 of the Public Laws of Maine for the year 1919, as enacted at a special session of the Legislature held November 4th to 8th, 1919, relative to State highways and to the creation and expenditure of the Mill tax highway fund, reported the same in a new draft, under the same title (House Doc. No. 461), and that it ought to pass.

The report was accepted in concurrence and the bill given its first reading, and tomorrow assigned for its second reading.

The same committee, on An Act to define and fix the order of preference in which State aid highway construction funds shall be apportioned to towns under existing law (House Doc. No. 240), reported that the same ought to pass.

The report was accepted in concurrence and the bill given its first reading, and tomorrow assigned for its second reading.

The same committee, on Resolve amending Article IX of the Constitution as amended by Article XXXV of the Constitution and as amended by Article XLIII increasing the amount of bonds to be issued for the purpose of building State highways and State aid highways and providing for the building of intrastate, interstate and international bridges, reported the same in a new draft (House Doc. No. 459), under the same title and that it ought to pass.

The report was accepted in concurrence and the bill given its first reading. House amendment A was then read by the Chair.

Mr. HINCKLEY of Cumberland: Mr. President, I had this bill explained to me by representative Granville and I move that we adopt House amendment A in concurrence.

The motion was adopted by a rising vote, and under suspension of the rules the bill was given its second

reading and passed to be engrossed as amended by House amendment A, in concurrence.

The same committee, on An Act to provide for an issue of State aid or second class highway bonds, reported the same in a new draft, under the same title (House Doc. No. 457), and that it ought to pass.

The report was accepted in concurrence and the bill given its first reading.

House amendment A was read by the Chair, and on motion by Mr. Hinckley of Cumberland, the amendment was adopted in concurrence, and under suspension of the rules the bill was given its second reading and passed to be engrossed as amended.

Resolve, appropriating money for the construction and equipment of an Industrial building at the State reformatory for men. (House Doc. No. 424)

This resolve was passed to be engrossed by the House, indefinitely postponed by the Senate, and came from the House, that branch having voted to adhere.

On motion by Mr. Eaton of Oxford, the Senate voted to insist and ask for a committee of conference.

The Chair stated that he would announce the committee later.

From the House:

S. 54. An Act to amend Section 45, Chapter 127, Revised Statutes, as amended by Chapter 291, Public Laws of 1917, relating to intoxicating liquors.

This bill was passed to be engrossed by the Senate as amended by Senate amendment A, by the House it was indefinitely postponed.

On motion by Mr. Hinckley of Cumberland, the Senate voted to insist and ask for a committee of conference.

The Chair stated that he would announce the committee later.

From the House: An Act relating to improvements on Nash stream and the east and west branches thereof, in Coplin Plantation and in the township of Redington in the county of Franklin.

This was passed to be enacted by the Senate and by the House, and then recalled from the Governor by the House and reengrossed as amended by House amendment A.

On motion by Mr. Brewster of Cumberland the Senate reconsidered its vote whereby the bill was passed to be enacted, and on further motion by the same senator it reconsidered its vote whereby the bill was passed to be engrossed.

Mr. BREWSTER: Mr. President, I move that we adopt House amendment A in concurrence.

The motion was agreed to and the bill as amended by House amendment A was passed to be engrossed in concurrence.

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

In the House this was received under suspension of the rules and the bill was given its several readings and passed to be engrossed without reference to a committee.

In the Senate, under suspension of the rules, it was given its first and second reading and passed to be engrossed in concurrence.

From the House: An Act validating the action of the town of Wells and Ogunquit village corporation, and validating the issuance of a series of bonds for the town of Wells.

In the House this was received under suspension of the rules and the order and given its several readings and passed to be engrossed without reference to a committee.

In the Senate, under suspension of the rules, it was given its first and second reading and passed to be engrossed in concurrence.

The PRESIDENT: Is it the pleasure of the Senate to receive at this time out of order a Resolve relating to legislative matters, presented by the senator from Oxford, Mr. Eaton?

Unanimous consent was given and the senator from Oxford presented the following resolve, which was referred to the committee on

#### **Appropriations and Financial Affairs**

Resolve in favor of Edmond B. Mallett, clerk, and Dorothy F. Folsom, stenographer to the committee on Appropriations and Financial Affairs.

Mr. BUZZELL of Waldo: Mr. President, I move to take from the table the bill tabled by me a few minutes ago in relation to the incon-

testable clause in life insurance policies, House 320.

The motion was agreed to and on further motion by the same senator the bill was given its first reading.

The PRESIDENT: This comes from the House amended by the amendment that was read. Is it the pleasure of the Senate to adopt the amendment in concurrence?

It was so voted, and on further motion by Mr. Buzzell of Waldo, the bill as amended was given its second reading, under suspension of the rules, and passed to be engrossed in concurrence.

#### **Reports of Committees**

Mr. Eaton for the committee on Appropriations and Financial Affairs, on Resolve appropriating money for the printing and binding of an index to the Private and Special Laws and to the Resolves of Maine, reported that the same ought not to pass, legislation being inexpedient.

The same Senator from the same committee, on Resolve appropriating money for the purpose of filing and indexing papers and documents which former legislatures have placed on file, reported that the same ought not to pass, legislation being inexpedient.

The reports were accepted and sent down for concurrence.

Mr. Morison for the committee on Appropriations and Financial Affairs, on Resolve in favor of hospital trustees, for per diem, traveling and other expenses, reported that the same ought to pass.

Mr. Eaton for the same committee, on Resolve in favor of L. Mae Richmond for special and extra work for aiding the members of the Eighty-first Legislature, reported the same.

The same Senator for the same committee, on Resolve appropriating money for the establishment of a Test Laboratory at Bangor in the county of Penobscot, reported the same in a new draft, under same title, and that it ought to pass.

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

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

An Act to amend Section Thirty of Chapter Fifty-five of the Revised Statutes, relating to preference or rebate as to rates for service.

An Act to constitute Ganneston Park in the cities of Augusta and Hallowell in Kennebec County, a game sanctuary.

An Act relating to the duties of the superintendent of public buildings.

An Act to amend Section Sixty-three of Chapter Thirty-three of the Revised Statutes as amended by Chapter Two Hundred and Nineteen of the Public Laws of 1917, and Chapter One Hundred and Ninety-six of the Public Laws of Nineteen Hundred and Nineteen, relating to the employment of guides by non-residents in certain cases.

#### Finally Passed

Resolve, in favor of the Augusta State Hospital for maintenance during the years July First, Nineteen Hundred and Twenty-three to June Thirtieth, Nineteen Hundred and Twenty-four, and July First, Nineteen Hundred and Twenty-four to June Thirtieth, Nineteen Hundred and Twenty-five.

Resolve, to increase the pension of Lester Patten of Hermon.

Resolve, in favor of Mary S. Hillman for State Pension.

Resolve, in favor of Mary E. Ames, of Stockton Springs, for State Pension.

Resolve, in favor of State Pension for Levi Holden.

Resolve, to increase the State Pension of Charles D. Preble of Kittery.

Resolve, appropriating money for the establishment of a Test Laboratory at Caribou in the county of Aroostook.

Resolve, in favor of James P. Lewis, Representative of the Penobscot tribe of Indians.

Resolve, in favor of Samuel Dana, Representative of the Passamaquoddy tribe of Indians.

Mr. WADSWORTH of Kennebec: Mr. President, I move to take from the table H. 425, An Act to amend Section 15 of Chapter 55 of the Revised Statutes, relating to public utilities.

The motion was agreed to, and the senator then yielded to the senator from York, Mr. Spencer.

Mr. SPENCER: Mr. President, this bill was introduced, as I understand it, by the Public Utilities Commission to regulate toll with reference to vessels transporting passengers or freight upon inland waters, and

I think I made the motion this morning that we accept the report of the committee.

The PRESIDENT: The Chair will state that the report of the committee was accepted this morning and it was tabled pending its first reading.

Mr. SPENCER: Mr. President, I make the motion that it have its first reading at this time.

The motion was agreed to, the bill was given its first reading, and upon further motion by the same senator, under suspension of the rules, it was given its second reading and passed to be engrossed in non concurrence.

Mr. BREWSTER of Cumberland: Mr. President, I move to take from the table S. D. 281, An Act to amend Chapter Eighty-four of the Private and Special Laws of Nineteen Hundred Nineteen, 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 One Hundred Twenty-three of the Private and Special Laws of the Special Session of Nineteen Hundred Nineteen.

The motion was agreed to, and on further motion by the same senator the bill was passed to be engrossed, and sent down for concurrence.

On motion by Mr. Hinckley of Cumberland, a recess was taken until eight o'clock this evening.

#### After Recess

The Senate was called to order by the President at 8 o'clock P. M.

Papers from the House disposed of in concurrence.

On motion by Mr. Hinckley of Cumberland, the Senate voted to reconsider the action whereby it passed to be engrossed H. D. 320, An Act relating to the incontestable clause in life insurance policies.

Mr. HINCKLEY: Mr. President, I offer Senate Amendment A to H. D. 320, and will state that it simply adds the words "and medical examination therefor," making that a part of the contract of the life insurance policy. I move the adoption of the amendment.

The Amendment was adopted and the bill as amended was passed to be engrossed.

Mr. HINCKLEY of Cumberland: Mr. President, in consideration of the senators coming here tonight I think we should suspend the rules and allow them to smoke.

The PRESIDENT: The Chair will be glad to put the motion.

Mr. HINCKLEY: I make that motion Mr. President.

The motion was agreed to.

The PRESIDENT: The Chair will announce at this time the conference committees on the two matters acted upon this morning.

On House 424, Resolve appropriating money for the construction and equipment of an industrial building at the State Reformatory for Men; Messrs. Eaton of Oxford, Wadsworth of Kennebec, and Morison of Penobscot.

On Senate 54, An Act to amend Section 45, Chapter 127, Revised Statutes, as amended by Chapter 291, Public Laws of 1921, relating to intoxicating liquor; Messrs. Hinckley of Cumberland, Spencer of York and Clark of Lincoln.

#### Papers from the House

The committee on Appropriations and Financial Affairs, on Resolve, in favor of J. F. Wood, Secretary of committee on Education for expense incurred by committee visiting the University of Maine reported that the same ought to pass.

The report was accepted in concurrence and the bill was given its first reading, under suspension of the rules the bill was given its second reading and passed to be engrossed in concurrence.

The same committee, on bill An Act to amend Section 2 of Chapter 33 of the Public Laws of 1921, relating to sanitation of school houses (House Doc. No. 300) reported the same in a new draft, under the same title (House Doc. No. 483) and that it ought to pass.

The report was accepted in concurrence and the bill given its first reading. On motion by Mr. Morison of Penobscot, tabled.

The same committee, on Resolve in favor of the University of Maine (House Doc. No. 20), reported the same in a new draft, under the same title (House Doc. No. 485) and that it ought to pass.

The report was accepted in concurrence and the bill given its first reading. On motion by Mr. Hinckley

of Cumberland, under suspension of the rules the bill was given its second reading and passed to be engrossed, in concurrence.

The committee on Judiciary, on An Act relating to the distribution of decisions of the Supreme Judicial Court, Revised Statutes and Session Laws (House Doc. No. 484), reported that the same ought to pass.

The report was accepted in concurrence and the bill given its first reading. On motion by Mr. Hinckley of Cumberland, under suspension of the rules the bill was given its second reading and passed to be engrossed, in concurrence.

Resolve, amending Section 8 of Chapter 9 of the Constitution as amended by Article 36 of the Constitution providing for a tax upon income derived from intangible property.

In the House passed to be engrossed, after the House had substituted the bill for the report.

In the Senate, report of committee on Taxation, reporting ought not to pass, accepted in non-concurrence.

Came from the House, that branch voting to adhere.

On motion by Mr. Eaton of Oxford, the Senate voted to adhere.

An Act to amend Section 22 of Chapter 51 of the Revised Statutes relating to corporate records and stock lists (House Doc. No. 452).

In the House, minority report of committee on Legal Affairs, reporting ought not to pass, accepted.

In the Senate, majority report of the same committee, reporting ought to pass in a new draft, accepted in non-concurrence.

Came from the House, that branch voting to insist and asking for a committee of Conference, the Speaker having appointed as members of such committee on the part of the House:

Messrs. Holmes of Lewiston  
Weeks of Fairfield  
Burns of Eagle Lake

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

The Chair appointed as such committee on the part of the Senate, Messrs: Brewster of Cumberland, Buzzell of Waldo and Cram of Cumberland.

The committee of Conference, on the disagreeing action of the two branches of the Legislature, on 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 Doc. No. 347), reported that the Senate recede and concur with the House.

The report was accepted, and the Senate voted to concur with the House in the indefinite postponement of the bill.

**Communication from the House of Representatives**

STATE OF MAINE

HOUSE OF REPRESENTATIVES  
OFFICE OF THE CLERK

Augusta, March 29, 1923.

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

Sir:

The Senate having forwarded to the House:

An Act to amend Chapter 204, Public Laws of 1917, authorizing the Treasurer of State to negotiate a temporary loan together with the objections of the Governor to the same, the House proceeded to vote on the question:

"Shall this bill become a law notwithstanding the objections of the Governor?"

A yea and nay vote was taken; sixty-three Representatives voted in the affirmative, and seventy-two in the negative, and accordingly the bill failed of a passage.

Respectfully,

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

Which was read and ordered placed on file.

**Bills in First Reading**

S. 297. An Act to amend Chapter one hundred and thirty-two of the Public Laws of nineteen hundred and nineteen as amended by Chapter two hundred and three of the Public Laws of nineteen hundred and twenty-one, entitled, "An Act to create the Maine Water Power Commission."

Mr. HINCKLEY of Cumberland: Mr. President, I move that the rules be suspended and that the bill be given its second reading at the present time.

Mr. BREWSTER: Mr. President, I would be glad to have that laid on the

table until tomorrow morning and will so move.

The motion was agreed to and the bill was assigned for its second reading tomorrow morning and tabled for that purpose.

Senate 298: Resolve, authorizing the payment of certain deficiencies.

Assigned for second reading tomorrow morning.

The Senate voted to reconsider its vote by which the time for second reading was assigned for tomorrow morning, and under suspension of the rules the Resolve was given its second reading and passed to be engrossed.

Sent down for concurrence.

Senate 299: Resolve, in favor of the Maine School for Feeble Minded for maintenance for the years 1924 and 1925.

On motion by Mr. Hinckley of Cumberland, the rules were suspended and the Resolve was given its second reading and passed to be engrossed.

Sent down for concurrence.

Senate 300: An Act to provide for the reading of the Bible in the public schools.

On motion by Mr. Spencer of York, under suspension of the rules, the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

Senate 302: An Act to provide for building a bridge across the Kennebec river between the city of Bath and the town of Woolwich.

On motion by Mr. Carlton of Sagadahoc, under suspension of the rules, the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

S. 304: An Act establishing the University of Maine as a State institution.

On motion by Mr. Brewster of Cumberland, under suspension of the rules, the bill was given its second reading.

On motion by Mr. Hinckley of Cumberland, tabled pending its passage to be engrossed.

S. 305: An Act to amend Section 46 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 133 of the Public Laws of 1919, and as amended by Chapter 218 of the Pub-

lic Laws of 1921, relating to the protection of fur-bearing animals.

On motion by Mr. Clark of Lincoln, under suspension of the rules, the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

S. 306: An Act to amend Section 33 of Chapter 51 of the Revised Statutes, relating to corporations.

On motion by Mr. Brewster of Cumberland, under suspension of the rules, the bill was given its second reading and passed to be engrossed.

Sent down for recurrence.

#### Reports of Committees

Mr. Cram, from the committee on legal affairs, on An Act relating to the investment of certain trust funds held for public or private uses (Senate Doc. No. 189), reported that the same ought not to pass, as same subject matter is covered in another bill.

Mr. Brewster, from the same committee, on An Act additional to Chapter 6 of the Revised Statutes, relating to primary elections (Senate Doc. No. 200), reported that the same ought not to pass.

Mr. Allen, from the joint committee on taxation and on ways and bridges, on An Act providing for a tax upon gasoline and other products used in propelling motor vehicles (Senate Doc. No. 5), reported that the same ought not to pass.

The reports were accepted and sent down for concurrence.

Mr. EATON from the committee on appropriations and financial affairs, on An Act to require the investment in permanent securities of school funds and other trust funds held by city, town and State officers, and amending Section 72 of Chapter 2, Section 54 of Chapter 17, and Section 14 of Chapter 21, of the Revised Statutes (Senate Doc. No. 208), reported the same in a new draft under the same title, and that it ought to pass.

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

#### Final Committee Report

Mr. Wood from the committee on education submitted its final report.

The report was accepted.

Mr. HINCKLEY of Cumberland: Mr. President, may I, out of order offer a report of the judiciary committee and move its adoption, on bill, An Act to

provide for the supervision, regulation and conduct of the transportation of persons over public highways of the State of Maine by automobiles, jitneys and auto stages, by the Public Utilities Commission, reporting it in new draft, under the same title, that it ought to pass.

It was voted to receive the report out of order, accept the report, and the bill was then tabled for printing under the joint rules.

#### Passed to be Enacted

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

The PRESIDENT: If there are any matters on the table which any one desires to take from the table, we can act under orders of the day.

Mr. PUTNAM of Washington: Mr. President, I move that we reconsider the vote whereby we accepted the ought not to pass report of the committee on inland fisheries and game on the resolve appropriating money to pay for the screening of Winnecook or Unity pond, in the towns of Burnham and Unity, in the county of Waldo.

The motion was agreed to, and on further motion by Mr. Putnam the resolve was recommitted to the committee on inland fisheries and game.

Sent down for concurrence.

Mr. EATON of Oxford: Mr. President, I move that we take from the table House Document 463, tabled by me this morning. This is an act providing for the location and operation of mines.

The motion was agreed to.

Mr. EATON: I move that the bill be indefinitely postponed.

Mr. HINCKLEY of Cumberland: Mr. President, I hope the motion of the senator from Oxford will prevail, because on reading this over it seems to me that the State is going a long way—a new policy is being established, if a man can make claim on State land for any minerals found thereon, and I am glad to support the senator in his motion.

The motion was agreed to and the bill was indefinitely postponed.

On motion by Mr. Kirschner of Androscoggin,

Adjourned until tomorrow morning at 9 o'clock.