

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-First Legislature

OF THE

STATE OF MAINE

1923

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Friday, March 30, 1923.

Senate called to order by the President.

Prayer by the Rev. R. F. Lowe of Augusta.

Journal of previous session read and approved.

From the House: The committee on banks and banking, on An Act to amend Chapter 197 of Public Laws of 1921 by adding a new Section 4 and making present Section 4 into Section 5, unchanged, relating to taxation of savings banks (House Doc. No. 232), reported the same in a new draft, under title of "An Act to amend Section 61 of Chapter 9 of the Revised Statutes, as amended by Chapters 156 and 221 of the Public Laws of 1919, relating to taxation of savings banks," 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, tabled pending second reading.

From the House: An Act to amend Section 15 of Chapter 55 of the Revised Statutes relating to public utilities (House Doc. No. 425).

By the House this bill was indefinitely postponed, and by the Senate passed to be engrossed.

It now comes from the House, that branch insisting on its former action and asking for a committee of conference, the Speaker having appointed as House members of such a committee:

Messrs. ROUNDS of Portland,
SMALL of Standish,
CLARKE of Stonington.

On motion by Mr. Hinckley 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. Hinckley of Cumberland, Spencer of York and Hussey of Aroostook.

An Act to amend Section 14 of Chapter 78 of the Revised Statutes relating to conveyance not effectual against others unless recorded (House Doc. No. 455).

By the Senate this bill was indefinitely postponed, and by the House passed to be engrossed.

It now comes from the House, that branch insisting upon its former

action and asking for a committee of conference, the Speaker having appointed as the House members of such a committee:

Messrs. NICHOLS of Portland,
SAUNDERS of Lubec
BARWISE of Bangor

On motion by Mr. Cram 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. Cram of Cumberland, Wadsworth of Kennebec, Putnam of Washington.

Mr. Eaton of Oxford presented the following resolve: Resolve in favor of Claridel Bradstreet, clerk and stenographer to committee on banks and banking, and the same was referred to the committee on appropriations and financial affairs.

On motion by Mr. Hinckley of Cumberland, it was

Ordered, that the Governor be requested to return to the Senate, Senate Document No. 116, An Act to amend Chapter 211 of the Public Laws of 1921, relating to court jurisdiction of violation of the motor vehicle law, and transmission of fines to the highway commission, for further consideration by the Legislature.

Bills in First Reading

S. 307. 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.

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

On motion by Mr. Eaton of Oxford, tabled pending passage to be engrossed.

S. 308. Resolve appropriating money to pay claims allowed by the committee on claims.

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

(At this time Mrs. Dora Pinkham, the House member from Fort Kent, appeared in the Senate Chamber, and at the request of the President took a seat by his side, amid applause).

The PRESIDENT: I want to say right at this point that I deem it a

personal pleasure and a personal honor, and I know the Senate feels the same way, to have in our midst and sitting here the first woman Representative in the Maine Legislature.

Reports of Committee

Mr. Carlton from the committee on public utilities, on bill An Act authorizing the appointment of a fuel administrator and defining his powers and duties (Senate Doc. No. 191) reported that the same ought not to pass.

The report was accepted.

The majority of the committee on labor, on bill An Act to amend Section 36, of Chapter 49 of the Revised Statutes of Maine, relating to preference to Maine workmen and contractors. (House Doc. No. 3), reporting the same in a new draft, under the same title, and that it ought to pass.

(Signed)	STITHAM ROGERS AYER O'CONNELL RYDER CLARK SMITH
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The minority of the same committee, on the same subject matter reporting that it ought not to pass.

(Signed)	KITCHEN TOWNE
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On motion by Mr. Smith of Somerset, tabled "temporarily."

Final Report

Mr. Eaton from the committee on banks and banking submitted its final report.

The report was accepted.

Passed to be Engrossed

H. 240. 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.

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

S. 297. An Act to amend Chapter 132 of the Public Laws of 1919, as amended by Chapter 203 of the Public Laws of 1921, entitled "An Act to create the Maine Water Power Commission."

(On motion by Mr. Brewster of Cum-

berland, tabled pending second reading).

Passed to be Enacted

(Emergency Measure)

An Act to expedite highway and bridge construction work under legislative appropriations.

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

(Emergency Measure)

An Act to allow the town of Ashland to hold its annual town meeting for the year 1923 in the month of April, instead of in March, as required by law.

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-four senators voting in the affirmative and none opposed the bill was passed to be enacted.

An Act additional to and amendatory of Chapter 211 of the Public Laws of 1921, relating to lights on motor vehicles.

An Act to authorize the city of Lewiston to issue bonds for the construction of school houses in the city of Lewiston.

An Act to amend Section 2 of Chapter 32 of the Revised Statutes, relating to traveling circuses.

An Act to amend Section 56 of Chapter 16 of the Revised Statutes as amended by Chapter 188 of the Public Laws of 1917 and by Chapter 26 of the Public Laws of 1921, relating to the time of electing superintendents of schools in towns comprising school unions.

(On motion by Mr. Smith of Somerset, tabled pending passage to be enacted).

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

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

An Act to amend Section 93 of Chapter 45 of the Revised Statutes, as affected by Chapter 293 of the Public Laws of 1917, relating to settlement of violations of law, and repealing Section 87 of Chapter 219 of the Public Laws of 1917, relating to same subject.

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

An Act to amend Section 19 of Chapter 5 of the Revised Statutes as amended by Chapter 69 of the Public Laws of 1917 and Chapter 171 of the Public Laws of 1921, relating to the duties of boards of registration of voters.

An Act to amend Chapter 14 of the Revised Statutes, relating to Indian tribes.

An Act to regulate the sale of vinegar.

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

An Act to amend Chapter 83 of the Public Laws of 1923, relating to close time on scallops, for the purpose of correcting a clerical error.

An Act to amend Section 4 of Chapter 173 of the Public Laws of 1921, relating to the State school fund.

(On motion by Mr. Eaton of Oxford, tabled pending passage to be enacted).

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.

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.

An Act to amend Section 121 of Chapter 4 of the Revised Statutes, as amended by Chapter 135 of the Public Laws of 1921, relating to fish weirs.

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

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

An Act to amend Section 7 of Chapter 293, of the Public Laws of 1917, relating to the director of the sea and shore fisheries.

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

Finally Passed

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

Resolve appropriating money to increase the salmon on the Maine coast.

Resolve appropriating money for the Maine School for the Deaf.

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

Resolve in favor of the Bath Military and Naval Orphan Asylum.

Resolve in favor of Northern Maine Sanatorium at Presque Isle, Aroostook county, for personal services, maintenance, repairs and improvements.

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

Resolve authorizing the attorney general to procure pictures of former attorneys general and appropriating money therefor.

Resolve in favor of Mary A. Grant for State pension.

Resolve appropriating money for the repair of the historic block house at the Junction of the St. John river and the Fish river at Fort Kent.

Orders of the Day

On motion by Mr. Hinckley of Cumberland, H. D. 74, 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 chief of police and police captains of the City of Lewiston, was taken from the table, and on further motion by the same senator the report of the committee was accepted and the bill was given its first reading.

House Amendment A was read by the Chair.

Mr. HINCKLEY: Mr. President, I move that we indefinitely postpone House Amendment A. Mr. President, my reason, or my principal reason for moving the indefinite postponement of this amendment is that it seeks to amend the laws of 1917 without any reference to any other law. The 1917 law referred to here has already been amended so that this amendment will have no effect whatever so far as I can see. There is another bill that takes up this same matter that has been before the legal affairs committee, and I feel that the bill should go along in its present form without any amendment.

Mr. MORNEAU of Androscoggin: Mr. President, I well know, and the

gentleman from Cumberland well knows, that it was understood he was to support that amendment. I do not see that he is very consistent, therefore I move that the matter lie on the table.

Mr. HINCKLEY: Mr. President—

The PRESIDENT: The motion is not debatable.

Mr. HINCKLEY: Mr. President, I wish to ask if the matter cannot be assigned for a definite time.

Mr. MORNEAU: At your suggestion. The matter was tabled.

The PRESIDENT: The Chair will suggest to the senator from Andros-coggin, Mr. Morneau, to examine carefully the amendment and see if it is in the form he desired, while the matter is on the table.

On motion by Mr. Eaton of Oxford, H. D. 466, An Act relating to the income and appropriations of the several departments and state institutions, was taken from the table, and the senator then yielded to the senator from York, Mr. Allen.

Mr. ALLEN: Mr. President and gentlemen of the Senate: This bill relates to the income and appropriations for the several departments and state institutions, and requires the several departments to turn the money received back into the treasury of the State, and then pay it out.

In looking this bill through pretty carefully, I find that it creates quite a hardship on the several dormitories supported by the State in the normal school situation, and I feel that an amendment would perhaps clarify the situation as far as the dormitories are concerned. I really feel that it would mean the closing of the dormitories, and especially at the school at Madawaska. I know it would create quite a hardship there, and I wish to offer Senate Amendment A to H. D. 466 and move its adoption.

Senate Amendment A was read by the Chair.

Provided, that the dormitories of the state normal schools and of the Madawaska Training school shall be exempt from this provision but any surplus from these schools which shall come into the hands of the Board of Trustees shall be put into the fund for the maintenance of said state normal schools and Madawaska Training school. Provided also that the books of said institutions shall be audited at least once each year by the State Auditor or by persons appointed by him for such purpose.

The bill was given its first reading.

Senate Amendment A was then adopted on motion by Mr. Allen of York.

Mr. SMITH of Somerset: Mr. President, I move that the bill as amended lie on the table, as I would like to offer an amendment a little later.

On motion by Mr. Hinckley, the bill was taken from the table.

Mr. HINCKLEY: Mr. President, I wish to call the attention of the Senate to this situation. The amendment which has been presented takes care of the dormitories of the various schools owned by the State, but it does not take care of the situation of every other institution in the State from which an income is derived, and we can go on amending this matter indefinitely, and we would not have it right until we had excluded every institution in the State. It means simply this. We come here and appropriate all the money that is necessary to pay all the expenditures in connection with those institutions, and then this bill provides that every dollar of income—before amendment—every dollar received from board of students in dormitories would go into the general fund, or into the contingent fund. This Legislature has passed sufficient money, has made a tax rate sufficient, to pay for buying all of the food and the clothing and help expenses for these dormitories. This applies to the State School for Boys, all the income from the farm—the State School for Girls, the income there—the Maine State Prison, the entire income there, and so on through the entire list of our institutions.

It seems to me that every institution in this State that has an income should have that income credited to its own account and used as it has been in the past, and the only way to take care of this matter is to indefinitely postpone the whole bill, and I so move.

Mr. ALLEN: Mr. President and gentlemen of the Senate: In giving this bill serious consideration I cannot feel but what the senator from Cumberland, Senator Hinckley, is absolutely correct in the matter.

This bill was brought before the so-called Cole committee and tried out in a way, but I feel as though the evidence was not all presented at that time. After looking the bill over very carefully and seeing where it affected the institutions in which I am

directly interested. I felt perhaps it would act the same on other institutions and I am of the opinion that the best way out of it is to indefinitely postpone it.

Mr. SMITH: Mr. President, I want to voice the sentiment of the senator from Cumberland, as it seems to be a case where it is building up a contingent fund that is not called for at this time. I hope the motion will prevail.

Mr. CRAM of Cumberland: Mr. President, some matters have been brought to my attention that were not brought before the Cole committee at the time the bill was under consideration. To illustrate, the forestry department has certain money from portable saw mill licenses for the protection of fire, certain Federal funds used for that purpose, and it seems to me it would be quite complicated if this bill were to go through, and I also join with the gentlemen who have spoken.

Mr. EATON of Oxford: Mr. President, I was a member of the committee to which this bill was referred and I can join with the other senators in the expressions they have given this morning. The bill is very loosely drawn and does not cover what it was intended to cover and I join in the motion to indefinitely postpone.

By unanimous viva voce vote the bill was indefinitely postponed.

On motion by Mr. Hinckley of Cumberland, the Senate voted to reconsider the action whereby an act relating to the killing of dogs was passed to be enacted, and on further motion by the same senator the action was reconsidered whereby the bill was passed to be engrossed.

Mr. HINCKLEY: Mr. President, I offer Senate Amendment A, and let me explain this to the Senate. An amendment was offered to this bill in the House which effectually killed the purpose of the bill. That amendment was decisively defeated in the House, and by some error in the engrossing the amendment was made a part of the bill and was not discovered until it was enacted in the House and the Senate. This amendment I offer strikes out the entire section. The new one is identically the same as the one reported out by the committee on judiciary unanimously and passed to be engrossed by both the House and the Senate, with the exception, at the suggestion of the commissioner of inland fisher-

ies and game, we have added the words "deputy wardens." They had the word "game wardens" but we found that most of the officers doing that work are deputy wardens and not officially known as wardens. We have added the words "deputy wardens" to those who have the right to legally kill dogs under the act.

The bill was read by the Chair.

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

Mr. BUZZELL of Waldo: Mr. President, not that I am particularly interested in this bill, but as I listened to the reading of the last few words there, I would like to ask the senator from Cumberland, Mr. Hinckley, if a citizen of the State of Maine would have the right to kill a dog provided he was not walking, or, what was that last word, talking?

The PRESIDENT: "Walking or riding."

Mr. BUZZELL: If a dog should assault him and he was not walking or riding, would a human being have the right to defend himself?

Mr. HINCKLEY: Those are the words of the law at the present time. The statute does not give the right while standing still, presumably having in mind when it was enacted that if a dog was attacking a person he might be in motion himself.

Mr. BUZZELL: I will say that the senator has answered me, but I do not feel that the answer is responsive.

Mr. BUZZELL of Waldo: Mr. President, I would like to inquire if Senate 210 has been enacted?

The PRESIDENT: If it is the bill relating to violations of law, it has been enacted.

Mr. BUZZELL: Has it been amended?

The PRESIDENT: There is no amendment upon the bill in its final form.

Mr. BUZZELL: I will say to the members of the Senate that I move reconsideration of the vote whereby we passed this bill to be enacted. I make this motion with the idea of making an amendment.

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

The same senator then offered Senate Amendment A to Senate Document 210 An Act to amend Section Ninety-three of Chapter Forty-five of

the Revised Statutes, as amended by Chapter Two Hundred and Ninety-three of the Public Laws of Nineteen Hundred and Seventeen, relating to settlement of violations of law, and repealing Section Eighty-seven of Chapter Two Hundred and Nineteen and Seventeen, relating to same subject, and moved its adoption.

Senate Amendment A to Senate Document 210.

Amend the second section of Senate Document 210 by inserting after the word "is" in the third line, the word "not."

The amendment was adopted and the bill as amended was passed to be processed and sent down for concurrence.

On motion by Mr. Hinckley of Cumberland, a recess was taken until two 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.

From the House: The committee on Inland Fisheries and Game, on Resolve in favor of establishing a feeding station for fish on the outlet of Upper Shin pond, in the town of Mount Chase, in the county of Penobscot, reported the same in a new draft, under the same title (House Doc. No. 489) and that it 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.

From the House: The majority from the committee on legal affairs, on An Act to amend Chapter 37 of the Private and Special Laws of 1817, relating to a police commission for the city of Lewiston (House Doc. No. 4), reported that the same ought not to pass.

(Signed)

BREWSTER
CRAM
HALE
CLARKE
SIDDALL
MORRISON
POWERS

From the House: The minority from

the same committee, on the same subject matter, reporting the same in a new draft, under the same title (House Doc. No. 464), and that it ought to pass.

(Signed)

MARTIN
HOLMES

Mr. MORNEAU of Androscoggin: Mr. President, I ask the indulgence of the Senate to permit me to make a motion to lay these reports on the table until next Tuesday, and I do hope sincerely that the motion will be granted.

Mr. BREWSTER of Cumberland: Mr. President, I wish to second the motion of the senator from Androscoggin.

The motion was agreed to and the bill was tabled until next Tuesday.

From the House: The majority from the committee on judiciary on bill An Act to amend Section 36 of Chapter 67 of the Revised Statutes relating to jury trial in probate appeals (House Doc. No. 153) reporting that the same ought not to pass.

(Signed)

BUZZELL
GARDINER
WING
HUSSEY
WEEKS
ARCHIBALD

The minority from the same committee on the same subject matter reporting the same in a new draft, under the same title, (House Doc. 494) and that it ought to pass.

(Signed)

HINCKLEY
NICHOLS
MAHER
SAUNDERS

On motion by Mr. Buzzell of Waldo the Senate voted to accept the majority report, ought not to pass, in concurrence.

From the House: The joint committees on taxation and ways and bridges, on An Act providing for a tax upon gasoline and other products used in operating internal combustion engines (House Doc. No. 71), reported the same in a new draft, under the same title (House Doc. No. 490), and that it ought to pass.

On motion by Mr. Smith of Somerset, tabled pending first reading.

Mr. ALLAN of York: Does the gentleman from Somerset wish to assign a time certain?

Mr. SMITH: It makes no difference—there is an error in the bill and I want to make a correction, and perhaps can do it this afternoon.

The committee of conference, on the disagreeing action of the two branches of the Legislature, on Resolve, appropriating money for the construction and equipment of an industrial building at the State reformatory for men (House Doc. No. 424), reported that both branches adhere to their former action.

The report was accepted in concurrence.

The following Resolves were received under suspension of the rules, and were referred to the committee on appropriations and financial affairs:

By Mr. EMERY of Washington: Resolve, in favor of Julian Croxford, clerk to the committee on claims.

By the same Senator: Resolve, in favor of Louise J. Stratton, stenographer to committee on claims.

Final Report:

Mr. Ryder from the committee on pensions submitted its final report.

The report was accepted.

Bills in First Reading:

(The following bills, under suspension of the rules, were given their second reading, were passed to be engrossed and sent down for concurrence).

S. 309. Resolve in favor of L. Mae Richmond for special and extra work for aiding the members of the eighty-first Legislature.

S. 310: Resolve appropriating money for the establishment of a test laboratory at Bangor in the county of Penobscot.

S. 311: Resolve in favor of hospital trustees, for per diem, traveling and other expenses.

S. 312: An Act to provide for the supervision, regulation and conduct of the transportation of persons over the public highways of the State of Maine by automobiles, jitney busses and auto stages by the Public Utilities Commission.

S. 313: 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 seventy-two of Chapter two, Section fifty-four of Chapter seventeen, and Section fourteen of Chapter twenty-one of the Revised Statutes.

The PRESIDENT: Are there any matters at the present time that any senator desires to take from the table?

On motion by Mr. Buzzell of Waldo, House 342, An Act to amend Chapter 173 of the Public Laws of 1919 relating to the registration of resident hunters, was taken from the table, and on further motion by the same senator, it was passed to be enacted in concurrence.

Mr. KIRSCHNER of Androscoggin: Mr. President, I wish to take from the table the Act that I tabled this morning in regard to regulating the sale of vinegar, House 356.

The motion was agreed to and on further motion by the same senator, the Senate reconsidered its vote whereby this bill was passed to be engrossed.

Mr. KIRSCHNER: Mr. President, I now offer Senate amendment A and move its adoption.

Senate amendment A to House document 356.

House document 356 is duly amended as follows: Add to said Act the following: Section 6. The provisions of this Act shall not apply to railroad companies, steamboat companies, express companies or other common carriers, or property coming under the jurisdiction of the interstate commerce commission or the Public Utilities Commission of the State of Maine, unless they knowingly violate it.

Mr. BUZZELL of Waldo: Mr. President, may we have that read again? (Amendment read).

Mr. HINCKLEY of Cumberland: Mr. President, having in mind that we have just passed, or it is in the process of becoming a law, bringing all jitneys and auto trucks running between certain points under the jurisdiction of the Public Utilities, I am not sure just how for reaching this may be and I move it lie on the table until we can investigate it.

The PRESIDENT: Will the senator from Cumberland, Mr. Hinckley assign a time for its consideration?

Mr. HINCKLEY: Monday.

Mr. KIRSCHNER: May I ask, through the Chair, if the senator from Cumberland, Mr. Hinckley, would make that Tuesday instead of Monday?

Mr. HINCKLEY: Why, yes indeed, the further the better.

The motion was agreed to and the matter was specially assigned for Tuesday, April 3.

On motion by Mr. Morison of Penobscot, H. D. 483, An Act to amend Section 2 of Chapter 33 of the Public Laws of 1921, relating to sanitation of school houses, was taken from the table and given its first reading, and on motion by Mr. Allen of York, under suspension of the rules, it was given its second reading and passed to be engrossed.

Mr. HINCKLEY of Cumberland: Mr. President, I move to take from the table, An Act to amend Section 61 of Chapter 9 of the Revised Statutes, as amended by Chapters 156 and 221 of the Public Laws of 1919, relating to taxation of Savings banks.

The motion was agreed to and the senator then yielded to the senator from Oxford, Mr. Eaton.

On motion by Mr. Eaton, the rules were suspended and the bill was given its second reading, and passed to be engrossed in concurrence with the House.

Mr. HINCKLEY of Cumberland: Mr. President, I have just gone over House 356, and with the consent of the gentleman from Androscoggin, I will now move to take it from the table and yield to him.

The motion was agreed to.

On motion by Mr. Kirschner, Senate amendment A was adopted by a viva voce vote, and the bill as amended by Senate amendment A was passed to be engrossed.

Mr. SMITH of Somerset: Mr. President, I would like to present an order, if it is in order.

The PRESIDENT: The senator from Somerset is in order.

Ordered, that the committee on engrossed bills be requested to return to the Senate, S. D. 244, An Act to amend Section 37 of Chapter 117 of the Revised Statutes of 1916, relative to the salary of the county attorney of Somerset county, for further consideration by the Senate.

The order was given a passage.

Mr. ALLEN of York: Mr. Presi-

dent, I move to take from the table House 460, An Act to amend Chapter 217, Public Laws of 1919, relating to appropriation for Normal schools and Madawaska training school.

The motion was agreed to.

Mr. ALLEN: I offer Senate amendment A to this bill, and wish to address myself to it after the amendment has been read.

Senate Amendment A to House Document 460

Amend House Document No. 460 by striking out the whole of Sect. 2 and substituting therefor the following:

Sect. 2. In order to provide for the need of more and better trained teachers for the schools of the State, the board of trustees of the State normal schools is hereby authorized to provide for upkeep, equipment and extensions of the several normal schools and the Madawaska Training School, for which purpose there shall be appropriated the sum of seventy thousand dollars for the fiscal year nineteen hundred and twenty-four, seventy thousand dollars for the fiscal year nineteen and twenty-five, and sixty thousand dollars annually thereafter, to be expended under the direction of the board of State normal school trustees for extensions in buildings, repairs and equipment. The amount provided for in this chapter shall be deducted from the State school fund.

Mr. ALLEN: Mr. President and fellow senators: The general law provides that \$60,000 shall be provided annually for the general upkeep of the normal schools and the Madawaska Training School. The situation has arisen down in Presque Isle, on account of a fire, that they require a little more money, and we have added ten thousand dollars to the sixty thousand, and that is to be available in 1924, fiscal years of 1924 and 1925, and at the end of that time it reverts back to the original \$60,000 that has been raised for the last number of years. This is just to take care of the situation in Presque Isle on account of the burning of the schoolhouse down there. It is satisfactory to everybody so far as I know.

Senate Amendment A was adopted by a viva voce vote, and under suspension of the rules the bill was given its second reading and passed to be engrossed, and sent down for concurrence.

The PRESIDENT: The Chair will state in regard to the order of the senator from Somerset, Mr. Bemis, that

the papers have gone from the engrossing department to the printer, and we will have them back as soon as possible, probably in time to act upon the matter as we come together a little later.

AFTER RECESS

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

On motion by Mr. Hinckley of Cumberland, it was

Ordered, the House, concurring, that when the Senate and House adjourn they adjourn to meet Monday, April 2nd, at 4.30 o'clock in the afternoon.

Sent down for concurrence.

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

Papers from the House disposed of in concurrence.

From the House:

The committee on Inland Fisheries and Game, on Resolves appropriating money to aid in screening Pleasant Pond, in Caratunk and The Forks, in Somerset county; Nicatous Lake, in Hancock county; Walkers Pond, in Sedgwick and Brooksville, in Hancock county; Peabody Pond, in Cumberland county; Sibley Pond, in Canaan, in Somerset county; Hot Brook Lake, in Bancroft, in Aroostook county; Meddybemps Lake, in Washington county, and Pleasant Pond, in Island Falls, in Aroostook county, reported the same in a new draft, under the title of "Resolve appropriating money to aid in the screening of certain lakes and ponds" (House Doc. No. 488), and that it ought to pass.

In the Senate the report was accepted in concurrence.

Mr. EATON of Oxford: Mr. President, I move that this resolve lie on the table pending first reading.

The PRESIDENT: The Chair will state that this resolve is accompanied by House Amendment A.

The report with accompanying papers was tabled.

The committee on Ways and Bridges, on An Act to Amend Chapter 319, Public Laws of 1915, as amended by Chapter 304, Public Laws of 1917, and by Chapters 140, 162 and 243, Public Laws of 1919, and by Chapters 50 and 143, Public Laws of 1921, provid-

ing for State and county aid in the construction of highway bridges (House Doc. No. 327), reported that the same ought to pass.

The report was accepted in concurrence. The bill was given its first reading. House Amendment A was read by the Chair and adopted in concurrence, and the second reading was assigned for next Monday.

The committee on Inland Fisheries and Game, on H. D. 487, An Act to Amend Section 86 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917 and by Chapter 142 of the Public Laws of 1919 and by Chapter 93 of the Public Laws of 1921, relating to the disposition of money collected under the provisions of the inland fish and game laws, reported same ought to pass.

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

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolve Providing for the Purchase of "Music and Musicians of Maine" (House Doc. No. 248), reported that the Senate recede and concur with the House in the indefinite postponement of the resolve.

The report was accepted, and the Senate voted to recede and concur with the action of the House.

From the House: Ordered, the Senate concurring, that during the balance of the session all matters on the table will be taken off the following day under orders of the day.

The order was read by the Chair.

Mr. MORNEAU of Androscoggin: Mr. President, I suppose that means for the future, anything tabled?

The PRESIDENT: That does not prevent re-tabling, but is an order to clean up the docket.

Mr. BREWSTER of Cumberland: Mr. President, there are a number of matters especially assigned.

The PRESIDENT: The Chair does not understand that this will affect them at all, matters especially assigned, and the Chair will so rule.

Passed to Be Enacted

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

An Act to provide for the licensing, inspection and regulation of hotels and private lodging houses.

An Act to incorporate the Union Valley Company.

An Act to amend the charter of the City of Hallowell relating to the appointment of the city marshal and street commissioner.

An Act to amend Sections 6, 9, and 17 of Chapter 78 of the Public Laws of 1921, relating to auxiliary State forests.

An Act to incorporate the Columbia Falls Water Company.

An Act to incorporate the North Village Water Company.

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

An Act for the control and suppression of the European corn borer.

An Act to amend Section 9 of Chapter 10 of the Revised Statutes, relating to real estate where taxed.

An Act to incorporate the North Orrington Cemetery Improvement Association.

An Act to amend Section 30 of Chapter 64 of the Revised Statutes, relating to the issue of burial and transportation permits by sub-registrars.

An Act to amend Section 67 of Chapter 82 of the Revised Statutes, as amended by Chapter 210 of the Public Laws of 1919, relating to the attorney general.

An Act relating to the incorporation of the Androscoggin and Kennebec Railroad Company, and the issue of stock by it.

An Act to enable the town of Kennebunk to purchase an existing private sewer or drain.

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.

Mr. Holley, to take a seat by his side.)

**Communication from the Governor
STATE OF MAINE**

Executive Department

Augusta, March 20, 1923.

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

At my suggestion our State Commissioner of Education, Dr. Augustus O. Thomas, drafted a bill providing for the reading of the Bible in the public schools of the State, and through the courtesy of Senator Spencer of York county the bill was introduced into the Legislature. This is a subject matter in which I take a deep interest. A hearing was held upon this bill before the Committee on Education on Thursday, March 15th last, and at that time Dr. Thomas, without any solicitation on my part, appeared before the Committee in support of the bill.

I have secured a copy of the statement made by Dr. Thomas at the Committee Hearing and am so deeply impressed by it that I desire to have it incorporated in the official records of the State. Dr. Thomas' statement is as follows:

"The bill before the Committee for consideration is in many respects one of the most important measures which the present Legislature has to consider. I have not been asked by anyone to speak in its favor but there is a world emergency which makes it necessary that we return to the source of the faith of our fathers for wisdom and inspiration necessary to the solution of the gigantic problems which confront the world today. Calvin Coolidge, Vice President of the United States, has said repeatedly that 'the thing which the world needs most is a proper spiritual conception of human relationships.' Our great anxiety and desire to avoid religious confusion, animosity and hatred has driven us away from the source of harmony itself. This bill calls for the reading of certain portions of the Bible at such intervals as seem to be most expedient in the schools of the State. It especially emphasizes the Ten Commandments, the Psalms and the Lord's Prayer.

"The Bible Itself, outside of paganism, is non-sectarian and non-denominational. All faiths, all religions and Christianity Itself are founded thereon. It is in the Christian's be-

(At this point President Farrington invited the Speaker of the House,

lief the only well-spring of spiritual values known to the human race.

"The great question is—Is American Christianity of sufficient temper to include as does the Bible various types of personality and modes of thinking which underlie society, or is it necessary to go into the future over the single track of a still more intolerant future?

"Only a few years ago when, under the most gigantic human struggle of the ages, social and democratic ideals were endangered, our peoples were brought together. It was then that Catholic and Protestant and Jew joined forces and fought shoulder to shoulder under the hazard of annihilation. They were held together by a greater fear and so imminent danger that it was said on every occasion that if the Great War brought nothing other than a better understanding and greater sympathy and a larger measure of tolerance, it had not been in vain. From the pulpit and the rostrum came the congratulations over the greater union of the souls of mankind which fought together, but scarcely had the Four Horsemen retired from the field ere we began to fall apart. The crisis being over, men and nations fell farther apart, all because of the artificial unity of sudden and alarming danger. Today we see the new and determined struggle of socialism and capitalism, the widening of the line between the Cross and the Crescent, the recrudescence of suspicion and unrest between Catholic and Protestant, Jew and Gentile. Between alien and native. The strange revival of the old intolerance is today far too evident. By emphasis on inevitable diversities of formulae and temperament, we are in danger of neglecting, if not forgetting entirely, those fundamental underlying principles upon which depend the safety of both Church and State. Liberalism versus fundamentalism seems to be the rock upon which the Protestant Church may split and the lack of the spiritual in the administration of governmental affairs the rock of disaster for the State.

"Possibly sometime we shall appreciate the fact that the Bible is the book of faith for those with hope; that it is the instrument of progress of all western civilization, for those nations which have rested upon it have made greater progress in all lines of human endeavor than those which have not known it. The Bible

is the greatest production and the greatest force in the world. It has come down to us through generations, centuries, almost without changing a jot. It has withstood the onslaughts of the atheist and the pagan and the idolator. It has withstood the changing creeds of men. Its very mystery has been its strength and has allowed each individual to read into it that which most satisfies the hunger of his own soul for immortality. Strange that we cannot see that religion is individual, personal; that I may read the Bible my way and you may read it yours; that we may not agree possibly on the way of salvation but it cannot be said by intelligent men that any one man or any set of men or any company of human beings, organization or association, has the only royal road to the soul's triumph. The Bible, therefore, is a personal instrument and every man must be allowed to interpret the Bible according to his own reason, his investigation and the best light he can obtain. It is the wonder of wonders, a master of English, perfection of diction, the height of inspiration, complete in history, absorbing in romance, rhythmic in poetry, brilliant in philosophy and proverb, and startling in its revelations. It is the inspiration of law and as our Constitution is the fundamental law of a land, so the Ten Commandments form the basis of all civil and statutory law,—*"Thou shalt not steal," "Thou shalt not kill," "Thou shalt not commit adultery," "Thou shalt not bear false witness," "Thou shalt love thy neighbor as thyself."* Any human law which conflicts with the tenets of the Ten Commandments could scarcely stand upon the statute books of a state or nation.

"The Bible has been the inspiration for the world's masterpieces in music, in art and in literature. The world is richer for Handel's *"Messiah,"* Meyerbeer's *"Prophet Elijah,"* Hayden's *"Creation:"* in sculpture, Angelo's *"Moses;"* in art, DaVinci's *"Sistine Madonna,"* portraying the mother's love, the finest sentiment which springs from the human heart. You ask the mother what she expects of her boy and she will tell you that she hopes his heart may be so pure that it may be laid upon a pillow and not leave a stain; that his every act may be reviewed by his mother, his sister, his sweetheart, his wife without a blush of shame; that his inner-

most thought and hope and aspiration may be whispered in an angel's ear. But you ask if she expects this perfection before she gives her love and she will tell you no, that mother love can never cease, it is perpetual. She watches the struggling footsteps of the infant as he attempts to walk, she binds up the wounds of childhood and soothes the broken heart. She follows her boy even to the gallows and still makes excuses for him. She is there when his body is taken down and bears the sacred dust to his last resting place and cherishes within her bosom the love of her own flesh and blood.

"The Bible is the inspiration of literature. The great masterpieces have sprung from it,—Milton's "Paradise Lost" and "Paradise Regained," Bunyan's "Pilgrim's Progress" and even down to the later days of Lew Wallace's "Ben Hur" and Ibanez' "The Four Horsemen of the Apocalypse." It would not seem exactly right that this Book, vast in its storehouse of riches, tremendous in its influence upon human life, should be excluded from the learners of today.

"As it is the source of law and inspiration, it is also the only foundation for human ethics that has ever been created. No matter how you may interpret the Bible, you cannot get away from the fact of its moral religious significance. There are those who believe faithfully in the story of creation as found in Genesis—that man came instantly from the word of God. There are others who believe in the long, unfolding process of immutable and unchangeable laws. There are those who believe that Job was a real character and suffered pain and humiliation. Others believe that he was a character in Hebrew fiction and played on the stages of the old, old world. There are those who believe that Moses stretched forth his rod and parted the waters of the Red Sea. There are those who contend that the monsoon blew steadily in one direction for a period and piled up the waters of the sea leaving dry sands over which Moses and the Children of Israel passed, but the monsoon changed instantly when its season was over and released the waters to deluge Pharaoh and his hosts. There are those who believe that God fed the Children of Israel in the wilderness by the daily dropping of manna. Others believe that they ate from the fruit of the

wilderness which grew in a natural way. There are those who believe in the miracle of Christ, while others believe Him to be the natural son of Joseph and Mary. There are those who believe that John on the Isle of Patmos saw a vision of the new Jerusalem, while others contend that he may have been partaking too freely of the fruit of the vine. But no matter what you may believe, how diverse may be your conception of radicalism, of fundamentalism, of simple faith or higher criticism or your materialism, you may believe in the inspired word of God or that the Bible is the work of man, you cannot gainsay the fact that as a sign-board for human destiny it can never be displaced.

"The Beatitudes and the Sermon on the Mount contain the essence of human relationships, and the embodiment of Christian life is given in the Golden Rule. The simplicity of religious acts and of Christian bearing are found in the words of Christ as He gathered about Him His disciples and they said, "When saw we Thee anhungered and fed Thee?" and He replied, "Inasmuch as ye have done it unto one of the least of these, my brethren, ye have done it unto Me," He set up the simple, tangible ideals of Christian service and the spiritual value which the world needs today. Whether Jew or Gentile, Catholic or Protestant, all must agree that the principles of the Man-Child are eternal, as broad as human interest, as high as justice and as deep as human hope.

"Daily reading of the Bible in public schools is required by law in six states—Massachusetts, Alabama, Georgia, New Jersey, Pennsylvania and Tennessee. Except in Georgia and Alabama the law prescribes that the reading must be without comment. Both Old and New Testaments must be read from, according to the Georgia Statute, while the New Jersey law specifies only the New. The other states do not require any special part of the Bible. Massachusetts and Alabama do not specify the amount to be read. In Georgia at least one chapter must be read each day, while in Pennsylvania and Tennessee the minimum requirement is ten verses and in New Jersey only five. At the written request of parent or guardian, a pupil may be excused from Bible reading in Georgia or Tennessee. In Massachusetts a pupil whose parent or guardian informs the teacher in writing that he has conscientious scruples against it is not re-

quired to take any personal part in the reading.

"This bill does not require; in fact, it would prohibit denominationalism, sectarian interpretation. A Methodist cannot read into it anything without interpretation which would not be read by a Baptist or a Congregationalist or a Presbyterian, but if the Methodist and the Baptist and the Presbyterian and the Congregationalist would prefer a single track to the Kingdom rather than free open country, then the cause of humanity would seem hopeless and the world would roll back into the beast again. The Catholic teacher may read her Catholic Bible, the Protestant her Protestant Bible, but no child is called upon or required to change his form of worship or his ideas of religion because of this bill. It seems to me that inasmuch as we have a lack of understanding, as we have stored up some religious differences, the time has come for sober-minded people to realize that the world cannot be saved by commercialism, by political parties or by keeping away from the foundation of right living, of pure thinking and of square dealing."

This statement is one that should be taken to heart by every citizen of the State and in my opinion it would be helpful if the Legislature should pass an order providing for the printing of a considerable number of copies of it for distribution by senators and representatives.

Respectfully submitted,

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

Read and ordered placed on file.

Mr. Brewster of Cumberland, presented the following order and moved its passage:

Ordered, that 500 copies of the Governor's communication in relation to the Bible in the public schools be printed for use in the Legislature.

The motion was agreed to and the order was given a passage.

The PRESIDENT: The Chair will state to the senator from Somerset, Mr. Smith, that S. D. 244, An Act to amend Section 37 of Chapter 117 of the Revised Statutes of 1916, relative to the salary of the county attorney of Somerset county, is in the hands of the Senate at the present time.

On motion by Mr. Smith, the Senate reconsidered its vote whereby this bill was passed to be engrossed.

On further motion by the same senator the vote was reconsidered whereby House Amendment A was adopted, and the senator then offered Senate Amendment A and moved its adoption.

Senate Amendment A to Senate Document 244

Senate Document No. 244, An Act relative to the salary of the county attorney of Somerset county, is hereby amended by striking out the word "twelve" in the fifth line of Section 37 and inserting in its place the word "fifteen"; by striking out the words "seventen hundred" in the seventh line thereof and inserting the words "two thousand"; by striking out the word "five" in the fifth line thereof and inserting the word "seven"; by striking out the word "fifteen" in the fourteenth line thereof and inserting the word "eighteen"; by striking out the word "six" in the fifteenth line thereof and inserting the word "seven"; by striking out the word "six" in the sixteenth line thereof and inserting the word "seven"; and by striking out the word "nine" in the twenty-second line thereof and inserting the word "twelve," so that said section shall read as follows:

"Sect. 37. Compensation of county attorneys, 1915, c 138. County attorneys of the several counties shall receive annual salaries from the State treasury in monthly payments on the last day of each month, as follows:

- Androscoggin, fifteen hundred dollars.
- Aroostook, fifteen hundred dollars.
- Cumberland, two thousand dollars.
- Franklin, five hundred dollars.
- Hancock, seven hundred fifty dollars.
- Kennebec, fourteen hundred dollars.
- Knox, seven hundred dollars.
- Lincoln, seven hundred dollars.
- Oxford, nine hundred dollars.
- Penobscot, eighteen hundred dollars.
- Piscataquis, seven hundred dollars.
- Somerset, one thousand dollars.
- Waldo, five hundred dollars.
- Washington, nine hundred dollars.
- York, twelve hundred dollars; and no other fees, costs or emoluments shall be allowed them. The assistant county attorney for the county of Cumberland, twelve hundred dollars. He shall hold his office during the term of the county attorney by whom he is appointed, subject to removal

at any time by the justice of the superior court for said county."

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

Send down for concurrence.

The committee of conference on the disagreeing action of the two branches on An Act repealing Section 43 of Chapter 19 of the Revised Statutes, relating to local health officers, reported a bill under the title "An Act to amend Section 43 of Chapter 19 of the Revised Statutes, relating to local health officers," which they recommend be substituted for the bill on which the two branches disagree, and that such substituted bill ought to pass.

The report was signed by five members of the conference committee.

The report was accepted, and under suspension of the rules the bill which was recommended by the conference committee received its two readings and was passed to be engrossed.

On motion by Mr. Putnam of Washington, H. 488, Resolve appropriating money to aid in the screening of certain lakes and ponds, was taken from the table, and given its first reading.

The PRESIDENT: This comes from the House passed to be engrossed as amended by House Amendment A.

House Amendment A was adopted by the Senate in concurrence, and the following Senate Amendment A was presented by Mr. Putnam, who moved its adoption.

Senate Amendment A to House Document No. 488

Amend House Document 488 by inserting after the word "appropriated" in the second line thereof, the words "to be taken from the appropriation for the maintenance of the department of inland fisheries and game."

The motion was agreed to and Senate Amendment A was adopted, and on further motion by the same senator the rules were suspended and the resolve was given its second reading and passed to be engrossed, as amended.

On motion by Mr. Allen of York, the vote was reconsidered whereby this bill H. D. 488, in new draft, was passed to be engrossed.

On further motion by the same senator the bill was tabled pending its passage to be engrossed.

On motion by Mr. Morison of Penobscot,

Adjourned until Monday, April 2nd., at 4.30 o'clock.