

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-First Legislature

OF THE

STATE OF MAINE

1923

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Monday, April 2, 1923.

Senate called to order by the President.

Prayer by the Rev. R. W. D. Smith of Hallowell.

Journal of previous session read and approved.

The following resolve for presented and referred to the committee on

Appropriations and Financial Affairs

By Mr. Eaton of Oxford: Resolve, for the pay of the chaplains of the Senate of the 81st Legislature.

Report of Committees

Mr. Buzzell, from the committee on Judiciary, on Report of committee appointed to revise and collate inheritance tax and probate laws, reported that the same be placed on file.

The report was accepted and ordered placed on file.

Mr. Smith, from the joint committees on Judiciary and Labor, on An Act to amend Sections 1 and 3 of Chapter 350 of the Public Laws of 1915, relative to the hours of employment of women and minors (Senate Doc. No. 157), reported that this bill having been proposed by not less than 12,000 electors, to the Legislature, pursuant to their constitutional right by written petition presented to the Senate in this Legislature; and the Constitution of the State of Maine providing "Any measure thus proposed by not less than twelve thousand electors, unless enacted without change by the Legislature at the session at which it is presented, shall be submitted to the electors together with any amended form, substitute or recommendation to the Legislature, and in such manner that the people can choose between the competing measures or reject both," the undersigned members of the committee on Judiciary and Labor to which the petition and measure was referred beg leave to report that the said petitions have thereon the required number of names and recommend that no action be taken by the Legislature with reference to said bill in order that the same may be submitted to the electors in accordance with the provisions of the Constitution of Maine, and the Governor is hereby requested to issue a proclamation referring the said act to the people at a special election to be held not less than four or more than six months after such proclamation in accordance with the petition proposing said act.

The report was accepted.

Mr. Smith of Somerset presented Resolve, calling to the attention of the Governor the failure of the Legislature to enact an Act entitled "An Act to amend Sections 1 and 3 of Chapter 350 of the Public Laws of 1915, relative to the hours of employment of women and minors.

The PRESIDENT: Inasmuch as this bill is really part of the report of the committee, the Chair would rule that it requires no suspension of the rules.

The secretary read the resolve.

On motion by Mr. Smith, under suspension of the rules, the bill was given its two readings and was then passed to be engrossed, without printing.

Sent down for concurrence.

Mr. Eaton, from the committee on Appropriations and Financial Affairs, on Resolve, on the pay roll of the Senate of the Eighty-first Legislature, reported that the same ought to pass.

The report was accepted and on motion by Mr. Eaton of Oxford, the rules were suspended, the bill given its two readings and passed to be engrossed, without printing.

The same senator, from the same committee, on Resolve, in favor of Anne M. Clancy, reported that the same ought to pass.

The report was accepted and on motion by Mr. Eaton of Oxford, the rules were suspended, the bill given its two readings and passed to be engrossed, without printing.

Mr. Brewster, from the Committee on Legal Affairs, on An Act to amend Chapter 84 of the Private and Special Laws of 1919 as amended by Chapter 123 of the Private and Special Laws of 1919 as amended by Chapter 123 of the Private and Special Laws of the Special Session 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," (Senate Doc. No. 73,) reported the same in a new draft, under the title of "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,' and that it ought to pass.

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

Final Reports

Mr. Buzzell, from the Committee on Judiciary, submitted its final report.

Mr. Brewster from the Committee on Legal Affairs submitted its final report.

The reports were accepted.

Passed to be Engrossed

House 227: An Act to amend Chapter 319 of the Public Laws of 1919, as amended by Chapter 304 of the Public Laws of 1917 and by Chapters 140, 162 and 243 of the Public Laws of 1919, and by Chapters 50 and 143 of the Public Laws of 1921, providing for state and county aid in the construction of highway bridges.

The PRESIDENT: The Chair will state that there are a large number of bills on their passage to be enacted, but they probably will not come to the Senate before morning, as it will take the speaker some time to sign them and send them along.

Orders of the Day

The PRESIDENT: This brings us to orders of the day and under the intent of the order passed on Friday of last week, all orders on the table which are unassigned come off the table tonight, and the Chair will take them in order.

The first is S. D. 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, tabled pending second reading, and the Chair recognizes the senator from Cumberland, Mr. Brewster.

On motion by Mr. Brewster, the bill was given its second reading and passed to be engrossed.

The PRESIDENT: The next matter on the table is the House Report of Committee on Education (ought not to pass) on Resolve in favor of the University of Maine, tabled pending acceptance of report, and the Chair recognizes the senator from Penobscot, Mr. Morison.

On motion by Mr. Morison, the bill was tabled until tomorrow morning.

The PRESIDENT: These matters will all come off daily under the order any way.

The PRESIDENT: The next is H. D. 422, Resolve, in favor of the State Park Commission, tabled pending sec-

ond reading, and the Chair recognizes the senator from Oxford, Mr. Eaton.

Mr. EATON: Mr. President, I move that this resolve be indefinitely postponed. There is an act on the way transferring the duties of the State Park Commission to the superintendent of public buildings and this resolve will be unnecessary.

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

The PRESIDENT: The next is S. D. 301, An Act to incorporate the Maine Kennebec Bridge, tabled pending the acceptance of either report, and the Chair recognizes the senator from Oxford, Mr. Eaton.

Mr. EATON: Mr. President, I move that this be retabled. At the time this was placed upon the table last week, it was with the distinct understanding that it might remain there until the Carlton Resolve and Act were finally disposed of.

Mr. HINCKLEY: Mr. President, it seems to me that the Senate should vote on this matter and determine now whether or not they want private parties to become a part of our great highway system in this State:— In other words, to build a bridge across the Kennebec river which will be a part of our highway system. I want to say now, Mr. President and senators, that I am just as much opposed, just as strenuously opposed to private parties participating in governmental matters as I am to the government participating in private business enterprises, and I hope that we can dispose of this matter once for all, because I know this matter being held up is seriously interfering with the passage of the Carlton resolve, which I believe this Legislature is in favor of, and I hope the gentleman will take it from the table and let us vote on it and see where we stand.

The PRESIDENT: The Chair will state it automatically comes from the table and awaits any motion by the Senate.

Mr. HINCKLEY: To bring it before the Senate, I move that we indefinitely postpone.

Mr. EATON: Mr. President, I move that the matter lie on the table.

The PRESIDENT: The motion to lay on the table takes precedence over the motion to indefinitely postpone.

A viva voce vote was taken, and the Chair being in doubt a rising vote was had. Thirteen senators voting in favor of the motion and twelve against, the motion was carried and the matter tabled.

The PRESIDENT: The next is H. D. 74, An Act to amend chapter 37 of the private and special laws of 1917, as amended, relating to salaries of chief of police and police captains of the city of Lewiston, tabled pending indefinite postponement of House Amendment A. In the absence of the senator from Androscoggin, Mr. Morneau, on whose motion this was tabled, the senator from Somerset, Mr. Smith, moves that the matter be retabled. Is that the pleasure of the Senate?

The motion was agreed to by a viva voce vote.

The PRESIDENT: The next matter is H. D. 468, 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, tabled pending passage to be engrossed, and the Chair recognizes the senator from Oxford, Mr. Eaton.

Mr. EATON: Mr. President, this is an act that contains the same subject matter as H. D. 123, which was a resolve. That resolve was passed by the Legislature, vetoed by the Governor, and the veto sustained. I move the indefinite postponement of this act.

Mr. WILSON of Aroostook: Mr. President and gentlemen, it is true this is practically similar to the resolve which the Governor vetoed and at that time wished to recall. By agreement with the parties interested in this bill it was to come back again to the Legislature with agreement of the Governor. It is money raised for shipping point inspection of potatoes and apples, or any other farm produce which may require inspection, and that inspection carries with it a certificate from the inspector which is prima facie evidence in any court in Maine that the goods when shipped were as represented and sold, and it is practically the only way a man selling through brokers can get pay through the courts, because it is indisputable that the inspectors who work in conjunction with the Federal inspectors in Boston, New York, Philadelphia

and those other ports are instructed in the method of putting up U. S. No. 1 grades of vegetables, and for that reason, with the understanding that it should come back again, I think Mr. Eaton will withdraw his motion.

Mr. EATON: With that explanation, Mr. President, I will withdraw the motion.

Unanimous consent was given by the Senate that the motion for indefinite postponement might be withdrawn.

On motion by Mr. Eaton the bill was passed to be engrossed.

The PRESIDENT: The next is S. D. 295, An Act to constitute the State superintendent of schools a member, ex-officio, of the Board of Trustees of the University of Maine, tabled pending its passage to be engrossed, and the Chair recognizes the senator from York, Mr. Allen.

Mr. ALLEN: Mr. President and gentlemen of the Senate, there is a bill going through the Senate at the present time that covers this same subject matter, but I do not know as it would do any harm to let this go along I can stop it later if necessary. I move it be passed to be engrossed.

The motion was agreed to by a viva voce vote.

The PRESIDENT: The next matter is S. D. 304, An Act establishing the University of Maine as a State institution, table pending passage to be engrossed, and the Chair recognizes the senator from Cumberland, Mr. Hinckley.

Mr. HINCKLEY: Mr. President, at the request of one of our senators, who has just sent word to me, I move to have this tabled until tomorrow morning.

The motion was agreed to by a viva voce vote.

The PRESIDENT: The next is H. D. 488, Resolve appropriating money to aid in the screening of certain lakes and ponds, tabled pending reconsideration of passage to be engrossed, and the Chair recognizes the senator from York, Mr. Allen.

Mr. ALLEN: Mr. President and gentlemen of the Senate, I wish to offer Senate Amendment B to H. D. 488, and move its adoption.

Senate Amendment B to H. D. 488

H. D. 488 is hereby amended by inserting after the word "until" in the seventh line of the first page the words "some responsible corporation or incorporated fish and game club."

The motion was agreed to and the amendment was adopted by a viva voce vote, and the resolve as amended by House Amendment A and by Senate Amendment A and B, was passed to be engrossed.

The PRESIDENT: The next matter is H. D. 490, An Act providing for a tax upon gasoline and other products used in operating internal combustion engines, tabled pending first reading, and the Chair recognizes the senator from Somerset, Mr. Smith.

On motion by Mr. Smith the bill was given its first reading, and the same senator then offered Senate Amendment A and moved its adoption.

Senate Amendment A to House Document No. 490

Amend House Document No. 490 by placing the word "and" between the word "gasoline" and the word "benzol" in the sixth line of Section One; and by striking out the sixth and seventh lines of said section the words "or other product except kerosene and crude oil," so that said Section One as amended shall read as follows:—

"Section One. The terms used in this Act shall be construed as follows: "Internal combustion engine" shall mean any engine operated by explosion or quick burning therein of gasoline, benzol, or other product except kerosene. "Internal combustion engine fuel" shall mean motor fuel commonly called and known as gasoline, and benzol, to be used in the operation of an internal combustion engine. "Distributor" shall mean any person, firm or corporation, wherever resident or located, who imports or causes to be imported for sale or for his or its own use (with the exception hereinafter set forth) any internal combustion engine fuels as herein defined for use in this State after it reaches this State; and also any person, association or persons, firm or corporation who produces, refines, manufactures or compounds internal combustion engine fuels as herein defined within the State."

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

Mr. SPEIRS of Cumberland: Mr. President, I wish to present Senate Amendment B to the same bill and move its adoption.

Senate Amendment B

House Document No. 490, is hereby amended by adding thereto a section to be numbered Section 11, as follows:

Sec. 11. The provisions of this act shall not apply to gasoline sold to dealers who sell exclusively to fishermen for motor boat use, nor to such gasoline as is distributed to tanks from which gasoline is sold exclusively to fishermen for motor boat use.

Mr. HINCKLEY of Cumberland: Mr. President, I move that this amendment be tabled and I will take it up a little later.

The motion was agreed to by a viva voce vote and the matter was tabled pending adoption of Senate Amendment B.

The PRESIDENT: The next matter is S. D. 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, tabled pending passage to be engrossed, and the Chair recognizes the senator from Oxford, Mr. Eaton.

On motion by Mr. Eaton, the bill was passed to be engrossed.

Mr. SPEIRS of Cumberland: Mr. President, I wish to withdraw the amendment which I just presented.

Unanimous consent of the Senate was given and the senator from Cumberland, Mr. Speirs, withdrew Senate Amendment B to H. D. 490.

The PRESIDENT: The next is Majority report (new draft ought to pass) and minority report (ought not to pass) from 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, tabled pending acceptance of either report, and the Chair recognizes the senator from Somerset, Mr. Smith.

On motion by Mr. Smith the majority report was accepted, and the bill was tabled for printing under the joint rules.

Mr. SPEIRS: Mr. President, I now wish to offer Senate Amendment B to House bill 490, and move its adoption.

Senate Amendment B to House Document 490

House Document 490 is hereby amended by adding thereto a section to be numbered 11, as follows:

Sec. 11. The provisions of this act shall not apply to gasoline sold to dealers who sell exclusively for motor boat use, nor to such gasoline as is distributed to tanks from which gasoline is sold exclusively for motor boat use.

On request of Mr. Buzzell of Waldo, Senate Amendment B was read a second time.

A viva voce vote being doubted, a rising vote was had, and 10 senators voting ye and 14 voting no, the motion to adopt the amendment was lost.

The PRESIDENT: The next is S. D. 205, An Act to amend Section 4 of Chapter 173 of the Public Laws of 1921, relating to the State school fund, tabled on its passage to be enacted, and the Chair recognizes the senator from Oxford, Mr. Eaton.

On motion by Mr. Eaton the bill was passed to be enacted.

The PRESIDENT: The next matter is H. D. 264, 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, tabled on its passage to be enacted, and the Chair recognized the senator from Somerset, Mr. Smith.

On motion by Mr. Smith the bill was passed to be enacted.

Mr. HUSSEY of Aroostook: Mr. President, I wish to move at this time that the rules be suspended and that I be allowed to introduce a bill out of order, and I wish to address myself to this proposition.

I want to say at the outset, that there is no member of the Legislature who is more anxious to get through with the business of the session and to get home, than I, and were it not for the fact that I believe this matter is a real emergency matter, I would not ask for this privilege.

I also want to say that this matter does not call for any appropriation of money, but is merely to extend the charter of the Gould Electric Company. Several years ago the Maine and New Brunswick Electrical Power Company was organized in this State to sell and transmit electricity in Aroostook

county. This power was generated at Aroostook Falls in New Brunswick, about four miles from Fort Fairfield. This plant furnished power for practically the whole northern end of Aroostook county, Ft. Kent, Limestone, Van Buren, Washburn, Austin, Mars Hill, all the towns from Mars Hill to Houlton, including Houlton, in fact the whole northern end of the county.

In 1915 the Canadian government began to tax very heavily that part of the Maine and New Brunswick Power Company's lines that were not in the State of Maine, and to overcome this difficulty the Gould Electrical Power Company was formed in 1917, and this Company took over that part of the lines of the Maine and New Brunswick Electrical Company that were in Maine.

During the last three years this plant at Aroostook Falls in New Brunswick has been giving a great deal of trouble in the winter time, due to the fact that on account of the ice there is not sufficient water to carry the plant, and this has caused the whole northern end of the county to suffer with dim lights and lack of power. In order to remedy this it now becomes necessary to expend about a quarter of a million dollars there. Honorable Arthur R. Gould, who was in this body two years ago and whom many of you know, is president of the Gould Electric Company. A short time ago he began to make preparations for a loan to change over and re-model this plant, and he found that under his charter he did not have the right to issue notes and pledge as security the bonds of the Gould Electric Company or the bonds of the Maine and New Brunswick Electrical Power Company.

Unless he is able to purchase and pledge the bonds of the Maine and New Brunswick Electrical Power Company it will be absolutely impossible to raise this large amount of money. For this reason we ask that the charter be extended at this time.

I might further add that it was at the suggestion of the Public Utilities Commission that this act is introduced, now, that this difficulty may be overcome.

Mr. HINCKLEY of Cumberland: Mr. President, I would like to have that bill read.

(The bill was read by the Chair: An

Act relating to the Gould Electric Company).

The PRESIDENT: The question before the Senate is the suspension of the order limiting the time of the reception of bills, and this requires the two-thirds vote of the Senate. The Chair will state that in these matters every senator is supposed to vote unless excused.

A viva voce vote was had, the rules were suspended and the bill without printing and without reference to a committee was given its two readings and was passed to be engrossed.

Mr. ELLIOT of Knox: Mr. President, I would ask the indulgence of the Senate that I may introduce An Act under suspension of the rules, and this applies to the Charter of the Camden and Rockland Water Company. This company wants a further issue of stock that it may carry on an extension of their work, and I will read the statement of facts.

The Camden and Rockland Water Company, charged with a public duty in supplying water for fires, manufacturing and domestic purposes to the city of Rockland and the towns of Camden, Rockport and Thomaston, was granted a charter by the Legislature in 1885. The present number of takers now served by the Company is 4,896, and the population of the several communities is 13,305. In order to improve the service in these communities and to take care of the steadily increasing demand for water, it has become necessary to spend a considerable amount of money during the last two or three years; and this same condition promises to exist to an unusual extent in the very near future. Up to the present time there has been, but one issue of stock, namely: \$498,400. Upon this stock dividends were paid amounting to two per cent per annum until 1921. At that time it became necessary to make such large expenditures for improvements and extension of service that the stockholders agreed to relinquish dividends, and this enabled the Company to more easily borrow the money with which to make the improvements and repairs. The management of the Company has believed that it will be wise to issue a certain amount of preferred stock, from the proceeds of which the notes of the Company raised for the foregoing purposes may be paid and

new capital furnished with which to take care of future requirements. The management has believed that no other course was required to secure authority for the issue of preferred stock than to petition to the Public Utilities Commission of Maine. Upon a close examination of the charter, however, it was discovered for the first time by those now in charge of the corporation that the charter contains the following provision:

"Said corporation may declare dividends on its capital stock not exceeding six per cent per annum. If there should be a surplus of receipts or income after paying operating expenses, salaries, repairs, and interest on the bonds and notes of the Company, said surplus may be applied to reduction of water rates or to extension and alterations of its pipes and appurtenances."

It is obvious under these circumstances that in order to successfully market an issue of preferred stock this clause in the charter must be abrogated, and it is to secure this abrogation that his appeal is now made to the Legislature. This appeal on the part of the corporation is not based on any belief that the common stock of the Company will earn or pay six per cent for a long time to come, if ever; and were it not for the fact of the desire to issue this preferred stock, no effort would be made to repeal the clause of the charter referred to above. In other words, the repeal or abrogation of this clause is requested for no purpose other than to enable the Company to sell its preferred stock in order to convert the present outstanding notes into securities and to enable the Company to sell these same securities for future extensions and repairs. It is obvious that a corporation undertaking to perform the services required of a water company must not only maintain its pipes and equipment in good repair, make the necessary extensions to conform to the growth of the communities which it serves, but that it must also do everything in a reasonable way to establish and maintain a fire service for the protection of the property of these communities. Such an improvement is anticipated in the near future for the town of Thomaston, where it is unquestionably necessary; and when the citizens of Thomaston believe that it is for their interest to

have better and more adequate hydrant service and are prepared to pay reasonable charges for the same, this Company will unquestionably be called upon to make a very considerable expenditure. This is one of the largest items of possible construction for which the proceeds of preferred stock may be used.

Mr. BUZZELL of Waldo: Mr. President, you know that some little time ago we put the ban on this kind of legislation, and I hope that this matter may receive favorable consideration at our hands. I will tell you why. I feel that the ban that we placed on this kind of legislation served its purpose, that the door was shut, and I know that soon after that parties came from Rockland and advocated this legislation. They did not know of the condition and the position that they were in at that time. And I advised them that nothing better be done about this until very late in the session, if ever. I know that this is really needed, that the Camden and Rockland Water Company cannot do business and do it on the scale that they should unless this legislation is passed. It almost seems to my mind that it is an emergency, in a way, and I do hope that no objection will be made to the consideration of this bill and to admission to the Legislature under a suspension of the rules.

Mr. HINCKLEY of Cumberland: Mr. President, I sat here through the other matter but I cannot sit here without making an objection to this, and later I feel that I must make objection to the other matter. These are most serious matters, and I cannot conceive of a matter of this kind, involving what it involves, being presented to this Legislature and going through here in the last few days of the session without being printed, without being referred to a committee, without the Senate knowing anything about what there is in the Act that is presented. Now, I am not questioning the motive of anybody connected with this bill, which undoubtedly is all right, but I do not know, and this Legislature cannot know whether it is right or not unless it is advertised and all parties in interest, including the citizens of these towns which are vitally interested, have a chance to come here and be heard, and I hope this Legislature will not go any further in opening the

door to private legislation that may mean that a blot, and a very serious blot will be cast upon our good names after adjournment.

Mr. BUZZELL: Mr. President, I will be glad to have the bill read, as was the senator from Cumberland, Senator Hinckley, when he called on the President to read the other one.

The PRESIDENT: The Chair will read the bill. (Bill read).

Mr. HINCKLEY: Now, Mr. President, I would like to ask, before we take a vote, if there is a senator present who can tell us what the Act is that this repeals, or tell us and explain to us just what this bill itself means? If there is, I would like to have the explanation.

The PRESIDENT: The question before the Senate is on the motion of the senator from Knox, Mr. Elliot, that we suspend the order limiting the time for the suspension of bills, and receive this bill at the present time, which requires a two-thirds vote.

A rising vote was had and seventeen senators voting in favor and six against, the order was suspended and the bill was received.

On motion by Mr. Hinckley, tabled for printing.

Mr. PUTNAM of Washington: Mr. President, I ask the unanimous consent of the Senate to present at this time An Act allowing the town of Forest City to hold its annual town meeting in April instead of March, as required by law.

In explanation of this I will state that there has been An Act passed at this session of the Legislature repealing the Act incorporating the town of Forest City, and in this Act there was a provision that the repealing Act would not be operative until March 1st, 1924. Owing to a misunderstanding concerning this provision no town meeting was held, and they have to have this especial authority in order to hold a legal town meeting during the month of April.

(The bill was read by the Chair).

Mr. PUTNAM: Mr. President, I move that the rules be suspended, the bill received at this time, receive its two readings and be passed to be engrossed, without printing, and without reference to a committee.

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

From the House: Resolve in favor of the University of Maine.

This Resolve came from the House finally passed by that body.

In the Senate, finally passed in concurrence.

Mr. BUZZELL of Waldo: Mr. President, may I ask how much this Resolve calls for?

The PRESIDENT: This is House document 485, and will be read by the secretary.

(The Resolve was read by the secretary. It appropriated \$460,000 for the fiscal year ending July 1, 1924, and \$435,000 for the fiscal year ending July 1, 1925).

Mr. BUZZELL: Mr. President, I move that we reconsider the action whereby this Resolve was finally passed.

The motion was agreed to and on further motion by the same senator the Resolve was tabled.

Mr. CRAM of Cumberland: Mr. President, I move that we reconsider the vote passed by the Senate on Friday last whereby the Senate accepted the report of the conference committee, on a Resolve providing for the purchase of "Music and Musicians of Maine".

The motion was agreed to, and on further motion by the same senator the Senate reconsidered the vote whereby the Resolve was indefinitely postponed in accordance with the report of the conference committee, and then voted that the Resolve be referred to the next Legislature.

Mr. CRAM of Cumberland: Mr. President, I move that the order limiting the time for the reception of bills be suspended for the purpose of introducing An Act at this time.

Mr. HINCKLEY: Mr. President, may we not inquire what the matter is?

The PRESIDENT: I think it would be better to make inquiry before we put the motion. We will allow the senator to state in regard to his bill before we put the motion.

Mr. CRAM: Mr. President, members of the Senate, the Act which I desire to introduce is one to amend the charter of Portland Academy.

Portland Academy was established by An Act of the Commonwealth of Massachusetts on February 27, 1794, and it is desired at this time to add the words in the fourth line after the word "Portland" "or in any other town."

I will say that Portland Academy is not an active academy, but it has certain funds in its possession and the organization of the academy is kept up, among the trustees being Hon. George E. Bird, retired Justice of our Supreme Judicial Court, Mr. Charles H. Payson, Mr. Harry M. Verrill, Mr. Franklin C. Payson, Mr. John F. Dana, Mr. William W. Thomas, Mr. Thomas L. Talbot, Mr. John F. A. Merrill,—and they use this fund, as I understand, for assisting in education and they desire to have their charter broadened so that they may assist those in other towns of the State than Portland. And as Judge Bird has taken the matter up with me, he states it is quite important that the amendment be made at the present session of this Legislature, and desires very much to have this amendment adopted at this session.

Mr. HINCKLEY: Mr. President, I move that the matter be referred to the next Legislature in accordance with our general order.

A viva voce vote being doubted, a rising vote was had, and fourteen senators voting in favor and eleven against it, the motion was carried and the bill was referred to the next Legislature.

Mr. BREWSTER of Cumberland: Mr. President, I move the rules be suspended to introduce An Act out of order. This is one of several Acts which I have assured people it was impossible now to have considered. I think it has equal merit with a good many of those we have considered. This is An Act repealing An Act which we have passed at this Legislature on the representation of the town officers of Boothbay Harbor that they were very desirous and it was very necessary that they have an opportunity to establish a school district there. The representation of the town officers of the desires of the town seemed sufficient to warrant its submission to the people by a referendum, and that Act has been passed and signed by the Governor. Following the signature of the Governor the town had

its annual town meeting and voted almost unanimously that they did not wish any such Act, contravening all the evidence we had had, and they have asked their town counsel to ask the Legislature to repeal the Act so they would not be obliged to have a special election as was provided by our Act. This will save the town the expense and trouble of that special election and the citizens of the town are very desirous of having it.

Mr. HINCKLEY: Mr. President, I want to state to the Senate that I have had at least twenty matters presented to me during the past few weeks, every one of them of equal importance with these matters some of which have been accepted by you today and the one under consideration at the present time. I have, believing that this Senate would stand by what they voted originally and not allow these matters to go through at this late hour, told them repeatedly that I could not present any Act at this time, and it places a senator in a very awkward position when the Senate does open the door and allow these matters to come in after he has told them that it would be impossible to have such Acts introduced.

I want to say to this Senate further and to repeat the warning that I gave a few moments ago, that you will be sorry after adjournment that the door has been opened to matters hastily passed without time for consideration by committees or even by the Legislature itself. Now in this particular matter, representatives of this town came here and asked that this particular law be passed. A hearing was held before the committee and they advocated it, and now after the Legislature has passed the law and it has been signed by the Governor, they come here and tell us they have changed their minds and want us to repeal it, or at least somebody sends a letter here and asks that it be done. I move that this matter be referred to the next Legislature.

Mr. CROXFORD of Penobscot: Mr. President, I have in my desk four resolves that I have not had the crust to introduce—in the first place the time was extended seven days and every one should have known—of course an emergency matter is another consideration—but I think it is high time if we ever ex-

pect to get home to shut the doors and shut them tonight.

The PRESIDENT: All those in favor of the motion to refer to the next Legislature the bill which is presented or suggested by the senator from Cumberland, Mr. Brewster, will say "aye."

The matter was referred to the next Legislature by a viva voce vote.

House Bills in First Reading

H. 295: An Act in relation to the several examining boards.

(On motion by Mr. Cram of Cumberland, tabled pending Action on House Amendment A).

H. 502: An Act in relation to the fees to be charged by the board of registration of medicine.

From the House: Report of the committee on ways and bridges, ought to pass, on An Act to enable the towns of Turner and Leeds to make free the North Turner toll bridge.

In the Senate, on motion by Mr. Wadsworth of Kennebec, tabled pending acceptance of the report.

From the House: Report of the committee on legal affairs, ought to pass, in new draft under the same title, "An Act to amend Chapter 6 of the Revised Statutes of 1916 and the amendments thereto, relating to the primary and caucus law".

Mr. BREWSTER of Cumberland: Mr. President, is there more than one report? What is the number of this one?

The PRESIDENT: The original was House document No. 2.

The bill was given its first reading and tomorrow assigned for its second reading.

Mr. ADAMS of Kennebec: Mr. President, I would like to inquire if the new bill relating to the Turner toll bridge carried any appropriation, the new draft?

The PRESIDENT: (The secretary having read the bill) the Chair will say that the secretary has read the bill through and finds no appropriation.

Mr. WADSWORTH of Kennebec: Mr. President, I move to take from the table H. 499, An Act to enable the towns of Turner and Leeds to make free the North Turner toll bridge.

The motion was agreed to and on further motion by the same senator the report of the committee, ought to pass, was accepted in concurrence, and the bill was given its first reading.

From the House: Report of the joint committees on judiciary and labor, ought to pass in new draft, on An Act to amend Section 1 of Chapter 350 of the laws of 1915, relative to the hours of labor of minors.

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

From the House: Report of the Cole committee, on An Act relating to the salary of the State land agent and forest commissioner, reporting ought to pass in new draft under the title: "An Act to abolish the title of land agent".

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

From the House: Report of the committee on ways and bridges, ought to pass in new draft, An Act to withdraw from the contingent fund the sum of \$500,000 and to transfer the same to the fund for the construction of State aid roads, and to amend Section 87 of Chapter 2 of the Revised Statutes, as amended by Chapter 96 of the Public Laws of 1921, accordingly.

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

From the House: Report of the committee on ways and bridges on An Act concerning the maintenance of bridges, reporting the same in a new draft under the title: "An Act providing for the investigation and survey of bridges."

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

From the House: Report of the committee on judiciary, ought to pass in new draft, H. 497, An Act to amend Sections 4, 5 and 6 of Chapter 96 of the Revised Statutes, in relation to the foreclosure of chattel mortgages.

In the House the report of the com-

mittee was accepted and subsequently the bill was indefinitely postponed.

In the Senate, on motion by Mr. Hussey of Aroostook, the bill was indefinitely postponed in concurrence.

Mr. SMITH of Somerset: Mr. President, I move suspension of the rules that I may be permitted to introduce an order out of order.

The rules were suspended and the senator presented the following order:

Ordered, that the committee on engrossed bills be requested to return to the Senate, House document 459, 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, for further consideration.

Mr. STEVENS of York: Mr. President, I move suspension of the rules that I may be permitted to present an order out of order.

The motion was agreed to and the senator presented the following order and moved its passage:

Ordered, that the Governor be requested to return to the Senate An Act to amend Section 7 of Chapter 293 of the Public Laws of 1917 relating to the director of sea and shore fisheries.

The motion was agreed to.

The PRESIDENT: An Act to amend Section 7 of Chapter 293 of the Public Laws of 1917 has been returned from the Executive.

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

The senator from York, Mr. Stevens, then presented Senate Amendment A to H. D. 435, and moved its adoption.

Senate Amendment A to House Document No. 435.

Amend said bill by inserting after the word "employ" in the tenth line

of said Section 7 the words "subject to the approval of the commission" so that as amended said Section shall read as follows:

'Sec. 7. Office of the director of sea and shore fisheries created; first director present commissioner; compensation, powers and duties. Provisions of R. S., c. 45, made to conform. The Commission shall appoint a director of sea and shore fisheries (and the first director appointed shall be the present commissioner of sea and shore fisheries) who may be removed by them at their pleasure; he shall receive the sum of two thousand dollars per year; he shall also receive his actual expenses incurred in the performance of his official duties, and may employ subject to the approval of the commission one or more clerks and may also incur a reasonable expense for traveling expenses, office rent, postage, printing, stationery, telephone and express. He shall have and exercise personal supervision of the work of the department and of the enforcement of the laws relating to sea and shore fisheries by the wardens and shall himself possess all the powers of a warden. He shall make a detailed biennial report in the month of December, showing the amount of capital invested in, number of persons employed in, value of products of, and any other information that he may be able to obtain relating to the sea and shore fisheries. He shall keep a record of all prosecutions for violations of the laws relating to the sea and shore fisheries, the names of persons or firms prosecuted, the fines imposed and collected in each case and the final disposition of the same, and submit the same in his report, which shall be made to the commission and by them transmitted to the governor and council with such additional statement as they may see fit to make. All powers and duties conferred and imposed upon the commissioner of sea and shore fisheries by the provisions of chapter forty-five of the revised statutes except as herein otherwise provided, are hereby conferred and imposed upon and shall be exercised and performed by the director of sea and shore fisheries and except as herein otherwise provided, wherever in said chapter the word "commissioner" or the term "commissioner of sea and shore fisheries" occurs, the same shall be deemed to be stricken out and the

term "director of sea and shore fisheries" inserted in lieu thereof.'

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

The PRESIDENT: The Chair will state that the resolve recalled by the senator from Somerset, Mr. Smith, is in the possession of the Senate.

Mr. SMITH: Mr. President, I move that we reconsider the action whereby we passed to be engrossed H. D. 459, 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.

The motion was agreed to and on further motion by the same senator the action was reconsidered whereby House Amendment A was adopted in concurrence.

The PRESIDENT: Does any senator desire to have the amendment read?

Mr. SMITH: I will state, Mr. President, that the object of my motion is to present an amendment in the same form but to correct some errors.

The motion was agreed to, and on further motion by the same senator House Amendment A was indefinitely postponed.

The same senator then presented Senate Amendment A to House Document No. 459, and moved its adoption:

(The secretary started to read the amendment.)

Mr. BREWSTER: I wonder, Mr. President, if it is contemplated that this amendment will be printed?

The PRESIDENT: The Chair feels it would not be a bad idea for some one to make that motion.

Mr. BREWSTER: Mr. President, I move that the reading be suspended and it lie on the table pending printing.

The motion was agreed to.

Mr. WADSWORTH of Kennebec: Mr. President, I offer Senate Amendment B, and without reading move that it lie on the table and be printed.

The motion was agreed to and the amendment was tabled.

Mr. SMITH of Somerset: Mr. President, I move that we reconsider our action whereby we voted to indefinitely postpone Senate Amendment B to House Document No. 490, An Act providing for tax upon gasoline and other products used for operating internal combustion engines.

The PRESIDENT: The Chair will state that the motion was not to indefinitely postpone, but the amendment simply failed of adoption and lies dormant as it were.

Mr. SMITH: Mr. President, I yield to the senator from Cumberland, Mr. Speirs.

Mr. SPEIRS: Mr. President, I move that we reconsider our action whereby we failed to adopt Senate Amendment B to House Document No. 490, I thought when that motion was put and the amendment offered that perhaps the situation was not clear to all the senators.

In Cumberland county and in Portland harbor there is a boat

kept by the Standard Oil Company that supplies all the fishing boats and motor boats in that section, and it did not seem fair to me that the fishermen there should be obliged to pay the tax when those in Casco bay can go scot free. It seems to me also that we should not tax the fishermen for gasoline used in their boats when they have no use of the roads. If you knew how hard those men work for their money—they go out before daybreak and fish all day and come back at night, perhaps, with nothing in their boats, and they use a good deal of gasoline. I feel it is no more than fair for the fishermen to be exempt, and therefore offer Amendment B.

A viva voce vote was had and the same being doubted a division was had and ten voting in favor of the adoption of the amendment and thirteen opposed the motion was lost.

On motion by Mr. Brewster of Cumberland,

Adjourned until tomorrow at 10 o'clock.