

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

Tuesday, April 3, 1923.

Senate called to order by the president.

Prayer by the Rev. W. P. Bradford of Hallowell.

Journal of the previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: H. D. 422, Resolve in favor of the State Park Commission.

In the House passed to be engrossed, and by the Senate indefinitely postponed. It now came to the Senate, the House insisting upon its former action and the Chair having appointed a committee of conference of the following members: Messrs. Maher of Augusta, Martin of Augusta, Curtis of Brewer.

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

The Chair appointed as such committee on the part of the Senate Messrs. Wadsworth of Kennebec, Eaton of Oxford, Elliot of Knox.

From the House:

An Act to amend Section 40 of Chapter 117 of the revised statutes as amended by Chapter 219 of the Public Laws of 1921 relating to the salary of the Clerk of Courts of Franklin County.

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

The Senate voted to reconsider the action whereby this bill was passed to be engrossed, and on motion by Mr. Cram of Cumberland, House Amendment A was adopted in concurrence, and the bill as amended by House Amendment A was passed to be engrossed in concurrence.

Orders

On motion by Mr. Stevens of York, it was

Ordered, that the Governor be requested to return to the Senate Resolve appropriating money to increase salmon on the Maine coast.

On motion by Mr. Putnam of Washington, it was

Ordered, the House concurring, that the department of inland fisheries and game be authorized to prepare and have printed for free distribution 40,000 copies of the revised inland fisheries and game laws, and the expense of the work be paid from the appropriation for the department of inland fisheries and game.

A statement of facts accompanying the order was read by the secretary. The order was sent down for concurrence.

Reports of Committees

The committee on appropriations and financial affairs, on:

Resolve in favor of L. A. Burleigh, Jr., for services as clerk of the committee on bills in the third reading.

Resolve in favor of Mellen Tryon, clerk to committee on public utilities.

Resolve in favor of Louise Stratton, stenographer to committee on public utilities.

Resolve in favor of Esther M. Sylvester, clerk to the House committee on engrossed bills.

Resolve in favor of Roy S. Bacon for services as clerk to the committee on agriculture of the 81st Legislature.

Resolve in favor of Louise Stratton, stenographer to the committee on military affairs.

Resolve in favor of Dorothy Hewins, clerk to the committee on education.

Resolve in favor of Bernice Parker, clerk to the committee on pensions.

Resolve in favor of Louise Stratton, stenographer to the committee on salaries and fees.

Resolve in favor of the clerk, stenographer and messenger of the committee on legal affairs.

Resolve in favor of H. G. Smallidge, clerk to the committee on salaries and fees.

Resolve in favor of H. G. Smallidge, clerk to the committee on State sanatoriums.

Resolve in favor of Irving W. Case for services as clerk for the committee on sea and shore fisheries.

Resolve in favor of the clerk, stenographer and messenger of judiciary committee of the 81st Legislature.

Resolve in favor of Kenneth F. Lee for services as clerk to committee on

State lands and forest preservation of the 81st Legislature.

Resolve in favor of Kenneth F. Lee for services as clerk to the committee on insane hospitals of the 81st Legislature.

Resolve in favor of Harold G. Clark, clerk of the committee on counties.

Resolve in favor of Louise Stratton, stenographer of the committee on temperance.

Resolve in favor of Irving W. Case, clerk for the committee on ways and bridges.

Resolve in favor of Harold G. Clark, clerk of the committee on State Prison.

Resolve in favor of the clerk, stenographer and messenger to the committee on inland fisheries and game of the 81st Legislature.

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

Resolve in favor of Marjorie L. Lee, stenographer to Cole report committee.

Resolve in favor of Harold G. Clark, clerk to the committee on interior waters.

Resolve in favor of Harold G. Clark, clerk of library committee.

Resolve in favor of Charles S. Buckley for services as clerk and stenographer to the committee on taxation.

Resolve in favor of Julian K. Croxford for services as clerk and stenographer to the committee on public health.

Resolve in favor of Charles S. Buckley for services as clerk to the committee on Maine Publicity.

Resolve in favor of Charles S. Buckley for services as clerk and stenographer to the committee on Indian affairs.

Resolve in favor of Edmund B. Mallett, clerk and Dorothy F. Folsom stenographer, to the committee on appropriations and financial affairs.

Resolve in favor of Claridel Bradstreet, clerk and stenographer to the committee on banks and banking.

Resolve in favor of Julian Crox-

ford, clerk to the committee on claims.

Resolve in favor of Louise J. Stratton, stenographer to the committee on claims.

Reporting the same in a new draft, under title of "Resolve in favor of clerks, stenographers and messengers of the several committees of the 81st Legislature and that it ought to pass.

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

From the House: The majority from the Joint Committees on Pensions on Labor on Bill "An Act providing for the protection and assistance for aged persons under certain conditions in the State of Maine and prescribing penalties for violation of the provisions hereof and making an appropriation for carrying out of its purposes," (Senate Doc. No. 237) reporting the same in a new draft under title of "An Act providing for the benefit and assistance for aged persons under certain conditions in the State of Maine and prescribing penalties for violation of the provisions hereof and making an appropriation for carrying out its purposes," and that it ought to pass."

(Signed) SMITH,
RYDER,
CLARK,
NEWCOMB,
O'CONNELL,
BICKFORD,
ROGERS,
WINN,
AYER,
STITHAM,

The minority of the same Committees on the same subject matter reporting that it ought not to pass.

SPEIRS,
WOOD,
NEVINS,
CROWLEY,
LEATHERS,
WILLIAMS,
KITCHEN,
TOWNE,

On motion by Mr. Smith of Somerset, the reports were tabled and the new draft ordered printed.

Passed to be Engrossed

House 312: An Act to amend Section 1 of Chapter 350 of the Public Laws of 1915 relating to hours of labor for minors.

House 490: An Act providing for a tax upon gasoline and other products used in operating internal combustion engines.

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

House 492: An Act to provide for investigation and survey of bridges.

House 493: An Act to withdraw from the Contingent Fund the sum of \$500,000 and to transfer the same sum to the fund for construction of State aid highways and to amend Section 87 of Chapter 2 of the Revised Statutes, as amended by Chapter 96 of the Public Laws of 1921.

House 495: An Act to abolish the title of land agent.

House 498. An Act to amend Chapter 6 of the Revised Statutes of 1916, and amendments thereto, relating to primary and caucus law.

House 499: An Act to enable the towns of Turner and Leeds in the county of Androscoggin, or the county of Androscoggin, to make free the North Turner toll bridge.

House 502: An Act to amend Section 11 of Chapter 18 of the Revised Statutes, relating to fees charged by the Board of Registration of Medicine.

The PRESIDENT: May the Chair say at this time that he feels if any senator wishes to table any one of these matters it would be better as the title is read to do it at that time, and not until the list is entirely read through, for then it is more or less difficult to pick out the particular bill.

Passed to be Enacted

(Emergency Measure)

An act providing for inspection, registration and safety of vessels engaged in inland navigation under the jurisdiction of the Public Utilities Commission, and repealing Sections Four to Sixteen, inclusive of Chapter Fifty-nine of the Revised Statutes, and Chapter One Hundred and Ninety-five of the Public Laws of Nineteen Hundred and Twenty-one.

This bill carrying the emergency clause required on its passage to be enacted the affirmative vote of two-thirds of the members of the Senate. Twenty-nine senators voting in the affirmative and none opposed the bill was passed to be enacted.

An Act to revise and consolidate the banking laws of this State.

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.

An Act relating to the incontestable clause in life insurance policies.

An Act relating to the distribution of decisions of the Supreme Judicial Court, Revised Statutes and session laws.

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

(On motion by Mr. Kirschner of Androscoggin, tabled.)

An Act for the better protection of banks in particular transactions.

An Act to amend Section Thirty-three of Chapter One Hundred and Twenty-seven of the Revised Statutes relating to the disposal of intoxicating liquors declared forfeited.

Mr. CROXFORD of Penobscot: Mr. President, I move that this bill be indefinitely postponed.

Mr. SPENCER of York: Mr. President, I do not see any special reason why this bill should be indefinitely postponed. It simply provides for a method of disposing of cider which has been confiscated. It can then be used for some other purpose that might be beneficial to the State, rather than to destroy it. I do not feel that the bill should be indefinitely postponed without any consideration whatever. I feel it would be a mistake to do that.

The PRESIDENT: The bill is Senate Document No. 76.

Is the Senate ready for the question?

Mr. ADAMS of Kennebec: Mr. President, I rise to a question of personal privilege.

The PRESIDENT: The senator will state his question of privilege.

Mr. ADAMS: Fellow Senators, the labor of the 81st Legislature is nearly over, and the tap of the gavel and the oft-repeated phrase "veto message from the Governor" will soon be things of the past, but the acquaintances made and the friendships formed will be as lasting as life and will live with us to the end of the journey. While we have

not always been able to agree on all matters committed to our consideration, it is gratifying to know that an honest difference of opinion does not interfere with these friendly feelings, and in my experience in mingling with men, I can say that I have never mingled with a more courteous set of gentlemen than the members of the 81st Legislature, and, Mr. President, I think I voice the sentiment of every member of this Senate when I say that no Senate of the State of Maine was ever presided over by a more gentlemanly, courteous and fair-ruling President than the President of the Senate of the 81st Legislature. (Applause.) And, Mr. President, it gives me great pleasure to present to you this slight token of our love and esteem, and as this piece of mechanism records the passing of time may it bring to you the fulfillment of all your life's ambitions, and as you consult its face, may you see there not only the hand that points to the passing hour, but may you see the faces of every member of this Senate who will always be watching and wishing for your success in life. (Applause, long and continued, all the senators rising.)

(The watch was then presented to the President by Mr. Adams amidst applause.)

The PRESIDENT: Fellow Senators, to say that I deeply appreciate this splendid gift is to feebly express my real emotions. All I can say is that I thank you from the very fulness of my heart, and I want to thank you, too for the loyalty and friendship which is signified in this gift which will ever remind me of its givers.

It is rather an unusual fact that twenty-seven members of a Senate have been associated in one or more sessions of a Legislature, but such is true of this Senate. Nine were members of the House of the 79th Legislature, over which I had the honor and the happy privilege of presiding. Somehow or other today I find the same lump coming to my throat that I did at that time nearly four years ago, quite four years ago.

Differences of opinion there have been, and differences of opinion there will be before the gavel taps the final dismission of this Senate, but always has there been, and always will there be mutual respect and mutual tolerance in those differences. And when the time comes to say good-bye, the hearts of us all will have no room for anything except the precious memories of friendships and associations here

formed that will endure when all else has been forgotten. Life is a strange mingling of experiences. To every one of us come the storm and the sunshine; the pain and the pleasure of life; the hour of doubt, the final triumph of faith; the hour of defeat, the time of victory; the joy of receiving the blessings of life and the pain of renunciation, when that shall become necessary, and that without bitterness. These experiences come to us over and over again, my friends, and when on the broad pathway of life the shadows begin to deepen, it is the hand and heart of a friend that bring joy and gladness to the heart as the light of the passing day fades into darkness. May God bless and hallow to us all the friendships and the associations we have formed here, because it is through them that we can best glimpse His eternal love.

I know we are all sorry in these closing days and that I voice the prayer of every man in this Senate, that full strength and power be speedily given to the absent one.

I could not allow this opportunity to pass, and I know that I express your opinions as I do my own, without expressing my appreciation of our faithful and efficient secretary whose constant courtesy and helpfulness have made us all his debtors; and to the assistant secretary, and the messenger and his veteran assistant, and to the stenographers and officials and pages of this body, the Chair wishes to extend his thanks for their faithful service.

And I could not allow the opportunity to go by without expressing the fact of my most cordial and happy relations with the distinguished Speaker of the House at the other end of the corridor, and I know that the relations between the two branches have been quite as cordial, and I know they will continue to be, as have been my relations with the presiding officer of that branch.

And now, fellow Senators, in return for this gift, valuable in itself, but priceless for all that which it symbolizes, and of which I feel so unworthy, I can only give back to you the heartfelt and sincere prayer of my soul that as long as this watch marks off the days God may give you good health, happy hearts and the richest blessings that life can afford.

(Continued applause, the Senate rising.)

Mr. SMITH of Somerset: Mr. President, Without the guiding hand of a devoted wife, our faithful President could not have attained his splendid success in life, and in acknowledging such devotion it is my pleasure and privilege on behalf of the members of this Senate to present to you, Mrs. Farrington, our little token of respect, with the wish and hope that as the years go on your life may continue to be as sweet and as rosy as this little emblem may signify.

(Applause the Senate rising.)

Mrs. FARRINGTON: I am very much pleased to accept the gift of these beautiful flowers. I have been very happy in the close association which my husband has enjoyed with the members of this Senate, and I thank you all most sincerely for this expression of your friendship for him and for me.

(Applause, Senate remaining standing.)

(Resuming the regular course of business, bills on their passage to be enacted.)

The PRESIDENT: I think the question before the Senate was on the motion of the Senator from Penobscot, Mr. Croxford, that Senate Document 276, An Act amending Section 33 of Chapter 127 of the Revised Statutes of Maine, relating to the disposal of intoxicating liquors declared forfeited, be indefinitely postponed.

Mr. BUZZELL of Waldo: Mr. President, it seems as if following right along on the heels of such splendid sentiments as have been expressed here this last few minutes, that this Senate might act as a body on the subject of this motion, and hoping that we may better understand ourselves in this matter, I move to table this bill for a short while.

Pending the motion to indefinitely postpone the bill it was tabled.

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

An Act to amend Section 61 of Chapter 9 of the Revised Statutes, as amended by Chapters 156 and 227 of the Public Laws of 1919, relating to taxation of savings banks.

An Act to provide for an issue of State aid or second class highway bonds.

(On motion by Mr. Wadsworth of Kennebec, tabled.)

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

An Act to repeal Section 3 of Chapter 256 of the Private and Special Laws of 1907, as amended by Chapter 226 of the Private and Special Laws of 1913, relating to Cumberland County Power and Light Company.

An Act to amend Section 2 of Chapter 33 of the Public Laws of 1921, relating to sanitation of school houses.

An Act to amend Sections 20, 27 and 28 of Chapter 127 of the Revised Statutes, as amended by Chapter 291 of the Public Laws of 1917, relating to intoxicating liquors.

Mr. CROXFORD of Penobscot: Mr. President, I move the indefinite postponement of this bill, and I may as well state my position in this matter at one time as another.

Mr. President, I realize in the position I have taken this morning that I may be considered not in favor of temperance. There is no man in the State of Maine who stands for the betterment of its people and its success more than I. But I am thoroughly convinced, gentlemen, that we have enough on our statute books relative to the rum question, and I think that it is superfluous for us to encumber the statute books with more temperance measures. One reason, gentlemen, why I feel as I do in regard to this matter is because of the present national law that we have, the so-called Volstead Act, which I think covers all the necessary points in regard to the temperance question in the State of Maine, and I think it is futile for us to legislate farther when we have a national law.

I want to state to you gentlemen, now, this one thing in regard to the so-called Volstead Act. No one who has ever practiced medicine or dentistry can fail to agree with me on the potency of so-called alcoholic stimulants, whisky or brandy, at certain times when a crucial time arises in the state of a patient who is hovering between life and death, and today, gentlemen, I cannot have an ounce of whisky in my office unless I procure it from a bootlegger,—not an ounce. And

I assure you that I have been frightened many times in the last three years nearly out of my wits with patients, to whom I have administered drugs for the extraction of teeth, when they have succumbed to the influence of the anaesthetic and hovered between life and death. So, gentlemen, I am making this statement to you, that you may understand my position, when I say that we have laws enough upon our statute books and I believe that the Volstead Act so-called covers everything that should be covered.

Mr. HINCKLEY of Cumberland: Mr. President, having in mind that the states of this Union almost unanimously voted in favor of a Constitutional amendment at least prohibiting the manufacture and sale of intoxicating liquors, and that we are now as a nation living under prohibition so far as our National Constitution, our statute law is concerned, our Constitution of the State of Maine and statute law in the State of Maine, it seems to me that it is about time for all good citizens to join hands and pass whatever laws are necessary in order to see that constitutional prohibition as a national institution and as a State institution becomes a realization.

I have been in quite close touch with Legislatures of the State of Maine for twenty years, and I never yet have known a prohibitory law amendment being presented in this Legislature, but that before final enactment the statement was made on the floor of either the House or the Senate, or both, that we had sufficient temperance laws upon our statute books. But the experience of those who have had to do with the enforcement of these laws, and the experience of those who have been vitally interested in the enforcement of laws, the experience of those who have been in touch and studied the question from every view point, is that we must have more law in order to make enforcement practicable. We know today, Mr. President and honorable members of the Senate, that enforcement is not practicable; we know that regardless of the fact that we have national prohibition and the Volstead law, that a handful of men with the great seacoast of the State of Maine, where steamers and vessels and boats of all kinds from foreign countries come into our ports and lay off the three-mile limit from our shore, with a great boundary line on Canada to contend with,—that a handful of federal officers cannot en-

force this law. And I say to you, Mr. President and gentlemen, that the time has come for the citizens of the State of Maine, of this country, to be honest, for this Legislature to be honest, and for us to say, so far as the rum business is concerned, it must stop.

No good—and I dislike very much to take issue with my distinguished colleague from Penobscot, but I must take the position that no good ever did come from intoxicating liquors, and no good ever will come from them. I know of just two uses for intoxicating liquors, one is to preserve anything that is dead, the other is to kill anything that is alive, and it will work successfully in both cases.

Now Mr. President and senators, let us be honest, let us stand squarely on this matter, let us make this Legislature a Legislature that says to the people of Maine, we believe in this law and we believe in its enforcement. You cannot find an officer in the State of Maine, Mr. President, who is intent and interested in enforcing this law, but what he will tell you that he has not sufficient law, that it is necessary to put more teeth in it. If you are honest, gentlemen, if you want the law enforced, do you care how much teeth there is in it? And I tell you, when you take the position that there is too much law, there is no need of more law, you are simply saying you want the law to be nullified and there is no question about it. If the people of the State of Maine, or the people of this nation of ours want a different law, if they want intoxicating liquors sold, if they want them manufactured, then it is up to the people of this State and the United States to change the law.

But so long as it is the law of the State and the government, I appeal to you in the name of good government, I appeal to you as good citizens, to give the officials, to give those who believe in the law and the enforcement of it, all the power you can give them so that nullification, gentlemen, will not be the regular thing. Do you realize, men, what it means for this State and this country to go on in nullification as it is doing? Do you realize that it is fundamentally attacking the very foundations of the Government itself? That is the situation. Now do not stumble on the flimsy argument that we have got law enough, when every officer tells you we have not. Do not lose your heads and say, Let rum be rampant in our State and let nullification continue because the Legis-

lature refuses, as it is said, to put more teeth in the law.

Mr. BUZZELL of Waldo: Mr. President, I know the danger of saying a word on this subject on the side that public favor does not seem to favor. I know it is most beautiful to stand up and argue the beauties of prohibition, and I, too, want to record myself in favor of this law to a certain extent. I should hate for the time to ever come, when we with our automobiles and with our families riding therein would have to go back to the days where danger would lurk at every hand. At the same time I wish to take issue with the senator from Cumberland, Senator Hinckley, when he goes this far and says that all good citizens will join hands in every law that comes along whether it be wise or otherwise. Now it is not necessary to make amendments to the present law every time that any one suggests that some little amendment ought to be made, and for those in favor of prohibition to take the stand that he that saith a word against it, is against the subject in the main, that is not a fair position to take.

Now there are things about this law that are good. There are other things that are not good. The good I can endorse. The bad I never will endorse, whether I feel that public favor smiles upon me or not. I know that there is nothing more beautiful, that reads more beautifully than a speech that is made in favor of prohibition. I know that whoever says a word against it is branded in a way. My friends have said to me, "Whatever the legislation is, don't say one word against it." But let me tell you, my friends, that is not the senator from Waldo. Anything that I cannot endorse, whether it meets with public favor or not, I am not going to sit still and eat such words as these, "all good citizens will join hands," just as much as to say that a citizen in the State of Maine that doesn't join hands was not a good citizen. Is not that a fair assumption? Is not that a fair conclusion to come to?

Now there is a little clause in here that I wish to read. Do not mistake my meaning. Now you can make any law you like for the man who dispenses liquor in the State of Maine and does it illegally, you can make any law to suit him that you care for,—I do not take issue with that. But I am against making a law for all the people of the State of

Maine where about one out of fifty is going to be caught and be punished and the other forty-nine go clear. Such legislation as that is tearing away at the very foundation of the Volstead Act, the National law, and of the State law of the State of Maine.

Read this: I call your attention to Section 20:

"No person shall knowingly transport into this State or from place to place therein, any intoxicating liquor, or aid any person in such transportation without being in possession of a permit therefor duly issued under authority conferred by the provisions of the national prohibition act of October twenty-eight, nineteen hundred and nineteen, and amendments thereto, providing for the enforcement of the eighteenth amendment to the constitution of the United States; and the failure of any person so transporting intoxicating liquor to exhibit such permit when requested to do so by any duly qualified officer charged with the duty of enforcing the provisions of this chapter shall be deemed prima facie evidence that no such permit exists. Whoever violates the provisions of this section shall be fined not less than three hundred nor more than six hundred dollars and costs, and in addition thereto shall be imprisoned for not less than three nor more than six months and in default of payment of fine and costs shall be imprisoned for six months additional, provided that if the person so convicted shall have been theretofore convicted of a violation of any of the provisions of this chapter he shall be fined not less than five hundred nor more than one thousand dollars and costs and in addition thereto shall be imprisoned not less than six months nor more than one year and in default of payment of said fine and costs shall suffer imprisonment for six months additional."

Now members of this Senate, let me ask you this question, in all fairness to those who advocate prohibition, How much good will that do the officers of the State of Maine, how much farther will they get if they have this law? How much more enforcement will they give the great State of Maine if they have this law? Let me ask you that question.

Now I do not object to the most of it, but there is some of it that I do. There are just two bills, out

of the entire law of prohibitory legislation, that I object to very much. I did not intend to say anything on this bill, but when challenged to the extent of being a good citizen, I could not help rising to the point.

Now we will go back a little way to the first part of section 20—"No person shall knowingly." What does that mean? I ask the senator from Cumberland as a lawyer, what that means, "No person shall knowingly transport?" Just what kind of evidence is it going to take that a man under certain conditions should have intoxicating liquor in his car, or in his pocket or elsewhere,—how far, what kind of evidence have you got to have to show that he knowingly had it? The main thing in relation to legislation of this kind is to stop the illegal traffic, to stop the saloon, to stop the automobiles going from one end of this State with large loads of liquor. I do not care, as I said before, what you do to those people, but I do not feel that I want to take part in the making of a law that really in a way tears down the main structure of prohibition. I have heard remarks made in this Legislature that fifteen years ago no man would have dared to make. At that time no man would have dared to make them.

I for one, and I want to say it frankly and fearlessly, never want to go back to the old days that the senator from Cumberland knows about and that I know about. I can agree with the first line of section 20, "No person shall knowingly transport into this State"—in a way I do not like the law because I believe it is inoperative, but I will go that far, "or from place to place therein, any intoxicating liquor, or aid any person in such transportation without being in possession of a permit therefor." Now no man can do that, whether it is intended for illegal sale or whether it is intended to alleviate suffering or sickness, or anything of that kind. Now I know that the senator will say, Oh, he has such a feeling for the sick under these conditions, but he is losing sight of the great view point. That is not my point at all. I do not wish to make a criminal of a person who has no criminal intent. That is my point and all there is to it. I do not want to make a criminal of some good woman who is called upon in the neighborhood for four spoonfuls of intoxicating liquor that the family

may possess, and the minute she takes that from her home and goes out upon the street with it, going to a family,—if she is caught she is a criminal. And I would like to ask the senator from Cumberland if that is not so. I also want to ask in what way this is going to advance the great plan of prohibition in the State of Maine? I believe with the senator from Penobscot in a way, that we have plenty of law now, plenty of law for the big fellow who looks the law in the face and says, I am going to violate it and if I get caught, all well and good, and if I don't all well and good. As I said before, and I want to emphasize the fact, I do not care what you do with him. But I do not believe that I should make a law for everybody in the State of Maine who has no criminal intent at heart.

Mr. HINCKLEY: Mr. President, I am very glad to have the opportunity to answer the distinguished senator and lawyer from Waldo. I am surprised at the argument that he has made on section 20 in this act. He argues to you that we are making criminals out of those who transport intoxicating liquor contrary to the provisions of it. It seems as though he must know—as good a lawyer as he is—that the words of section 20 follow exactly the words of the act passed by the United States Congress, and any person who knowingly transports into this State, or from place to place therein, any intoxicating liquor or aids any person in transporting such intoxicating liquor without having in possession a permit therefor duly issued under authority conferred by the provisions of the National prohibition act of October 28, 1919, and amendments thereto—that it is nothing more or less than saying—and you think of the mountain he has made of it for the purpose of carrying his point—it is nothing more or less than saying that the sheriffs and the other officials of the State of Maine, when they find a person transporting intoxicating liquors, unless they have a permit from the United States government, may under the laws of this State arrest them, and they may be convicted under the laws of the State of Maine, just as they may now under the United States statute be convicted of breaking the laws of the United States.

In other words this act under that section simply gives to the officials of

the State of Maine the same power and the same right to arrest under the same circumstances and for the same offense that United States officials now have. And if the State of Maine, which for more than sixty years has taken the lead in the world in prohibition, is not ready in 1923 to go as far as the United States has gone in the enforcement of this law, then we indeed are taking a back seat.

Now, gentlemen, that is absolutely all there is to this act before you, and it is for you to say whether or not you are unwilling to go as far as the United States Congress has gone and give the officers of this State the same right that they have. It is, I agree with the gentleman from Waldo, a beautiful thing to make a prohibition speech, but it is not the most beautiful thing in the world. The most beautiful thing to be looked forward to is when this greatest curse of all time shall be wiped from the face of the earth and mothers and little children will grow up, not under its influence, not degraded and dragged down on account of it, but free from the curse to live happy, comfortable, contented lives as those of us who are free from it do live.

Mr. SPENCER of York: Mr. President, I simply wish to say for the information of the Senate, that this law is practically all matter of statute today as passed previously. The changes made in it are simply to provide for a permit which is prima facie evidence of guilt or violation, and it is in accord strictly with the federal law.

The words "from place to place therein" which have been incorporated in Section 27 were so incorporated at the suggestion of a justice of the supreme court. The changes which have been made in Section 28 have been apparently consistent. We have substituted "or" in the place of "and" in the first line of Section 28, and it is a disjunctive particle which marks an alternative, and therefore makes two penalties instead of one. The words "shall be" were also incorporated in the third line as they were intended originally to have been there. Then we also eliminated from Section 28 the words "so kept at the time when they are" and it reads "to the county in which they are seized under this chapter," eliminating unusual and useless verbiage. With those changes it is really the law that exists today, and those are simply to amend it and to add to it that permit which makes it

conform to the federal law, as just stated by my colleague from Cumberland, Mr. Hinckley.

Mr. HINCKLEY: Mr. President, I ask that when the vote be taken it be taken by the yeas and nays.

A sufficient number having arisen the yeas and nays were ordered.

Mr. BUZZELL: Mr. President, the question suggests itself to me, and I would like to ask either one or both of the senators this question, either the senator from Cumberland, Senator Hinckley, or the senator from York, Senator Spencer, what the advantage of this law is over and above the present law that may subject a man to arrest who has intoxicating liquor in his car today, coming we will say from Canada or from anywhere. It is my impression that this simply subjects a man to the need of a permit. If he has intoxicating liquor in his car today he may be arrested and haled into court, and if they find that he has not that liquor in his car for illegal purposes there is no case against him. But if this becomes a law and he is arrested under it, if he has not a permit then he is guilty and it is prima facie evidence—I would like to know if I have the right construction of the law.

The PRESIDENT: The senator from York, Mr. Spencer, may reply through the Chair.

Mr. SPENCER: I think I have already explained the lack of possession of a permit was prima facie evidence that the party who did not have it was violating the law. Then with reference to a change which might affect enforcement of the provisions of this act, the words "from place to place therein," which we, as I said, incorporated at the suggestion of a Judge of the Supreme Court of Maine, would make it more enforceable for this reason that the old law reads "to be sold within the State of Maine," would make it more enforceable for an officer to seize liquors which are to be sold in the State of Maine or out of the State of Maine "from place to place therein," and signifies that they may be taken for the crime of transporting them within the State or selling them within the State, and it might be possible if a party were taken and he could prove by a multitude of witnesses that he was intending to sell the liquors outside the State of Maine that he was not violating any provisions of this act.

Mr. BUZZELL: Mr. President, I just want to ask one more question. Under this law is it not possible to arrest a man that has some liquor in his car that he does not intend to sell, and would not be liable to a fine and imprisonment if caught under those conditions without a permit?

I want to say, that no one may get me wrong, and I can say it, I do say it with some considerable pride, that I am one man that never has taken my car and gone into Canada and obtained any liquor there and brought it to the States. At the same time I take this position, if there are those who want to go, and do not bring it here for unlawful sale, I do not think that you want to make it a crime for them, and subject them to a fine and imprisonment, when a great many others are going clear. I would like to have the question answered.

Mr. HINCKLEY: I would say to the gentleman, as I said originally, that no person is criminally liable under this proposed law who would not be criminally liable under the United States statute.

Mr. BUZZELL: Mr. President, I must confess that the senator from Cumberland is one of the cleverest witnesses that I ever interrogated. Now I ask a question either of him or of Senator Spencer and it can be answered as near as I can get it by yes or no, and if they desire to be responsive I would like to hear their answer.

The PRESIDENT: Either senator may through the Chair reply if he desires.

Mr. HINCKLEY: Mr. President, in this legislative body, the distinguished senator from Waldo cannot tie a witness to yes and no. I reply, as I originally stated, that this proposed law makes it a crime under the laws of this State, and the person can be arrested if this becomes a law—under this for doing the same thing, and no more, than he now can be arrested and convicted for doing under the present United States statute.

The PRESIDENT: The question before the Senate is on the motion of the senator from Penobscot, Mr. Croxford, that the bill be indefinitely postponed. On the roll call those who are in favor of the motion will vote yes, those opposed will vote no. The Secretary will call the roll.

The Secretary called the roll. Those voting yes were Messrs. Buzzell, Crox-

ford, Elliot, Kirschner, Morneau, Putnam, Trefethen, Wilson—8. Those voting no were Messrs. Adams, Allen, Bemis, Brewster, Carlton, Clark, Cram, Eaton, Emery, Farrington, Hinckley, Hussey, Morison, Phillips, Powers, Putnam, Sargent, Smith, Speirs, Spencer, Stevens, Wadsworth—22. Absentee: Mr. Bailey.

Eight senators voting yes, and 22 senators voting no, the motion to indefinitely postpone was lost.

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

An Act to amend Chapter 84 of the Private and Special Laws of 1919, entitled "An Act to provide for the building of public wharves and for the establishment of adequate port facilities and for the advancement of commerce," as amended by Chapter 123 of the Private and Special Laws of the Special Session of 1919.

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 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.

An Act to amend Section 24 of Chapter 127 of the Revised Statutes, as amended by Chapter 235 of the Public Laws of 1919, relating to intoxicating liquors.

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

An Act relating to improvements on Nash Stream and the East and west Branches thereof in Coplin Plantation, and in the township of Redington in the count of Franklin.

An Act to amend Section 43 of Chapter 117 of the Revised Statutes, as amended by the Public Laws of 1919, and 21, relating to the compensation of register of deeds of Knox county.

An Act to amend Chapter 66 of the Private and Special Laws of 1915 entitled "An Act providing for pensions to employes of the city of Bangor."

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

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

An Act to amend Section 55 of Chapter 68 of the Revised Statutes, relating

to commissioners on disputed claims in the probate court.

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

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

An Act to incorporate the Winthrop Water District.

An Act to provide for the reading of the Bible in the Public Schools.

An Act to regulate the sale of vinegar..

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

An Act to amend Section Five of Chapter Sixty-seven of the Revised Statutes, relating to sessions of Probate Court.

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

An Act to amend Section Twenty-six of Chapter Seventy of the Revised Statutes, as amended by Chapter Forty of the Public Laws of Nineteen Hundred and Nineteen, relating to payment of legacies.

An Act to amend Section Twelve of Chapter Seventy-six of the Revised Statutes, as amended by Chapter Ninety-five of the Public Laws of Nineteen Hundred and Nineteen, relating to sale of real estate of non-residents or minors out of the State.

An Act to amend Section Thirteen of Chapter Seventy-six of the Revised Statutes, relating to proof of appointment.

An Act to change the name of number Twenty-one Plantation in Hancock county, to Osborn Plantation.

An Act to amend Chapter Thirty-eight of the Public Laws of Nineteen Hundred and Nineteen, relating to retiring and pensioning employees of the State.

An Act to amend Chapter Thirty-five of Chapter Seventy-two of the Revised Statutes, as amended by Chapter One Hundred and Twenty-four of the Public Laws of Nineteen Hundred and Twenty-one, relating to adoption.

An Act to amend Paragraph Nine of Section Six, Chapter Ten of the Revised Statutes, as amended by Chapter One Hundred and Five, Public Laws of Nineteen Hundred and Nineteen, and by Chapter One Hundred and Nineteen, Public Laws of Nineteen Hundred and Twenty-one,

relating to exemption from taxation of the estates of war veterans.

An Act to amend Section Thirty-five of Chapter One Hundred and Four of the Revised Statutes, relating to reduction of bail by bail commissioners.

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

An Act validating the action of the town of Wells and of Ogunquit village corporation, and validating the issuance of a series of bonds by the town of Wells.

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

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

An Act to legalize and make valid the proceedings of the town meeting of the town of Washburn, held on March Twenty-six, Nineteen Hundred and Twenty-three.

An Act additional to Chapter Two Hundred and Nineteen of the Public Laws of Nineteen Hundred and Seventeen, as amended, fixing the legal length of, and also daily limit of, trout and landlocked salmon which may be taken in certain Rangeley waters, in Franklin and Oxford counties.

An Act to incorporate the Ogunquit Beach District.

An Act to amend Section 16 of Chapter 9 of the Revised Statutes, as amended by Chapter 285 of the Public Laws of 1917, and Chapter 197 of the Public Laws of 1919, relating to inventory of exempt live stock and fowl.

An Act to provide for the preservation of archaeological objects and sites, and for the appointment of a Commission of Archaeology.

An Act relating to the protection of black bass in Lake Walden and Hancock Lake, so-called, situated wholly or partly in the town of Denmark in the county of Oxford, and in the town of Sebago, in the county of Cumberland.

An Act relating to plug fishing for landlocked salmon and trout in Moose-lumeguntic and the Richardson Lakes, in the counties of Oxford and Franklin.

An Act with reference to the jurisdiction of the courts in certain cases under Chapter 120 of the Revised Statutes, relating to desertion and non-support of families.

An Act to amend Section 6 of Chapter 25 of the Revised Statutes, as amended by Chapter 258, Public Laws

of 1917, and by Chapter 215, Public Laws of 1921, relating to authority in general of the State Highway Commission.

An Act relating to fishing in certain waters in Franklin and Oxford counties.

An Act additional to Chapter 24 of the Revised Statutes, relating to highways.

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

An Act to incorporate the Ashland Water and Sewer Company.

An Act additional to "An Act providing for retirement of justices of the Supreme Judicial Court and Superior Courts and their reappointments as active retired justices.

An Act to amend Section Nineteen of Chapter Thirty-four of the Revised Statutes, relating to the apportionment of State Aid to county and local agricultural societies.

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

An Act to amend Paragraph XI of Section Six of Chapter Ten of the Revised Statutes, relating to forest land exempted from taxation.

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

An Act to revise the military law of the State of Maine.

An Act to amend Chapter Twenty-five of the Revised Statutes as enlarged and amended by Chapter Two Hundred and Fifty-eight of the Public Laws of Nineteen Hundred and Seventeen, and Chapter Two Hundred and Twenty and Two Hundred and Sixty-three of the Public Laws of Nineteen Hundred and Nineteen, relating to State Highways and to the creation and expenditure of the mill tax and highway fund.

An Act to amend Section One Hundred and Sixteen of Chapter Four of the Revised Statutes, pertaining to the right to kill dogs.

An Act additional to and amendatory of Chapter One Hundred and Thirty-nine of the Revised Statutes, as amended by Chapter Eighty-eight, Public Laws of Nineteen Hundred

Seventeen, relating to transfer of insane or feeble minded inmates

An Act to amend Chapter Two Hundred and Seventeen of the Public Laws of Nineteen Hundred and Nineteen, relating to appropriation for Normal Schools and Madawaska Training School.

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 provide a new charter for the city of Rockland and to repeal Chapter 482 of the Private and Special Laws of 1885.

Finally Passed

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

Resolve, in favor of L. Mae Richmond, for special and extra work for aiding the members of the 81st Legislature.

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

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

Resolve, granting a teacher's pension to Melville C. Smart of Gray.

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

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

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

Resolve, in favor of D. D. Coombs of New Gloucester for portrait of Governor Parkhurst.

Resolve, in aid of navigation on the lakes of Maine.

Resolve, making appropriations for the Passamaquoddy Tribe of Indians for the years July 1st, 1923 to June 30th, 1925.

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.

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

Resolve, authorizing the payment of certain deficiencies.

Resolve, appropriating money to set forth the natural, agricultural, industrial and recreational advantages of the State of Maine.

Resolve, providing for an annual display of the agricultural products and resources of the State of Maine at the Eastern States Exposition.

Resolve, in favor of J. F. Wood, secretary of committee on education, for expenses incurred by committee visiting the University of Maine.

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

Resolve, in favor of the Maine school for feeble-minded for maintenance for the years nineteen hundred and twenty-four and nineteen hundred and twenty-five.

Resolve, in favor of the Maine school for feeble-minded for additions and improvements.

Resolve, in favor of the Bangor State hospital for maintenance and other purposes.

Resolve, in favor of the State school for girls for maintenance and other purposes.

Resolve, in favor of the Penobscot Tribe of Indians for the general care, maintenance and education thereof.

Resolve, making appropriation for the construction of a new building at the Northern Maine sanatorium, Presque Isle, Aroostook county, and for the purchase of equipment therefor, and for maintenance.

Resolve, appropriating money for the purpose of investigating the tax exemption laws.

Resolve, making appropriation for the support and maintenance of the State experiment station.

Resolve, in favor of the Penobscot Tribe of Indians for redrafting plan book.

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

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

Resolve, to provide a teacher's pension for Fannie Marble.

Orders of the Day

The PRESIDENT: The Chair will state to the senator from York, Mr. Stevens, that the Resolve appropriating money to increase salmon on the

Maine coast, an order in relation to which was passed recalling it, is now in the hands of the Senate.

Mr. STEVENS: Mr. President, I move that we reconsider the vote whereby the Resolve was finally passed.

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

The same senator then offered Senate amendment A to S. D. 261 and moved its adoption.

(The amendment was read by the secretary. This amendment struck out everything after the word "Resolve" and substituted a new Resolve).

Senate amendment A was adopted and the Resolve as so amended was passed to be engrossed.

Sent down for concurrence.

Papers from the House disposed of in concurrence.

From the House: An Act to amend Section 7 of Chapter 261 of the Laws of 1917, relating to the director of sea and shore fisheries.

In the Senate this bill was passed to be engrossed as amended by Senate amendment A. It came from the House with the amendment indefinitely postponed, and the bill passed to be engrossed, and also passed to be enacted.

Mr. BREWSTER of Cumberland: Mr. President, if I am correct Senate amendment A to this bill was offered by the senator from York, Mr. Stevens.

The PRESIDENT: The Chair will state that the senator is correct. The bill was tabled on motion by Mr. Brewster of Cumberland.

Mr. BUZZELL of Waldo: Mr. President, I move that we take from the table S. 276, An Act amending Section 33 and Chapter 127 of the Revised Statutes of Maine, relating to the disposal of intoxicating liquors declared forfeited.

The motion was agreed to and the senator then yielded to the senator from Penobscot, Mr. Croxford.

Mr. CROXFORD of Penobscot: Mr. President, I move that the bill be passed to be enacted in concurrence.

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

On motion by Mr. Hinckley of Cumberland, H. D. 490, An Act providing for the tax upon gasoline and other products used in operating internal combustion engines, was taken from the table. The same senator then offered Senate amendment C to H. D. 490, and moved its adoption.

Mr. HINCKLEY: Mr. President, and senators may I say that this amendment provides for the same exemptions as provided for in the so-called Wadsworth bill, and the same machinery as provided for in the Wadsworth bill, and Senator Wadsworth has devoted a great deal of time to working this matter out.

In other words, it provides that a tax shall be collected only from motor vehicles using the highway. There certainly can be no sound reason advanced for taxing motor boats used by the fishermen or others, or for taxing tractors and stationary engines used by farmers, or for taxing gasoline driven vehicles run over railroad tracts.

This is nothing more or less than a bill to obtain money for the maintenance of highways, and I say there can be no sound reason for taxing any person for that purpose, so far as the use of gasoline is concerned, except vehicles that use the highway.

That is my first position.

My second position, gentlemen, is this: That I am afraid if these exemptions are not made that those interested in the gasoline bill will lose the whole bill, because the supreme court of New Hampshire, only yesterday handed down an opinion, which was quoted very briefly in our papers this morning. The text was not given in full, but those few lines stated that the court had held that it was unconstitutional to levy a general tax on gasoline for a specific purpose, namely, the maintenance of highways.

I think that the lawyers can readily appreciate that position, and that is the thing that has been running through the minds of some of us for a long time, that there could be no reason, it would be unjust, it would be unfair, it would be discriminatory—and undoubtedly the court of New Hampshire has held this—it would be discriminatory to say that a person using gasoline in a motor boat could

be taxed for the specific purpose of building highways. I do not know that the law, even in the best shape we can put it, would be constitutional, but certainly we could go no further in this matter than that proposed amendment. If the members of this Legislature want to get any bill providing a tax on gasoline, they certainly must limit it to the gasoline used by motor vehicles on the highway. For this reason I am offering this amendment.

(The amendment was read by the Chair).

Mr. ALLEN of York: Mr. President, and gentlemen of the Senate: It has been my experience, and it has been perhaps somewhat limited in the matter of law, that about the first thing a lawyer tells you, if he don't know, is that it is unconstitutional—that is the first thing they give you, the matter is unconstitutional, and I really believe, and I think that the most of you do, that that is one of the things they teach them when they go to the law school, simply say, if you don't know, that it is unconstitutional. That is the best thing you can get away with—they don't always get away with it, but that is what they say anyway. And if they knew, if they really knew, Mr. President, whether it was constitutional or not, they could go out and get five million dollars a year from the United States government—and I would give them \$5000 a year as poor as I am, if they actually knew. But they do not know. So they get by with "it is unconstitutional". I hope this amendment will not be adopted.

Mr. SMITH of Somerset: This is an important matter, Mr. President, and with the consent of the senator from Cumberland, I move that the matter lie on the table for a short time.

Mr. HINCKLEY: No objection at all.

The motion was agreed to and the matter was tabled.

The PRESIDENT: This brings the Senate to the matter specially assigned for today. Majority report (ought not to pass) and minority report (ought to pass) from committee on legal affairs on bill An Act to amend Chapter 37 of the Private and Special Laws of 1917, relating to a police commission for the city of Lewiston, H. D. 464, tabled pending acceptance

of either report, and the Chair recognizes the senator from Androscoggin, Mr. Morneau.

Mr. MORNEAU: Mr. President, I move that we concur with the House in the adoption of the minority report, and I desire to speak to the Senate very briefly on my motion.

Gentlemen of the Senate, this measure, H. D. 464, in itself seems to carry more or less weight, but if you will be patient and be very careful with me, it amends in no way whatsoever the present law in existence. The only change there is, is that the three commissioners appointed by the Governor should be appointed by the mayor. I will go on further in order to satisfy some of these gentlemen here, who have not probably read the measure very thoroughly. "Said commissioners, upon taking office, shall not remove any member of the police force, including the police matron, serving at the time when this act takes effect, unless for cause and for misconduct" etc. This section is actually in the statutes, in the act that was passed in 1917. The main thing in the bill to my estimation, and you all agree with me in that is the referendum. This act provides for a referendum to be voted upon next September, the second Tuesday in September. This will go to the people providing you see fit to refer it to the people by your vote this morning, whether or not they wish to retain a commission appointed by the Governor or have a commission appointed by the mayor, the chief executive of our city or any other city. From my point of view, gentlemen, this is only a fair proposition. It is only right that we should trust those that trust us by electing us. It is only a fair exchange. I have not taken much of your time during this session. I am sorry to take your time at this late hour of the session, but it seems to me, gentlemen, that through the mouthpiece of their representative when a community, a city like Lewiston, the second largest in size in the State, demands through their representative the right to express themselves on a question which wholly and purely is up to them to determine, then I have a right, as a representative from Lewiston, to ask the privilege and the right for them to determine questions of that sort.

I know quite recently more or less propaganda has been made. What

for? I do not know. One of the weakest arguments I have heard in the corridor recently is "we agree with you on this proposition, we agree that you should govern your own affairs, but we feel that you should be punished, the people of Lewiston, for two more years". I say to you, gentlemen. Why should Lewiston be punished? And for what? For being one of the most progressive cities there is in the state? For filling its quota in '98 of which I had the honor of being a member? For filling its quota in the last war? Is it to punish Lewiston for the fact that within twelve months \$1,430,000 in buildings was erected? Is it to punish Lewiston for these reasons? Or is it to punish Lewiston because it is a Democratic city? I say to you, gentlemen, you fair-minded men whom I have had the pleasure to associate with for three months, such argument as that does not hold water, and it should not hold water.

I had the pleasure to listen last week to the senator from Waldo, Mr. Buzzell, whom I admire and respect. In one of his speeches he stated that he did not believe in interference of the Federal government with the State, or the State with the community. I wish to thank him for those words. The same reason that the gentleman from Waldo stated is applicable to this very point that I am bringing up here. It is freedom and justice that I am asking for Lewiston.

I am not going into details. It is not my purpose to speak about the merits and demerits of our present police force. What do I care whether this police force or any other police force is in Lewiston? It does not make any difference to me. There are good and bad things about this police force. I will not say a word about it unless I am forced to.

This in the one question, whether you gentlemen here by your vote will give the chance to the city of Lewiston to decide for all time this question that has been agitated here for the last six years. In 1917 a bill was introduced under the disguise of the chamber of commerce. The chamber of commerce, or at least the head ones, were perfectly right, but here is the most daring piece of political intrigue that I ever heard or saw perpetrated. The chamber of commerce

was in favor of a police bill with a commission for the people. But the politicians got together and four days from the day the bill was presented it was urged through both Houses and signed by the Governor, with an emergency clause, just two days before our spring election in Lewiston—for what purpose? For political purposes—I care not—it went—we had it—it was not referred to the people. I say to you gentlemen, that it is from an American city, asking for an American right, for an American question, from an American body of men; you good-hearted men, you may do that if you see fit. You can vote and support this motion to accept the minority report, 'ought to pass. I ask you, I beg of you, let us vote on it for all time.

Mr. HINCKLEY of Cumberland: Mr. President, four years ago this matter came before the House of which I had the honor to be a member. I know that politics was not considered by the House of Representatives when they created this commission. I know that they did it because a large delegation of the best citizens, regardless of politics, headed by the then mayor of that city, Judge Newell, who was a Democrat and told the members of the Legislature that the conditions there were such that the Legislature must protect them.

The Legislature passed it, I believe, for that reason and for no other. Two years ago the proposition came again before the House and then as a member I took the same position, that they had the commission bill two years, things were working out well under it and we better let well enough alone. I came here this morning with the same feeling. I have been thinking seriously this morning on this question, and I say to you, senators, that without any thought of influencing your vote in any way—but I say to you sincerely that I cannot honestly vote against this bill this morning. I believe that the four years has been sufficient to teach the lesson. Home rule is fundamental to this government of ours, and only in extreme cases and for most urgent reasons should a Legislature continue a guardianship over any municipality. Now I am talking contrary to what I intended as I came in here this morning, but I am doing it because I cannot see how we can honestly do otherwise. I believe it is now time for

this Legislature to return home rule in this respect to Lewiston, and if they do not behave better than in the past, then the Legislature can act two years from now.

Mr. POWERS of Aroostook: Mr. President, as one of the members of the legal affairs committee who signed this report, I should like to say a word, and I feel certain that the committee viewed this matter from a much less emotional point of view than the eloquent and distinguished senator from Androscoggin.

We had no desire to punish the city of Lewiston or anybody else, but we did desire to protect some of the citizens of Lewiston, and I think there was a letter that many of the senators received from a prominent jeweller, H. A. Osgood & Son, in which he says:

"Proper police protection for my business is an absolute necessity. I certainly do not wish to go back to the old conditions that existed when the police were elected by the vote of the city. Existing conditions in Lewiston are such that if you knew them, you would, I am sure, agree with me that the commissioners appointed by the Governor is the logical solution of the Lewiston police problem. I have had efficient police protection under the present system at all times and I can highly recommend it for your consideration"; and then he goes on to say "trusting you will continue the present system" and that is all. It was not any desire to punish. And we received letters from many prominent citizens, from the chamber of commerce and others.

Mr. BREWSTER of Cumberland: Mr. President, as chairman of the committee which heard this bill, I think it should be clear to the members of the Senate as to the evidence which was presented before that committee and on which they were obliged to act in making the majority report which they did against any change in this situation at this time.

First, as to the matter of politics. This bill was passed originally in 1917, on the basis of evidence presented to that Legislature, which evidently seemed to them to warrant and require its passage and was signed by Governor Milliken and the original commission was appointed by him. Certainly the Governor who then occupied the Chair enjoys a reputation

as above the ordinary vicissitudes of politics, I think as much as any of our governors that we ever had, and he had a very full knowledge of the conditions that existed in Lewiston at that time, and felt it necessary, as did the members of that Legislature, to enact that law.

We are now presented with the question of whether or not we shall repeal it. As the senator from Androscoggin has said, it is somewhat anomalous to have a police commission for one of our cities appointed by the Governor of the State. It cannot be, however, that politics was entirely responsible in this matter, since we have a good many Democratic cities in this State and there has been no suggestion of the creation of a police commission for those cities.

The question is one, however, absolutely within the control of the Legislature. It is certainly not unconstitutional to provide a police commission for the city of Lewiston, as the administration of the affairs of any municipality is a matter solely within the control of the Legislature. All the municipalities are simply the instruments for government, and the protection of life and property and the enforcement of the laws of our State is a matter primarily for the State government. If in any section the life and property of its citizens are not properly protected, and if the laws are not properly enforced, it is a matter of very great concern for this State as a whole, because Lewiston as the second city in this State, with the great business interests that center there, is constantly concerned not only with its own citizens and its own property, but with the property and lives and the interests of all the other citizens of this State who go there on business or pleasure and who are concerned very properly that the affairs of that city should be administered with a due regard to the protection of their lives and property.

It was considerations of that sort which led to the original enactment of this law. The evils which result from the government of a city from outside are evils incident to autocracies of almost any kind. I do not propose to ignore the interests of the locality and the tendency perhaps to extravagant expenditure if the responsibility is not centered in the locality where the citizens themselves must pay the taxes and supply the

protection; and it was a question of that sort which the committee here considered and examined very carefully: First, as to whether there had been abuses arise under this law, and, second, as to whether the laws were properly being taken care of at this time.

First, as the senator from Androscoggin has here suggested, there was not one bit of evidence produced before the committee as to any abuses of the rights or powers of this commission in enforcing the laws in that city. They all expressly declared that there was no criticism of the conduct of the police force there under the administration of the present commission; they spoke in the highest terms of the members of this police commission and of their interest in the welfare of the city. There was not one suggestion that there had been any violation of their duty or that the police force as now at present constituted was not sincerely trying to carry out the laws and to enforce the laws in the interest of the citizens of Lewiston and the citizens of the State.

Second, has there been a tendency to extravagance because the commissioners are not residents of the locality, but residents of the State? Has there been any tendency for them to feel that they possess a power which they receive not from the city but from the State and therefore to disregard the proper interests of the citizens? And on that score the evidence presented showed that there had been no greater proportionate increase in the cost of administration of their police department than there had in the cost of the administration of the other departments of the city which were under the sole charge of the city government at that time. This is simply to show that the police commission appointed by the State had not abused its rights and powers. On the basis of this evidence and on the basis of the existing law, and on the basis of requests from a large number of citizens in Lewiston, on the basis of petitions presented to us signed by citizens representing about 42 per cent. of the taxes in that community, we did not feel warranted at this time in repealing this existing law.

I am not one of those who subscribe to the doctrine that this somewhat anomalous situation shall continue indefinitely, but we did not feel that

the time had now arrived to repeal this existing law, if conditions were so satisfactory to practically all the citizens of Lewiston so far as the administrative force was concerned, and so far as their carrying out the existing laws of that city today.

Mr. BUZZELL of Waldo: Mr. President, it was not my purpose, and I did not intend to say anything on this subject, but after the reference of the senator from Androscoggin, I feel that I must explain my attitude, and I want to say now that I am of the same opinion at this time that I was when I first heard of this bill.

I was a member of this Legislature in 1917, and if my memory serves me correctly some of the best citizens of Lewiston, at that time came down here and asked for the bill, asked for this law, and we gave it to them at that time regardless of politics—they were Republicans and they were Democrats, and I remember, if my memory serves me correctly, that Judge Newell was one of the advocates of this law.

I do not like the principle involved, as has been referred to by the senator from Androscoggin,—I do not like to have the State, the great State of Maine, interfere with the enforcement of police power in the city, as it does in the city of Lewiston. But at the time this law was made, it seemed to that Legislature that it was necessary, and they have had a commission appointed in accordance with the provisions of that law ever since. Now what evidence have we had in this Legislature to satisfy us that that law should be wiped from the statute books? We know what the evidence was at the time that actuated us in the making of this law, and we gave the good people of the city of Lewiston the law. Is there any evidence that this law has not worked well? Is there any evidence that these police officers have enforced the laws of the land in such a way as to be obnoxious? Have they overstepped the rights of officers? Are the people of the city displeased with this law? I for one member of this Senate take this position, I am going to vote for the law as it is. I am going to vote against this bill, and I feel that others should. I feel that the true stand for the people of Lewiston to take is this: They should come here to this Legislature and satisfy us that there is just as much of a need to return to

the condition that they were in before this law became enacted, as there was to come here and say that they wanted the law. Now I do not know what others may think or what others may say about punishing the city of Lewiston. I for one do not want to punish Lewiston or any city in the State of Maine. I believe that Lewiston is a splendid city. I believe that she is an up-to-date city, a progressive city, and I believe that she is getting along fine under this present police commission. If I believed that she would be better off without this commission, I should be only too glad to vote for this law. I do not think that there is any politics in this measure. I cannot see how the Democrats or Republicans can take sides on this question. I for one want to say that I am going to vote against this measure because I believe I am voting for the best interests of all the people of the city of Lewiston.

Mr. MORNEAU: Mr. President, I suggested quite clearly, as plainly as I could, that it is not a matter of politics, it is not a matter whether this is a good police force or a bad one—it is simply a matter to refer to the people this question, whether the Governor will appoint these gentlemen or the mayor of Lewiston. I told you that I could say bad and good things about this police department we have. That has nothing to do with it. All I want, gentlemen, as I have said before, is to give us the chance for a referendum. If 90 per cent. of the people as interested here at the hearing favor the present commission, why should you fear? You have nothing to fear. None of us has. I sincerely hope, gentlemen, without taking too much of your time, that my motion will prevail.

Mr. KIRSCHNER of Androscoggin: Mr. President, I have heard the utterances of the many senators and I wish to state that I am in favor of the motion. In the new draft, the foremost feature seems to be the referendum provision, section 10, page 7. "This act shall be submitted for approval or rejection to the qualified voters of the city of Lewiston at an election to be held the second Monday in September in the year 1923, and warrant shall be issued for such election in the manner now provided by law".

May I, Mr. President and members

of the Senate, say, what fairer, squarer or better way would we wish than to allow the qualified voters of that city to determine as to whether or not they wish to retain the present manner of appointing the police commission? This bill states that the people through their mayor should appoint the police commission, and not as it is now by the Governor. Would we like to have our police department in our respective cities and towns on a different basis, on a different way of appointing, than it is in others? I say no, no, and I feel that you will agree with me, and I certainly hope that the minority report will be accepted. The Hon. Burleigh Martin, the representative of this capital city, said in the House the other day when the question was before it—

Th PRESIDENT: The Chair must rule that it is not in order to refer to remarks or actions of members of the other branch.

Mr. KIRSCHNER: We have received various telegrams in the Senate and they are contradictory, that is, I mean to say, one is for and one is against. Now if a number of the people of the city of Lewiston wish to retain this commission—which I am not interested in myself for I do not live in Lewiston—if they wish to retain this commission as it is I feel that they will vote for it; but I say, in the name of justice, in the name of what the people in the city of Lewiston are demanding, we allow them to say as to whether or not they wish to have the commission appointed by the Governor or through the mayor, and I sincerely hope, gentlemen and members of this Senate, that the minority report will be accepted.

Mr. BREWSTER: Mr. President, may I ask when the vote is taken that it be taken by the yeas and nays.

Mr. HINCKLEY: Just one word more so that my position may be clearly understood in this matter. It never disturbs me to vote with the minority, and I am taking this position believing that I will vote with the minority.

It is not a question in my mind of whether or not the present police commission has made good. I believe it has. I believe from the commission down through to the lowest appointed police officer, it has made good over in the city of Lewiston. But I

am forced to take the position, believing first that the Legislature was justified in doing what it did in creating the commission. I feel that the Legislature took that position exactly as the State declares martial law when trouble exists in a community and local officials cannot properly cope with it. But it is not sufficient reason, it is not sufficient argument to my mind for permanently retaining martial law in a city, that the officials in charge under the State or under the United States Government are conducting themselves in such a manner as to protect life and property there. When the disturbance is cleared up for which it was deemed proper to declare a state of martial law, then the State and the Government always removes its troops. I believe over in the city of Lewiston—we must believe that the conditions have cleared up to such an extent that we can say to the people of Lewiston: "If you again want to take charge of your police affairs and the majority of your citizens so wish, then you should have that right and should continue that right until such time as the Legislature of the State of Maine is satisfied that you are not properly protecting life and property". For these reasons I must vote in favor of this bill.

Mr. BUZZELL: Mr. President, may we have the committee's report read, please.

The PRESIDENT: There are two reports from the committee on legal affairs, the majority report being ought not to pass, the minority report from the same committee on the same bill that it ought to pass in new draft.

Mr. BUZZELL: Mr. President, it is a great pleasure for me to State that I am very strong for real law and order. It is a pleasure for me to state that I will vote with the senator from Cumberland when he is right. I do not like this little 7 by 9 legislation that does no one any particular good, but done for the purpose of play. But I believe that when seven lawyers on the legal affairs committee, who have listened to the evidence in this case, say that this bill ought not to pass, I am with them, and I believe they are right. I believe their judgment is entitled to consideration. It means something to the people of Lewiston, to the good

people down there in that city, and if the letters, the pleading letters from that section mean anything, they want to be left alone until such time as they come to this Legislature and show their hand in the right fashion. Therefore I cannot agree with the senator from Cumberland and I hope the majority report will be accepted.

The PRESIDENT: The senator from Cumberland, Mr. Brewster, has called for the yeas and nays. Those in favor of the vote by the yeas and nays will rise and stand until counted.

A sufficient number having arisen the yeas and nays were ordered.

The pending question being on the motion of the senator from Androscoggin, Mr. Morneau, that the minority report, ought to pass in new draft, be accepted, the secretary called the roll. Those voting "yes" were, Messrs. Carlton, Croxford, Elliot, Emery, Hinckley, Kirschner, Morneau, Ryder, Smith, Stevens, Wadsworth, Wilson—12. Those voting "no" were Messrs. Adams, Allen, Bemis, Brewster, Buzzell, Clark, Cram, Eaton, Farrington, Hussey, Morison, Phillips, Powers, Putnam, Sargent, Speirs, Spencer, Trefethen—18. Absent: Mr. Bailey.

Twelve senators voting "yes" and eighteen voting "no" the motion to accept the minority report was lost. The question then recurred to the acceptance of the majority report, and on motion by Mr. Brewster of Cumberland, the majority report was accepted.

The PRESIDENT: This brings us to the first matter that is on the table, on the motion of the senator from York, Mr. Morrison, and is being kept there, as I understand it, simply awaiting the vote of the Senate on S. D. 304, An Act establishing the University of Maine as a State institution. If the Senate has no objection the Senate will take up the first matter, S. D. 304.

Mr. ALLEN of York: Mr. President, I do not understand the connection between this House Report of the committee on education on the Resolve in favor of the University of Maine, and Senate Document 304, establishing the University of Maine as a state institution. I see no connection at all.

Mr. MORISON of York: Mr. President, as I understand that resolve its

purpose is to appropriate some money to apply on the outstanding notes of the University of Maine. As I understand Senate Document 304, that Act would establish the University of Maine as a state institution, and the resolve would provide for payments of the deficit; and it is with that understanding I have kept this matter on the table, pending the disposal of S. D. 304. If there is no connection I am willing to be informed.

Mr. HINCKLEY of Cumberland: Mr. President, inasmuch as the senator who is chairman of the committee on Taxation has asked that Senate Document 304 be tabled, I will ask that this matter be tabled until the afternoon session. I move that both matters be tabled until the afternoon session.

The motion was agreed to.

The PRESIDENT: The next matter is H. D. 74, An Act to amend Chapter 37 of the Private and Special Laws of 1917, as amended relating to the salaries of chief of police and police captains of the city of Lewiston. The pending question is on the indefinite postponement of House Amendment A.

Mr. SMITH of Somerset: Mr. President, since this was tabled out of courtesy, I would like to yield to the senator from Androscoggin, but he does not seem to be present.

The matter was tabled temporarily.

The PRESIDENT: The next in order is the Resolve in favor of the University of Maine, tabled pending final passage on motion by the senator from Waldo, Mr. Buzzell, and the Chair recognizes that senator.

Mr. BUZZELL: Mr. President and members of this honorable Senate: I know once more that I am going to be on the unpopular side of the question, but it gives me just as much pleasure to be on that side as on the other side if I think I am right. It takes more courage, as a matter of fact to be with the minority than it does to join the majority and clap your hands and go with the throng. It is much more difficult to swim against the current than it is to swim down stream with it. I tabled this resolve because I felt that the University of Maine was

calling for too much money. Can you conceive of a better reason than that? Two years ago no one in this Legislature fought harder in the interests of the University of Maine than I. I really thought that I went to such an extent that my attitude was rather unbecoming because as floor leader of the House of Representatives I asked the members of that House to bat as near as possible for 1000%, and on the 9th day of April—if you look it up you will see, all but two members of that House voted for this resolve—the resolve at that time. That resolve carried \$442,500 for the two periods. They have received \$472,500, as I understand it.

Now through the committee at this time, through its friends and we are all friends of the University in a way—but some of its friends come here and say that they want the sum of \$895,000 for the next two years. On the face of it it looked like a mark-down. I really can't conceive why they called it \$895,000, why they might just as well have said \$900,000,—almost double what they had two years ago. I think it is too much. I think it is unreasonable for them to ask us at this time nearly twice as much money as they had two years ago.

Is the State of Maine in shape to do it? Is the treasury of the State of Maine in such shape that we can afford to pay it? Are they going to be in the next two years in such shape that we should allow them to pay it? Is our tax rate going to be such that we can do it, and do it conscientiously and consistently? I for one do not feel, while I am willing to give them more,—feel like giving them any such a sum of money as this.

I want to call your attention to what I believe is the true condition of the taxpaying element of the state of Maine, that is, the people at home on the farm, whose farm, whose property is in sight and now taxed to the limit. I do not believe that they will approve of our giving this splendid University nearly twice as much as we did two years ago. What reason have you got to offer for it? Are you as individuals expending nearly twice as much in your family today? and will you expend twice as much for the next two years? I think not. Are your towns and your municipalities and

your cities going to expend nearly twice as much? I think not. Now what really safe conclusion can we arrive at that should prompt us to pass this resolve. Do not mistake my meaning. I am not against the University of Maine. I am willing to give them all that we gave them two years ago, and I am willing to give them hundreds of thousands of dollars more, but I do not believe we should give them the sum that this resolve calls for. I regret very much what will probably be said about my attitude at this time. They will say, "Why does Senator Buzzell talk against education?" I am not talking against education. No one regrets his early disadvantages more than I. But at the same time I must not let those records and the lost hours and opportunities of my youth interfere with the people at home who are at this time, I want you to understand playing with their purse strings as they never did before.

The man on the farm, the man with the little home, is now trying to lay away a few dollars to pay his taxes—those of them that have been fortunate enough to pay their last year's taxes. Many of them have gone to the banks and hired money to pay their taxes. I think I am safe in saying that more tax deeds have been passed this last year than have been passed for a long time. I want to say right here that I am against the recommendations of his Excellency toward making the University of Maine a Maine institution. I want to say this in connection with this question—it may be a bit foreign—but I want to explain my attitude. The University of Maine at this time has thousands and thousands of graduates, splendid representative citizens who have graduated from that institution, who now have at heart the best interests of that institution, who are now still interested in her welfare, who when necessary will aid and assist in almost every conceivable fashion that they can. But just what is their position going to be in the event of the State of Maine taking this institution over, taking over their indebtedness? Are they not going to say by their actions, if not by their words, "The grand old University of Maine now is a State institution, and we in a way are no longer held financially responsible?" I believe that we should keep that institution just as it is, a

splendid monument to the State of Maine, and have every one of the splendid citizens of the State who have graduated from there or been to that school, still interested in the institution, and have them stand ready and willing to aid financially when necessary.

We have all listened to the representations of many of the boys who are interested in this resolve. I like their attitude. But in the interests of all the people, I want to read you a little clipping that I read in the paper a short time ago, and to see whether or not it appeals to you as it did to me? Whether or not it may not be the means of this Senate at this time adopting an attitude similar to the suggestion of our friend, who is well known all over this country, and that is Uncle Joe Cannon.

"In a copyrighted article in the Washington Post, Frank I. Whitehead reviewed the nearly half century of Uncle Joe Cannon's public career and in connection therewith obtained from him an interview in which the passing leader of the Republican Party expressed his idea as to the need of the party, the Congress and the country in a political way. In the course of this interview Uncle Joe Cannon said:

"We talk about the leaders in Congress and what they will do to restore normalcy, but leaders in Congress are somewhat like leaders in the old four-horse team. When I drove such a team many years ago I relied more on the wheel horses that wore heavy breeching and held back on the down grade, as well as pulled for all they were worth on the up grade. They were not so gay as the leaders, with their lighter harness, sometimes wearing plumes and bells to make a fine showing and music as they pranced along at the head of the team giving the impression they were the whole guiding power instead of being directed by a single line from the driver astride the near wheel horse.

"I have seen some leaders in Congress who reminded me of the leaders in that old four-horse team. I have seen leaders in my old four-horse team attempt to run away when my only source of salvation was the wheel horses, which set back in the breeching and held the wagon in the road.

"It is not always, or often, pleas-

ant to be a wheel horse, either drawing the heavy load along the road, or in Congress, for the galleries—sometimes the press gallery, too—pay more attention to the leaders, especially when they show their metal and start to run away. They are dramatic and the horses guarding the wheels are not. The wheel horses get kicked and abused for keeping the wagon in the road and sometimes from getting enough momentum to run over the leaders, as well as the wheel horses themselves.

"I should like to see more of these steady wheel horses in Congress and fewer brilliant and magnetic leaders, who too often are inspired to start something that will be immediately popular but in the end embarrassing and sometimes dangerous. I have seen leaders work passion to tatters, forgetting the breeching, pushed into the collar, until there was a real smash of the whole program.

"This is a time for heavy breeching, not too many bells and plumes of eloquence and not too many new trails. We have difficulties enough ahead without trying to blaze new legislative and government roads for increased expenditures."

I simply make this application. It is a pleasure for me to take this position at this time, that I want to be one of the pole horses in this outfit and to hold back this Legislature as much as possible at this time on this resolve. I want them to have more than they had two years ago. I think they need it. But I cannot possibly, under any conditions that I can conceive of, vote for them to have nearly two dollars where they only had one two years ago.

The PRESIDENT: Has the senator a motion?

Mr. ALLEN of York: Mr. President, before I state my attitude on the resolve in favor of the University of Maine, I would like to find out for sure what has become of the report in favor of the University of Maine covering the deficit, so that I may clarify my situation. I move that this matter lie on the table until afternoon.

The motion was agreed to.

The PRESIDENT: The next is the majority report, ought to pass, and the minority report, ought not to

pass, on S. D. 301, An Act to incorporate the Maine Kennebec bridge, and the Chair recognizes the senator from Oxford, Mr. Eaton.

Mr. EATON: Mr. President, I move that this matter lie on the table and I give the same reasons that I gave before, until the other matter, S. D. 294, Resolve for the building of the bridge and the raising of three million dollars by the State, be finally disposed of.

Mr. HINCKLEY of Cumberland: Mr. President, if I understand the senator correctly he asks that this lie on the table until the Carlton bill and resolve are finally passed.

Mr. EATON: Yes.

Mr. HINCKLEY: Mr. President, I certainly feel I must object to such a motion at this time.

The PRESIDENT: The motion to lie on the table is not debatable.

Mr. HINCKLEY: Mr. President, may I inquire, in view of the fact that the motion to lie on the table until a particular time, namely, until certain other legislation is disposed of, if that is not debatable?

The PRESIDENT: The Chair would rule that such a motion is not in order.

Mr. ALLEN of York: Mr. President, I move that we recess until two o'clock.

The PRESIDENT: Pending the motion of Senator Eaton that the matter lie on the table until the afternoon session—I suppose there is no objection to that motion being adopted, and the motion was to table the matter until the afternoon session—and now Senator Allen moves that we recess until two o'clock this afternoon.

The motion was agreed to and a recess was taken.

After Recess

Senate called to order by the president at 2 P. M.

The PRESIDENT: The next matter on the table is H. D., 295, An Act in relation to the several examining boards, tabled on motion by senator Cram, and he is not in his seat. We will pass that for the moment.

That brings us to Senate Amendment A to House Doc. 459, tabled on motion by the senator from Cumberland, Mr. Brewster.

Mr. BREWSTER: Mr. President, that was tabled, I believe, for printing.

The PRESIDENT: And it is now Senate Doc. 315.

(It was found that the printing had not come back from the printers, and the matter was re-tabled).

Mr. EATON of Oxford: Mr. President, I move that we take from the table, H. D. 489, tabled by me this morning. This is in relation to a feeding station for fish, at Upper Shin pond.

The motion was agreed to and the same senator then presented Senate Amendment A to H. D. 489, and moved its adoption.

Senate Amendment A to H. D. 489.

Amend H. D. 489, by inserting after the word "appropriate" in the second line thereof, the words, "to be taken from the appropriation of the department of inland fisheries and game".

The Senate voted to reconsider the action by which this bill was passed to be engrossed, Senate Amendment A was adopted, and the Resolve as thus amended was passed to be engrossed.

Sent down for concurrence.

The PRESIDENT: The Chair will say that these matters are being sent across the hall, back and forth between the two branches, and that is why the Chair says, "This will be sent to the House". In order to facilitate matters it is necessary to send matters across as soon as possible.

The Chair will also state that there are five conference committees working on disputed matters, and would suggest that as soon as possible those reports should be filed. Not all are to be filed in the Senate, but there are senators on those committees.

Mr. HINCKLEY of Cumberland: Mr. President, am I correct in my understanding that there was a matter before the Senate at the time we recessed until afternoon?

The PRESIDENT: At the time the recess was taken the majority and minority report of the committees on public utilities and ways and bridges, on S. D. 301, An Act to incorporate the Maine Kennebec bridge, was under consideration. It was tabled until afternoon.

Mr. EATON of Oxford: Mr. Presi-

dent, I ask that this matter be tabled until tomorrow.

Mr. HINCKLEY of Cumberland: Mr. President, it seems to me, that getting as near to the end of the session as we are, and this matter having been tabled several times, that it should be disposed of, and I ask for a division on the vote.

A division was had, and 11 senators voting in favor of the motion and 14 opposed, the motion was lost.

Mr. HINCKLEY: Mr. President, I move that the matter be indefinitely postponed.

Mr. SPENCER of York: Mr. President, and members of the Senate, I would not say a word at this time on this matter if it were not true that there seems to be some doubt in the minds of those interested in the bridge proposition at Bath as to the passage of the bill which will furnish a State toll bridge. I do not think it was anything unreasonable for the senator from Oxford, Senator Eaton, to have this lie on the table until the other bill had been disposed of.

I know that some members in the House are interested in this proposition, and if the other proposition does not pass, then they would like to have some way of furnishing a bridge at Bath. I hope that the motion will not prevail for that reason.

Mr. HINCKLEY: Mr. President, my position is that I am absolutely opposed to private parties taking over any part of our highways as a business proposition and that is what this is.

And I certainly would vote against this bill at any stage it might come before me. I know that the Carlton bill is being retarded, and the argument is used that this bill is coming along and I think we ought to get this bill out of the way and we may have some chance of getting a bridge across the Kennebec river or at least we can vote on it.

A viva voce vote was had and the bill was indefinitely postponed.

Mr. WADSWORTH of Kennebec: Mr. President, I move that we take from the table H. D. 457, An Act to provide for an issue of State aid or second class highway bonds.

The motion was agreed to.

Mr. WADSWORTH: I now move that the bill be indefinitely postponed. I have looked this over and as near

as I can discover it is a bill in anticipation of the passing of a constitutional amendment so as to make legal the issue of bonds for building State aid highways.

As I understand it, a vote on this amendment to the constitution will be held in September 1924, too late to make the money available for that year for State aid construction. And the following winter the Legislature meets, and if they wish to have any legislation of this kind, if I understand it correctly, they can pass the bill at that time.

It seems to me that this is unnecessary legislation, therefore, I move that it be indefinitely postponed.

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

Mr. BREWSTER of Cumberland: Mr. President, there was a bill relating to the fishing industry, which I tabled this morning, pending the return of the senator from York, Mr. Stevens.

I yield to the senator from York.

Mr. STEVENS of York: Mr. President, that amendment was merely a transfer from the sea and shore fisheries commission, as it is a matter under consideration by the inland fisheries commission.

The PRESIDENT: I think the senator better be reminded of the situation on this matter. The senator from York, Mr. Stevens, yesterday presented Senate amendment A to H. D. 435.

The amendment was adopted and the bill passed to be engrossed as thus amended. It now comes back from the House, that body rejecting Senate amendment A and the bill passed to be engrossed, unamended.

Mr. BREWSTER: Mr. President, I move that we insist on our former action and ask for a committee of conference.

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

Messrs. STEVENS of York
BREWSTER of Cumberland
EMERY of Washington

Mr. HINCKLEY of Cumberland: Mr. President, I move to take from the table the report of the committee on education on Resolve in favor of the University of Maine to cover deficit.

The motion was agreed to and the same senator then moved the acceptance of the report of the committee, ought not to pass.

The report was accepted in concurrence.

The same senator then moved to take from the table S. D. 304, An Act establishing the University of Maine as a State institution.

The motion was agreed to, and the same senator then moved the indefinite postponement of the bill.

Mr. ALLEN of York: Mr. President, this matter is entirely satisfactory to me and I second the motion to indefinitely postpone the bill.

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

On motion by Mr. Cram of Cumberland, H. D. 295, An Act in relation to the several examining boards, was taken from the table.

The pending question was on the adoption of House amendment A.

Mr. CRAM: Mr. President, I move that we reject House amendment A to this bill.

(House amendment A was read by the Chair).

House amendment A was rejected, and on further motion by senator Cram, the bill was given its two readings and was passed to be engrossed without the House amendment A.

Sent down for concurrence.

Mr. ADAMS of Kennebec: Mr. President, I move that we reconsider the vote whereby we indefinitely postponed House document 457. I make this motion for the purpose of seeing if the Senate will not allow this bill to lie on the table until tomorrow morning.

The PRESIDENT: The Chair would inquire if the senator voted with the majority?

Mr. ADAMS: I did, Mr. President.

Mr. HINCKLEY of Cumberland: Mr. President, may I inquire what the bill is?

The PRESIDENT: It is An Act to provide for an issue of State aid or second class highway bonds.

The President put the motion of the senator from Kennebec and the same was lost by a viva voce vote.

(A short recess was declared at this time).

After Recess

The Senate was called to order by the President at 3:10 o'clock.

Mr. BREWSTER of Cumberland: Mr. President, I move to take from the table Senate amendment A to House document 459.

The motion was agreed to and the senator then yielded to the senator from Somerset, Mr. Smith.

Mr. SMITH: Mr. President, I do not know what this is all about.

The PRESIDENT: This is Senate amendment A to H. D. 459, which is a 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 rebuilding State highways and State aid highways and providing for the building of intrastate, interstate and international bridges, and there was reconsideration of the vote whereby it was passed to be engrossed in order to read certain amendments, and one of them is Senate amendment A which is a printed document, S. D. 315.

Mr. SMITH: Mr. President, I would like to retable this for a short time, if that is agreeable to the senator from Cumberland.

Mr. BREWSTER: Mr. President, it was tabled for printing, and I would prefer to turn the amendment over to the senator from Somerset, and the senator from Somerset has moved that we retable the amendment until a later time.

The motion was agreed to and the amendment was tabled.

The PRESIDENT: The Chair will recognize the senator from Kennebec, Mr. Wadsworth, on a motion to table Senate amendment B to the same document, H. D. 459.

Mr. WADSWORTH: Mr. President, if you have had time to look over this Amendment, you will see that it is to change the one whole idea in regard to this matter. The original bill, as reported in here, provided that there be a bond issue for State roads and another bond issue for State aid roads. The bill was so drawn that you cannot vote for one unless you vote for

both; you cannot vote against one unless you vote against both. Two years ago a resolution went through for a constitutional Amendment favoring a bond issue for State aid highways. That was defeated by quite a large vote. The noes had 16,194 and the yeas 9,924. Now at this time, late in the session, it is proposed to attach an Amendment in this Act, to the Amendment for an issue of State highway bonds, to attach an Amendment so that you can build State aid roads out of bond money. My Amendment arranges this matter so that you can vote for either one of these, if you want to, or both of them, or you can vote against one or against both, as you see fit and desire. I do not think that is any more than fair to the people of the State of Maine, that they have a chance to express their preference on each one of these individually. I will say further that the trunk lines are not completed. Two years from now it is estimated that there will be some 291 miles of the trunk line that are not completed at that time. We have passed here two million and a half more bonds which we will have to pay interest on. There will be bonds to be retired. Is this going to come from direct taxation? No, it comes from the automobile fees. After we pay this interest, after we pay the retirement of the bonds that is necessary, after we pay the expenses of three departments, whatever there is left from these automobile fees goes for maintenance of the highways. The more bonds you issue the more miles of road you build and the more miles of road you have to maintain and the less money you have to maintain them.

It was to take care of this maintenance fund that this gasoline tax bill was introduced. We have diminishing funds and increasing roads, and I do not think at this time that I would want to vote for a proposition of this kind, recommending to the people that we take on another great system of highway development here to be paid for, out of automobile fees. The automobiles are paying a good sum at the present time, but they cannot support, in my opinion, all the highways in the State of Maine, or a large percentage of them, at least, and if we are to continue this bond selling program, I believe it should be confined to one system until we have fin-

ished with it. I do not believe it is good business to attach another great system which is larger than the original system in contemplation at the time we started issuing bonds—I do not believe it is good business to attach that to this bond issue and to ask the automobiles to support the whole thing, and I will make a motion that we adopt this Amendment, Mr. President.

Mr. CRAM of Cumberland: Mr. President, I am very glad to agree with the senator from Kennebec, Mr. Wadsworth, in his idea concerning the construction and maintenance of our highways. It is a fact, as I understand it, that we were not able to keep up with the maintenance last year, and it certainly is very poor business to continue to construct highways and not be able to keep up their maintenance. I believe, we should cut down on the bond issue.

I am also strongly in favor of the idea that the income from automobiles should be used solely for maintenance and not for the payment of bonds: that the bonds should be paid by general taxation and that the maintenance should be paid for by the automobiles that wear out the roads.

The PRESIDENT: The question before the Senate is on the motion of the senator from Kennebec, Mr. Wadsworth, that we adopt Senate Amendment B to H. D. 459, that Amendment being Senate 316.

Senate Amendment B was adopted by a viva voce vote.

Mr. SMITH of Somerset: Mr. President, I will now move that we adopt Senate Amendment A to H. D. 459, that Amendment being S. D. 315.

Mr. BREWSTER: Mr. President, I think in view of the Senate Amendment B, that there may need to be some reconstruction of Senate Amendment A, to make sure that they conform. I do not know whether the senator from Somerset has examined it with that in view or not. Are there certain portions of them that cover the same subject matter?

Mr. SMITH: Mr. President, I think the position is well taken by the senator from Cumberland, and I move that we reconsider our action whereby we accepted Senate Amendment B, and that the same be laid on the table that we may examine the two together.

Mr. BREWSTER: Mr. President, I want to clearly understand. There are two Amendments—if I may speak by consent—one is the substance and the other is the form of this Amendment. I understood that the senator from Somerset introduced this amendment simply to cover the question of form. The Amendment of the Senator from Kennebec is an Amendment of substance, and it would seem to be necessary to reconcile the form of the Amendment with the substance of the Amendment of the senator from Kennebec. The two Amendments are entirely distinct, I think.

Mr. SMITH: I would state, Mr. President, that I had one other thought in mind, and that is that I would like to consider Amendment B which has been adopted and is quite a departure from the original bill—I would like that privilege. That is one of my reasons for making the motion.

The PRESIDENT: Is it the pleasure of the Senate to reconsider the vote whereby we adopted Senate Amendment B?

It was so voted, and on motion by Mr. Smith, the bill with both Amendments was tabled.

On motion by Mr. Smith of Somerset, H. D. 74, An Act to amend Chapter 37 of the P. & S. Laws of 1917, as amended, relating to salaries of chief of police and police captains of the city of Lewiston, was taken from the table.

Mr. SMITH: Mr. President, I now yield to the senator from Androscoggin, Mr. Morneau.

Mr. MORNEAU: Mr. President, this is not quit clear, this indefinite postponement of House amendment A, and I was under the impression that there was a committee of conference, and I believe Senator Hinckley was chairman of that committee.

The PRESIDENT: The Chair has the impression that there was no conference committee on this.

Mr. HINCKLEY of Cumberland: Mr. President, there was no conference committee, Mr. President, it was on another matter.

The PRESIDENT: This bill was passed to be engrossed by the House as amended by House amendment A, and in the Senate the report has been accepted, and the House report and the bill was tabled pending adoption of the amendment in concurrence.

Mr. MORNEAU: Mr. President, I move that we concur with the House in the adoption of House Amendment A.

Mr. HINCKLEY: Mr. President, I tried to make this matter plain to the senator from Androscoggin and to the Senate. This bill came from the committee on salaries and fees, seeking to increase the salaries of the chief of police and the police captains in the city of Lewiston. There was before the Legislature at that time, and now is, and it was voted on by the Senate today, a bill known as the Lewiston Police Commission bill, and in that bill there is a provision that certain fees be taken away from the police officers, including the chief of police and police captains, and the committee on salaries and fees voted unanimously that we would make a report, ought to pass, on this bill, and should insist on that action provided under the new Lewiston Police Commission bill the fees were taken away from those officers. If the police commission bill was finally killed and the fees were not taken away then, we would recommend that this bill be indefinitely postponed. And I will say to the senator from Androscoggin, that as a member of that committee, and I am sure they will all join with me, that if the House concurs in the action of the Senate this afternoon, or in the event that the bill dies between the two houses, meaning by that action that the fees will not be taken away from those officers and increasing their salaries in that respect, then I will make a motion to indefinitely postpone, and I hope that the bill will accomplish all that the senator from Androscoggin wishes to accomplish.

The PRESIDENT: The Chair will state that by the endorsement of the papers it appears that a motion was made to indefinitely postpone the Amendment by Senator Hinckley, and it was then tabled pending the adoption of that motion.

Mr. HINCKLEY: Mr. President, we have in mind, I simply ask for permission to have this bill tabled until we are certain as to what action is to be taken in regard to the Lewiston Police bill.

Mr. MORNEAU: Mr. President—

The PRESIDENT: The senator will bear in mind any motion to table is not debatable.

Mr. MORNEAU: Mr. President, I

wish to say in explanation that I was under the impression that provided the salaries were raised three hundred dollars, that then the fees were to be removed, and if the salaries were not raised that the fees would remain. That is the understanding I had with the senator.

Mr. HINCKLEY: Mr. President, if the Lewiston Police bill is finally defeated, then the salaries will remain exactly where they have been in the past, and by indefinitely postponing this bill we will accomplish that purpose; they will both be defeated and everything remain as it was.

The motion was agreed to and the bill was tabled.

The PRESIDENT: The Senate realizes that in the closing hours, where matters are moving back and forth, we have to exercise a good deal of discretion so that matters will be clear to the members of the Senate.

On motion by Mr. Allen of York, the Resolve in favor of the University of Maine, was taken from the table.

Mr. ALLEN: Mr. President, to get at the situation so as to make it clear to myself I would like to inquire the status of the Resolve. I understand it is on its final passage.

The PRESIDENT: That is the stage of the bill.

Mr. ALLEN: Mr. President, the senator from Waldo, Mr. Buzzell, spoke on the bill this morning and I would like to know whether or not he made a motion at that time?

The PRESIDENT: There was no motion, and it was on its final passage. The senator can address himself to that.

Mr. ALLEN: Mr. President, I move that the resolve be finally passed, and I would address myself to that motion.

The PRESIDENT: The senator is in order.

Mr. ALLEN: Mr. President, it is a wonderful thing to be able to get up and talk upon any subject whether you know anything about it or not, but I feel that I have a reasonable excuse for talking upon this matter this afternoon. Having been chairman of the committee on education for the past six years, I feel that I am in a position, perhaps, better than any other layman in the

State of Maine, in knowing just the conditions that exist at the University of Maine.

I have given the proposition a good deal of time, and I have been down to the University and looked over the proposition from that angle, and while I will admit that \$895,000 is a lot of money, it would seem to me that under the circumstances they really need a lot of money down there.

I understood the honored senator from Waldo this morning that he thought possibly it might be a mark-down sale from \$900,000 to \$895,000, but I would like to inform the gentleman from Waldo, that in that case it would be \$898,000 rather than \$895,000. They generally drop down two thousand dollars.

This was a unanimous report from the committee on education, ought to pass. Just how we arrived at the amount of \$895,000 would be a long story and I do not care to go into that proposition.

We gave them \$300,000 a year for two years' maintenance, and \$75,000 for the year 1924 for general repairs, \$50,000 for the year 1925 for the same purpose, and we also gave them \$170,000 to erect a new building, an arts and science building so-called, that making in all \$895,000.

Now in addition to that there was appropriated by this very Legislature \$5,000 for scientific investigation; \$5,000 for Highmoor Farm; \$5,000 for animal husbandry. \$26,329 for co-operative agriculture, and \$10,970.70 for supplementary extension. All of that has to be added to the \$895,000. I speak of that for I want you to understand just what the University of Maine is getting. They are getting one dollar and fifty cents for every man, woman and child in the State of Maine today—one dollar and fifty cents apiece.

They want more, and the committee after very, very careful consideration, and we went over it pretty carefully, for it is not for ourselves but for after days, and we arrived at this amount of \$895,000.

Now I hope there will be no real opposition to this going through at this time. I feel that the committee has done all in their power and I realize it is a tremendous amount of money that they have asked for, and that we should be willing to give them.

There is a bill coming through here that makes the superintendent of schools, the commissioner of education, as he will be called after the first of July, a member of the board ex-officio, which to my mind will give us the connection between the State and the University of Maine, something we have not had and something I feel we should have.

I want those people down there to understand if there is any institution or any business that really needs re-vamping in the State of Maine, it is that institution, and the committee felt that this amount of money would help them to that extent to re-vamp that institution and bringing it, not upon a paying proposition but on a business basis, something we could rely upon and look forward to with pride.

That is the real reason why we gave them so much money as we have, and I feel that this resolve as we have mapped it out should go through.

Mr. BREWSTER of Cumberland: Mr. President, as one who began the service upon the committee on education with the senator from York who has just spoken, visiting the University of Maine some eight years ago when the problem was in some ways much more acute than it is now, and as a graduate of a sister college in this State, I want to endorse what the Senator from York has said.

I think the problem of the University of Maine is one of the biggest problems which we have in this State, both now and in the future. It has been with us for a long time and it will continue to be. Some of the most severe criticisms which I have heard of the conduct of affairs there has come from the most responsible members of the Board of Trustees and those most familiar with it. I think the difficulties in those cases arose to a very substantial extent from the president who is no longer connected with the Institution, whose generous ideas as to the scope of the Institution and as to what the State of Maine might properly do, were responsible for some large measure of the difficulties which came.

That is all changed. We have now a new President, a young man, bringing a great deal of thought to that phase and showing in many respects a conception of what limitations we must necessarily have in this State of

Maine in maintaining a University under the auspices of the State. For instance, one of the great problems there has been the undue expansion of its student body through not maintaining sufficiently high entrance requirements on a standard with the other colleges in this State. That was the conception of the former president, that any boy who wanted at any time, or any girl, to come to the State Institution should be permitted to enter there whether or not they had received an adequate preparation. The new president has distinctly set his face in the other direction, toward the maintenance of an institution of the highest grade, not as I believe improperly by an arbitrary limitation of numbers but by raising the entrance requirements to the point where the numbers will automatically limit themselves through the limited number of men and women who will be prepared to take advantage of it. That is simply one indication of his grasp upon what we can properly do in this State, and I hope that this Legislature may show to those who are so particularly interested in the University of Maine, that the hearts of all of us graduates of other institutions and those who did not attend any college are sincerely and earnestly interested in making the University of Maine the great institution of service that it may be to the people of this State. We are generous. This is a very large amount, as the senator from Waldo has stated. I trust that the very generosity which I believe the Legislature and the people are showing in this grant, will show them that we are with them in their endeavor to make this institution of the greatest possible service, and that they will respond in the same spirit, as we certainly have no reason to think they will not.

Already within the past year they have taken the step which has been mooted here for a long time, which is the point of the Alumni themselves taking an interest in the institution and contributing money to its support and maintenance, as all the other colleges in the State do. Already under the new regime the movement has been started and is progressing toward its fruition in the contribution of very substantial sums by distinguished Alumni toward its maintenance and support, and there again

you have the evidence of what I think may be a new spirit of co-operation and help by the State and by the Alumni in making the University of Maine the great institution which it may properly be.

The question being called for the motion of Senator Allen that the resolve be finally passed was adopted, and the resolve was finally passed and sent down for concurrence.

From the House: Report "A" from the committee on Legal Affairs, on An Act to provide for the nomination of candidates for office by political parties (House Doc. No. 183), reporting that the same ought not to pass.

(Signed) BREWSTER
SIDDALL
HOLMES
CLARKE

Report "B" from the same committee, on the same subject matter, reporting the same in a new draft, under the same title (House Doc. No. 500), and that it ought to pass.

(Signed) POWERS
HALE
MORRISON
MARTIN

Report "C" from the same committee, on the same subject matter, reporting the same in a new draft, under the title of An Act to amend Chapter 6 of the Revised Statutes relating to nominations (House Doc. No. 501), and that is ought o pass.

(Signed) CRAM
OAKES

Came from the House, Report "A" accepted.

In the Senate, on motion by Mr. Buzzell of Waldo, all three reports were tabled pending the acceptance of either.

From the House

S. 69: An Act making it unlawful for any person to have intoxicating liquors in his possession in any public place.

In the Senate this bill was passed to be engrossed; in the House it was indefinitely postponed.

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

The Chair appointed as such committee on the part of the Senate, Messrs. Hinckley, Stevens and Clark.

From the House: An Act to amend Section forty-six of Chapter two hundred nineteen of the Public Laws of nineteen hundred seventeen, as amended by Chapter one hundred thirty-three of the Public Laws of nineteen hundred nineteen, and as amended by Chapter two hundred eighteen of the Public Laws of nineteen hundred twenty-one, relating to the protection of fur-bearing animals.

In the Senate, on motion by Mr. Putnam of Washington, recommitted to the committee on inland fisheries and game, in concurrence.

From the House: 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.

This bill was passed to be engrossed by the House and Senate, and came from the House amended by House Amendment A.

The Senate voted to reconsider the action whereby the bill was passed to be engrossed; House Amendment A was adopted in concurrence, and the bill as so amended was passed to be engrossed in concurrence.

From the House: The committee on conference on the disagreeing action of the two branches of the Legislature on bill An Act to amend Section 15 of Chapter 55 of the Revised Statutes, relating to Public Utilities (House Doc. No. 425) reported that the same should be indefinitely postponed in concurrence with the House.

Which report was accepted by the Senate, and the Senate then indefinitely postponed the bill in accordance with the report of the committee and in concurrence with the House.

The committee of conference on the disagreeing action of the two branches of the Legislature, on Resolve in favor of the State Armory at Lewiston, reported that the same ought to pass.

On motion by Mr. Hinckley of Cumberland, the Senate voted to recede and concur with the House in the acceptance of the report, and on further motion by the same senator the rules were suspended and the bill was given its two readings and was passed to be engrossed.

On motion by Mr. Eaton of Oxford, the bill was tabled.

Bills in First Reading

S. 317: An Act to amend Section 36 of Chapter 49 of the Revised Statutes relating to preference to Maine Workmen and Contractors.

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

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

S. 319: 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.

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

S. 320: An Act providing for the benefit and assistance for aged persons under certain conditions in the State of Maine and prescribing penalties for violations of the provisions hereof and making an appropriation for carrying out of its purposes.

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

On motion by Mr. Hussey of Aroostook, tabled pending passage to be engrossed.

S. 321: Resolve, in favor of clerks, stenographers and messengers of the several committees of the eighty-first Legislature.

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

Passed to be Enacted

An Act to amend Section 98 of Chapter 82 of the Revised Statutes, as amended by Chapter 39 of the Public Laws of 1921, relating to the exchange of justices of superior courts.

An Act to permit sterilizing operations in certain cases of mental disease and feeble mindedness.

On motion by Mr. Powers of Aroostook, the vote was reconsidered whereby this bill was passed to be enacted, and on further motion by the same senator the bill was tabled.

Resolve proposing an Amendment to the Constitution prohibiting the

use of public funds for sectarian schools.

In the House seventy-seven voted in favor of the passage of this Resolve and sixty-six against, and the Resolve failed of final passage.

On motion by Mr. Hinckley of Cumberland, the Resolve was tabled.

The PRESIDENT: The Chair will state that the Act to repeal Section 8 of Chapter 522 of the Private and Special Laws of 1885, and to amend Section 1 of Chapter 9 of the Private and Special Laws of 1887, relating to the Camden and Rockland Water Company, has been printed and is S. D. 318. This bill is now in the hands of the Senate for any action that may be desired upon it.

On motion by Mr. Hinckley of Cumberland, the bill was tabled.

At this time a recess was taken.

AFTER RECESS

The Senate was called to order by the President at 5:05 o'clock.

From the House: An Act to amend Chapter 294 of the Public Laws of 1917, as amended by Chapter 63 of the Public Laws of 1921, relating to intoxicating liquors (Senate Doc. No. 285.)

Which came from the House amended by House amendment A and passed to be engrossed as amended by Senate Amendment A and House Amendment A.

On motion by Mr. Hinckley of Cumberland, the vote was reconsidered whereby this bill was passed to be engrossed.

House Amendment A was then adopted in concurrence, fourteen voting in favor of adoption and five against.

The bill as amended by House Amendment A and by Senate Amendment A was then passed to be engrossed in concurrence.

From the House: An Act relating to the State Park Commission (House Doc. No. 467.)

Which came from the House indefinitely postponed.

This bill was passed to be engrossed by the Senate.

Mr. WADSWORTH of Kennebec: Mr. President, I move that we recede and concur with the action of the

House in indefinitely postponing this bill.

A viva voce vote was had and the Chair being in doubt, a division was had. Eighteen voting in favor of the motion to recede and concur and six opposed the motion prevailed and the bill was indefinitely postponed in concurrence.

From the House: The committee on Ways and Bridges on bill An Act to provide for the construction of gravel roads in all cases except where a different type of construction is especially authorized (Senate Doc. No. 103) reported the same in a new draft, under the same title (House Doc. No. 491) and that it ought to pass.

In the House this report was accepted.

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

Reports of Committees

Mr. Adams for the committee on ways and Bridges to which was referred the following resolves:

Resolve in favor of the town of Albion to aid in building road.

Resolve in favor of Anson for a road.

Resolve in favor of Anson for road.

Resolve in favor of town of Ashland to aid in repairing bridge.

Resolve appropriating money to reimburse the town of Arrowsic for money expended in the repairs and maintenance of bridge in the town of Arrowsic.

Resolve in favor of the town of Athens to repair a road.

Resolve in favor of the town of Baldwin.

Resolve in favor of the town of Bancroft to repair road.

Resolve in favor of the city of Belfast, for the purpose of repairing a roadway.

Resolve in favor of the towns of Belgrade, Rome and Mt. Vernon to aid in building and improving the Narrows Road.

Resolve in favor of the town of Bethel.

Resolve appropriating money to aid in the repair and construction of the highway known as the Buzzell Road in the city of Biddeford.

Resolve for the construction, maintenance and repair of a public highway within the limits of Birch Point Village Corporation.

Resolve in favor of Bluehill for repair of road.

Resolve for completing the construction and improvement of the State Aid Highway between the State highway as now traveled near the residence of George Huff to Boothbay Harbor Village.

Resolve in favor of the town of Bowdoin to aid in repairing highway in said town.

Resolve in favor of the town of Brownfield in the construction of a road.

Resolve in favor of the town of Brownville for repair of a road.

Resolve in favor of the town of Buckfield for constructing a road.

Resolve appropriating money to aid in the permanent improvement of the Mere Point Road, so-called, in the town of Brunswick.

Resolve appropriating money for the repair of a highway bridge between Calais, Washington County, Maine, and Milltown, New Brunswick.

Resolve in favor of the town of Carmel to aid in building a road.

Resolve in favor of the towns of Chesterfield and New Sharon to aid in rebuilding road.

Resolve in favor of road in Codyville Plantation in Washington County.

Resolve in favor of the town of Concord for the repair of a bridge.

Resolve in favor of road in the town of Cooper.

Resolve to aid the towns of Cornish and Limerick in repairing a road.

Resolve in favor of the town of Cornville to repair a road.

Resolve in favor of road in the towns of Crystal and Sherman.

Resolve in favor of a roadway in the town of Cushing, Knox County.

Resolve in favor of road in Danforth.

Resolve in favor of the town of Deblois for aid in rebuilding a bridge.

Resolve in favor of the town of Dexter.

Resolve in favor of the town of Dixmont to aid in building a road.

Resolve in favor of Drew Plantation.

Resolve in favor of the town of Durham for a road.

Resolve in favor of the town of Dyer Brook to aid in repairing road.

Resolve for rebuilding part of highway leading from Lisbon Falls through South Durham to Freeport village.

Resolve appropriating money to aid in building a road in Eagle Lake.

Resolve to aid the town of Eagle Lake in building Nadeau Bridge over Fish river.

Resolve appropriating money for road in the town of Eddington.

Resolve appropriating money for construction, extension, repair and maintenance of approaches and appurtenances to the ferry landings at Eggemoggin Reach.

Resolve in favor of city of Ellsworth for repair of road.

Resolve appropriating money for rebuilding and repairing a road in the city of Ellsworth and the town of Hancock.

Resolve in favor of Embden for a road.

Resolve in favor of the town of Etna to aid in building a road.

Resolve in favor of the town of Fairfield for the construction and repair of a road.

Resolve in favor of the town of Fort Fairfield, for repairing bridge across the Aroostook river.

Resolve in favor of road in the town of Frankfort.

Resolve appropriating money for a road in the town of Freedom.

Resolve to aid the town of Fryeburg in the construction of a road.

Resolve in favor of the Gardiner and Randolph draw-bridge.

Resolve appropriating money to aid the town of Garland in building road.

Resolve for the improvement of certain roads in the town of Georgetown.

Resolve in favor of the town of Glenburn to aid in building a road.

Resolve in favor of the town of Greene.

Resolve in favor of the town of Hampden to aid in building a road.

Resolve in favor of road in the town of Hanover.

Resolve in favor of the town of Harmony to repair a road.

Resolve to aid the town of Harrison in building and repairing road.

Resolve appropriating money to aid the town of Haynesville in repairing bridges.

Resolve in favor of the town of Hebron for appropriating money to aid in the repairing of road.

Resolve in favor of the town of Hermon to aid in building a road.

Resolve appropriating money to aid the town of Hodgdon in repairing road.

Resolve to aid the town of Hope in replacing the wooden bridge called the Prescott bridge with steel bridge.

Resolve in favor of the town of Hudson for repair of road.

Resolve in favor of the Jerusalem and Crocker townships in Franklin county for the repair and permanent improvement of highways.

Resolve in favor of the town of Kennebunk for a road.

Resolve in favor of the town of Kittery for construction of a road.

Resolve appropriating money for road in the town of Knox.

Resolve to aid in repairing the Thompson road, so-called, in Lambert Lake Plantation.

Resolve appropriating money to aid in the repair and construction of the highway leading from the Saw Mill bridge, so-called, to the residence of Hiram C. Lord in the town of Lebanon.

Resolve in favor of the town of Levant to aid in building a road.

Resolve in favor of the town of Litchfield to aid in repairing the highway.

Resolve appropriating money for a road in the town of Liberty.

Resolve in favor of repairing the road from the Canadian Pacific Railroad Depot, in Little Squaw Mountain township, to the Moosehead State Hatchery in Big Squaw Mountain township, in Piscataquis county, with statement of facts.

Resolve in favor of town of Machiasport to aid in building highway in said town.

Resolve in favor of Madison for road.

Resolve in favor of the town of Madison for the repair of a road.

Resolve in favor of the town of Maxfield.

Resolve in favor of the town of Medford in the county of Piscataquis

for repair and maintenance of road westerly from Hathorn's Corner in said town.

Resolve in favor of the town of Mil-bridge, for aid in repairing a road.

Resolve in favor of the town of Milford for road repair.

Resolve appropriating money to aid the town of Millinocket in building road.

Resolve appropriating money to aid the town of Monmouth in building road.

Resolve in favor of the town of Monroe, Waldo county, for the purpose of repairing a roadway.

Resolve in favor of the town of Monticello to repair a bridge.

Resolve appropriating money for a road in the town of Montville.

Resolve in favor of the town of Moscow in the county of Somerset for repair and maintenance of road leading easterly from the Bingham and Moscow town line through said Moscow and joining the road leading to Dover-Foxcroft.

Resolve in favor of the town of Mt. Chase, Penobscot county Maine to appropriate money to improve and repair the Sebois road, so-called, in said town.

Resolve appropriating money to aid in the repairing of the highway in the town of Mt. Desert.

Resolve in favor of the town of Newburg to aid in building a road.

Resolve appropriating money to aid in building a road in the towns of Newcastle and Jefferson.

Resolve in favor of the town of Newport to aid in building Durham bridge road.

Resolve in favor of the town of New Portland for the construction of a road.

Resolve for repairing road in town of New Sweden.

Resolve in favor of the town of North Yarmouth to aid in repairing a road.

Resolve in favor of the Ogunquit village corporation in the town of Wells to build a road.

Resolve appropriating money to aid in the construction of a highway bridge over the thoroughfare between North and Grand lakes, and between the towns of Orient, in the county of Arostook, and Fosterville, in the

county of York, and province of New Brunswick.

Resolve for repairing road from Five Mile Corner, so-called to Sucker Brook, in the town of Orland.

Resolve for the repair of road leading from town of Orland, to the town of Castine, in the town of Penobscot.

Resolve in favor of the town of Orneville, in the county of Piscataquis, for the repair and maintenance of a highway in said town, with statement of facts.

Resolve appropriating money for road in the town of Orrington.

Resolve appropriating money for the building of an improved highway in the town of Otisfield.

Resolve appropriating money for repair of road in the town of Paris.

Resolve appropriating money for improvement of road in the town of Parkman.

Resolve in favor of road in the town of Pembroke.

Resolve appropriating money for improving the road from Boyden Lake to North Perry in the town of Perry.

Resolve in favor of road in the town of Peru.

Resolve in favor of the town of Phillips to aid in re-building Weld Road.

Resolve expending money to aid the town of Phippsburg, in the county of Sagadahoc, in repairing and constructing the town road from Ashdale to Sebasco.

Resolve appropriating money to aid the town of Phippsburg, in Sagadahoc county in repairing and reconstructing the town road from Phippsburg Center to Popham Beach, via Parker Road.

Resolve appropriating money for the repair of highway in the town of Pittsfield.

Resolve in favor of the town of Pownal for construction and repairs of highway.

Resolve in favor of the Danforth Road in Prentiss.

Resolve in favor of the town of Presque Isle, Arostook county, for repairing highway.

Resolve in favor of road in the town of Prospect.

Resolve in favor of road in the towns of Raymond and Gray.

Resolve appropriating money to aid Reed Plantation in repairing road.

Resolve appropriating \$1000 for the town of Robbinston for repairs on the Ridge Road.

Resolve in favor of the town of Rumford for repairing the highway leading from Rumford Center Ferry to the Milton town line.

Resolve in favor of the city of Saco to repair and maintain the highway leading from Saco to Buxton known as the Buxton road.

Resolve appropriating money for road in the town of Searsmont.

Resolve in favor of the town of Sedgwick, Hancock county, for aid in rebuilding Ridge Road, so-called.

Resolve in favor of the town of Sidney to aid in repairing a road.

Resolve in favor of town of Skowhegan for a road.

Resolve appropriating money to aid the town of Somerville in building road.

Resolve in favor of the town of South Berwick.

Resolve appropriating money to aid the town of Stetson in improving road.

Resolve in favor of the town of Steuben for the purpose of improving a road.

Resolve providing for the repair of a road in the town of Sullivan.

Resolve in favor of the town of Surry to rebuild bridge.

Resolve appropriating money for a road in the town of Swanville.

Resolve appropriating money to build a bridge across Depot Stream in Township No. 13, Range 15, County of Aroostook.

Resolve in the aid of the highway in Township A, Range 7, in the county of Penobscot, for the construction, repair and maintenance of the same.

Resolve to aid in repairing the Vaneboro Road so-called, through Township No. 9, Range 2, and No. 1, Range 3, in Washington county.

Resolve in favor of Mopang Bridge, Township No. 30, M. D., Washington county.

Resolve in favor of Old Stream, Pembroke and Main River Bridges in Township No. 31, M. D., Washington county.

Resolve in favor of town of Trescott, Washington county, to aid in building highway in said town.

Resolve appropriating money to aid the town of Union in repair of a road in the county of Knox.

Resolve in favor of the town of Unity for a road.

Resolve appropriating money for repair of highway in the town of Vinalhaven.

Resolve to aid the town of Waldo in repairing road.

Resolve appropriating money to aid the town of Warren in repair of a road in the county of Knox.

Resolve appropriating money to aid the town of Washington in the improvement of a road in the county of Knox.

Resolve in favor of repairing road in Washington Plantation in the county of Franklin.

Resolve in favor of bridge over Mattagoodus Stream in Webster Plantation.

Resolve appropriating money to aid the town of Weston in repairing road.

Resolve appropriating money to aid in the repair and construction of the highway from Wells to the New Hampshire State line, through the towns of Wells, North Berwick and Berwick, and providing for the future maintenance thereof.

Resolve in favor of road in the city of Westbrook.

Resolve appropriating one thousand dollars in aid of town road in West Bath from the New Meadows Inn to the State highway leading from Portland to Rockland.

Resolve for the construction, maintenance and repair of a public highway within the limits of the town of West Bath, Maine.

Resolve for the improvement of a road in the town of Wesley.

Resolve appropriating money to aid the town of Windsor in completing road.

Resolve in favor of road in the town of Wiscasset.

Resolve, appropriating money to build a road in the town of Woodstock.

Resolve in aid of the maintenance and repair of the River Road in the town of Woolwich.

Resolve appropriating money to aid the town of York in repairing road, with accompanying statement of facts.

Resolve in favor of the towns of Bucksport and Verona for rebuilding the Bucksport-Verona Bridge.

Resolve in favor of a bridge over the St. John River between Fort Kent, Maine, and the village of Clair, Parish of St. Francis, Province of New Brunswick.

Resolve in favor of the towns of Parsonsfield and Porter in the construction of bridges.

Resolve in favor of bridge over Carabassett Stream at East New Portland Village, in the town of New Portland in the county of Somerset and State of Maine.

Reported the same in a new draft under the title of Resolve for the construction, maintenance and repair of roads, bridges and ferries, and that it ought to pass.

Which report was read and accepted and the report laid upon the table to be printed under the joint rules.

On motion by Mr. Powers of Aroostook, S. D. 188, An Act to permit sterilizing operations in certain cases of mental diseases and feeble-mindedness, was taken from the table.

On further motion by the same senator the bill was passed to be enacted in concurrence.

On motion by Mr. Smith of Somerset Senate Amendment C to H. D. 490, An Act providing for a tax upon gasoline and other products used in operating internal combustion engines was taken from the table.

The same senator then moved the adoption of Senate Amendment C.

The PRESIDENT: The Chair would inquire if Senate Amendment C is the Amendment presented by the senator from Cumberland, Mr. Hinckley?

Mr. HINCKLEY: It is, Mr. President.

(The Amendment was read by request of the senator from York, Mr. Allen).

Senator Smith then moved the adoption of the Amendment.

A viva voce vote was had and the Chair being in doubt a division was had. Sixteen senators voting in the affirmative and eight opposed, the Amendment was adopted.

Mr. ALLEN: Mr. President, I move that the bill with the Amendment and everything that goes with it, lie on the table.

A viva voce vote was had, and the Chair being in doubt, a division was had. 16 senators voting in favor of the motion and 9 opposed the motion was carried and the matter was tabled.

Mr. BUZZELL of Waldo: Mr. President, I move to take from the table reports A, B and C regarding the primary law.

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

Mr. BREWSTER of Cumberland: Mr. President, I would like to move the adoption of Report A which is the report of four members of the legal affairs committee on the Curtis primary bill so-called, that it ought not to pass. Report B is a new draft of the Curtis bill signed by four other members of the committee, which substitutes the old convention system for the present primary law, referring that to the people, and Report C is another new draft of the Curtis bill, following substantially the lines of the Curtis original bill where it is a modification of the convention and the primary law. I think it wise to state this so that the Senate will understand just what the reports of the committee are.

Report B was a sincere effort of some members of the committee to present what they construed to be the obligation of the Republican platform of last year, since it did not seem to the great majority of the committee that the substitution of a thing that looked like a primary and was a convention, was a fulfillment of that party pledge in either platform; that the only fair way of presenting the matter would be the flat issue of the old convention system. Four members of the committee were prepared to recommend that for the consideration of the Legislature and the people.

The four members of the committee who signed the report ought not to pass, the acceptance of which I now move, felt that there had not been shown to be sufficient popular demand for a submission of this primary question at this time, when women had been so recently admitted to the electorate and had not had a fair opportunity to consider its advantages or disadvantages, and that the party platform was not adopted with that considerate deliberation which would

be necessary to give it the force which we should wish here as representing the voice of the people. I therefore move the adoption of Report A, ought not to pass.

Mr. POWERS of Aroostook: Mr. President, I signed Report B which has been spoken of in the papers as a return to the convention system. That is not strictly so. This bill restores a convention, but it provides for a general caucus day. In fact, in the committee the words "primary day" were used, but some of the committee thought that might be misleading, so we have a general caucus day which is advertised everywhere and established by law, and we felt that people would come out to that caucus day just as they do to the primary election. The chief criticism, I believe, of the old convention was in regard to the way the caucus was run. We tried to obviate that. Of course I do not feel that any of the four members of the committee regard this as an expression of opinion as to the desirability of the present law or of the plan we have advocated, but we did feel that our party platform bound us to submit something to the people and this draft is an effort to perform that thing. We think we can trust the people to decide. We four believe in party government and we believe that the party should fulfill its platform pledges. I therefore move that report A be not adopted.

The PRESIDENT: There is a motion before the Senate that we should accept the report, and if that is defeated the senator can make a new motion.

(At this point the messenger escorted Speaker Holley to a chair beside the President, amid applause).

Mr. BUZZELL of Waldo: Mr. President, it gives me great pleasure to have an opportunity to say a word on these reports at this time.

I do not believe that there is any demand on the part of the people to do away with our present primary law. In the very early session of this Legislature, our Legislature tried to take care of this condition and a few of our numbers laid great stress on the State convention obligation—we were so tremendously sensitive, our desire to carry out the party platform was so great that it has followed us

from that time through all these weeks down until this late day. It has been in committee the greater part of this time. It was my idea in the first place that there was no demand for a change in the primary law, and I do not believe it now. I do not believe there is any considerable number of people in the State of Maine who desire to go back to the old caucus law. I believe this report is an expression of that committee, just as they felt about it after all of these weeks of deliberation, and I feel that they have given us this report, thinking that they had done the best they could under the conditions and that this report might represent all of the early expression in this Legislature.

I hope that the motion of the senator from Cumberland, Senator Brewster, will prevail.

Mr. CRAM of Cumberland: Mr. President, I feel that Report C should have a word said in its favor, and that is the position taken by two members of the legal affairs committee which provides that nominations of candidates shall first be made in the party convention, and that candidate or those candidates shall be designated as the convention nominees. If any candidate for office not nominated at the political convention is not satisfied, he may within five days file his affidavit, and subsequently he may issue his nomination papers which shall be signed by not less than eight or more than 15 per cent. of the entire vote cast for governor in the preceding State election in that district. We endeavored to make an honest effort to meet what we thought was a distinct desire on the part of many of the voters of the State to return to some extent to the old convention system. We endeavored by this method to provide for the selection of the candidate by the convention, and subsequently others may be elected at the primaries. We believed in that way all were having a fair show, and we believed also that we were meeting the desires of the conventions of the two parties as shown by their party platforms.

The matter is before the Senate to act upon as their wisdom may dictate.

The PRESIDENT: The question before the Senate is on the motion of the senator from Cumberland, Mr. Brewster, that Report A, ought not to

pass, be accepted. Is the Senate ready for the question?

(The question was called for).

A viva voce vote was had and the majority report was accepted, in concurrence.

Mr. ALLEN of York: Mr. President, I move that the Senate adjourn until tomorrow morning at 9 o'clock.

The motion was agreed to and the Senate adjourned.