

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

Wednesday, April 4, 1923.

Senate called to order by the President.

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

Journal of previous session read and approved.

The PRESIDENT: The Chair will say that he feels sure the Senate would be honored, and I know that the presiding officer would feel that way, if we could have sitting, one at my right and the other at my left hand, the twin sons of Senator Trefethen.

(The two boys took seats by the President amid applause).

The PRESIDENT: I am sure this is rather a privilege for the Senate of Maine.

Papers from the House disposed of in concurrence.

From the House: Resolve for the purpose of correcting an error in the resolve for laying of the county taxes for the year 1924 as applying to the county of Cumberland.

In the Senate the rules were suspended, and the bill without printing or reference to a committee was given its two several readings and passed to be engrossed in concurrence.

From the House: Resolve for the purpose of correcting an error in the resolve for laying of the county taxes for the year 1923 as applying to the county of Cumberland.

In the Senate the rules were suspended, and the bill without printing or reference to a committee was given its two several readings and passed to be engrossed in concurrence.

From the House: The committee on appropriations and financial affairs on resolve in favor of the chaplains of the House of the 81st Legislature, report that the same ought to pass.

The report was accepted in concurrence, and on motion by Mr. Eaton of Oxford, the resolve was given its two readings and passed to be engrossed in concurrence.

From the House: The same committee on resolve on the payroll of the House of Representatives of the 81st Legislature, reported that the same ought to pass.

The report was accepted in concurrence, and on motion by Mr. Eaton of

Oxford, the resolve was given its two readings and passed to be engrossed in concurrence.

From the House: The committee of conference on the disagreeing action of the two branches of the Legislature, on An Act to amend Section 7 of Chapter 293, of the Public Laws of 1917, relating to the director of the sea and shore fisheries (House Doc. No. 435), reported that the House recede and concur with the Senate.

In the Senate the report of the committee was accepted in concurrence.

From the House: An Act to provide for an issue of State aid or second class highway bonds (House Doc. No. 457).

Came from the House, that branch insisting upon their former action in passing the bill to be enacted, and asking for a committee of conference, the Speaker having named as House members of such committee.

Messrs. MAHER of Augusta,
GRANVILLE of Parsonsfield,
LELAND of Sangerville.

This bill was indefinitely postponed by the Senate.

On motion by Mr. Hinckley of Cumberland, the Senate voted to insist on its former action and join a committee of conference.

The Chair stated that he would announce the committee later.

From the House: An Act in relation to the several examining boards (House Doc. 295), which came from the House, that branch insisting upon its former action in passing the bill to be engrossed as amended by House Amendment "A" and asking for a committee of conference, the Speaker having appointed as House members of such a committee:

Messrs. McDONALD of East Machias,
BRETT of Otisfield,
HAYFORD of Mechanic Falls.

The PRESIDENT: This bill was passed by the Senate without House Amendment A.

On motion by Mr. Cram of Cumberland, the Senate voted to insist on its former action and join a committee of conference.

The Chair appointed as such committee on the part of the Senate Messrs. Cram of Cumberland, Ryder of Piscataquis and Spencer of York.

Report of Committees

Mr. Stevens, from the committee on Ways and Bridges, on the following resolves:

Resolve to aid the town of Alexander in repairing road;

Resolve in favor of the town of Andover et als, for repair, maintenance, improvement and reconstruction of road;

Resolve in favor of the town of Bluehill;

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

Resolve appropriating money for aid in repairing road in towns of Castine and Penobscot;

Resolve in favor of a road in the town of Charlotte;

Resolve in favor of towns of Amherst and Clifton for aid in construction of road around "Chick Hill";

Resolve to aid the town of Crawford in building road;

Resolve for the appropriation of \$750 for a State aid road in the town of Cushing, Knox county;

Resolve in favor of bridge over Eastern river in the town of Dresden;

Resolve in favor of the East Machias and Machiasport bridge;

Resolve in favor of improving the State highway between Gray Station and the State Home for Feeble Minded;

Resolve in favor of the city of Hallowell for State highway construction;

Resolve in favor of the town of Harrington for aid in rebuilding a bridge and its approaches;

Resolve appropriating money for road in Jonesboro;

Resolve in favor of bridge over the Aroostook river in the town of Masardis;

Resolve in favor of road in the town of Meddybemps;

Resolve in favor of new drawbridge at Naples;

Resolve to appropriate money to improve the so-called "Lake road" in town of Norway;

Resolve in favor of Old Town and Milford bridge for hand rails;

Resolve appropriating money for the repair of highway in the town of Palmyra;

Resolve for the repair of the Valley road, so-called, in the towns of Salem and Freeman in Franklin county;

Resolve in favor of the town of Sebago;

Resolve in favor of town of Skowhegan for a road;

Resolve in favor of the town of Somerville to aid in construction of a road;

Resolve in favor of the town of South Thomaston for aid in improving the road from Wessaweskeag to Spruce Head village;

Resolve in favor of the town of Surry;

Resolve appropriating money to aid the town of Union in building a bridge in the county of Knox;

Resolve in favor of Beaver Dam Brook bridge in the town of Wesley;

Resolve in favor of road in the town of Whitneyville;

Resolve in favor of the town of Whitneyville;

Resolve appropriating money to aid in building a road in Winterville plantation, Aroostook county; reported that the same ought not to pass.

The report was accepted.

Finally Passed

Resolve, appropriating money for the purpose of operating the fish hatcheries and feeding stations for fish, for the protection of fish, game birds and for printing the report of the commissioner of inland fisheries and game and other expenses incident to the administration of the Department of Inland Fisheries and Game.

ORDERS

On motion by Mr. Bemis of Somerset, it was

Ordered, that the Governor be requested to return Resolve in favor of several academies, institutes, seminaries, and colleges, for maintenance, repairs and improvements (H. D. 432), for further consideration by the Senate.

Orders of the Day

The President laid before the Senate, An Act to amend Chapter 37 of the Private and Special Laws of 1917 as amended by Chapter 124 of the Private and Special Laws of the Special Session of 1919, relating to the salaries of chief of police and police captains of the city of Lewiston (House Doc. No. 74), and recognized the senator from Cumberland, Senator Hinckley.

Mr. HINCKLEY: Mr. President, I move, in order to clean up the calendar, that this bill be indefinitely postponed.

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

The President laid before the Senate

Resolve in favor of the State Armory at Lewiston, and recognized the senator from Oxford, Mr. Eaton.

Mr. EATON: Mr. President, I yield to the senator from Kennebec, Mr. Wadsworth.

Mr. WADSWORTH: Mr. President, I move that this matter be tabled for a short time and I will take it up later. The motion was agreed to and the bill was tabled.

The President laid before the Senate Resolve, proposing an amendment to the Constitution prohibiting the use of public funds for secretarian schools (Senate Doc. No. 58).

On motion by Mr. Hinckley of Cumberland, tabled.

The President laid before the Senate Resolve, amending Article IX of the Constitution as amended by Article XXXV of the Constitution and as amended by Article XLIII increasing the amount of bonds to be issued for the purpose of building State highways and State Aid highways and providing for the building of intrastate, interstate, and international bridges (House Doc. No. 459).

(In the absence of Senator Smith, retabled.)

The President laid before the Senate House report from the committee on Ways and Bridges, reporting "ought to pass" in new draft on An Act to provide for the construction of gravel roads in all cases except where a different type of construction is especially authorized (House Doc. No. 491), and recognized the senator from Washington, Mr. Emery.

On motion by Mr. Emery, the report of the committee was accepted in concurrence, the bill was given its first reading, and the same senator then offered Senate Amendment A and moved its adoption.

Senate Amendment A to H. D. 491

H. D. 491 is hereby amended by adding thereto the following section:

"Section 2. The provisions of this act shall not apply to those portions of State aid or trunk line roads in cities or towns where the buildings are nearer than two hundred feet apart for the distance of one-quarter of a mile or more."

Mr. WADSWORTH of Kennebec: Mr. President, it seems to me that this is unnecessary legislation. I move that

the act and the amendment both be indefinitely postponed.

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

The President laid before the Senate An Act providing for a tax upon gasoline and other products used in operating internal combustion engines (House Doc. No. 490), and recognized the senator from York, Mr. Allen.

Mr. ALLEN: Mr. President, I yield to the senator from Cumberland, Mr. Cram.

Mr. CRAM: Mr. President and members of the Senate, I have given some consideration to this matter since our action of yesterday afternoon, and am quite convinced that it is proper for us to pass this bill as it originally came to us.

I move that we reconsider our action whereby we adopted certain amendments.

Mr. HINCKLEY of Cumberland: Mr. President, I certainly would be obliged to oppose the passage of this bill unless in the amended form, for I believe it would be a very serious mistake, first, from an economical standpoint, and second to do it from a legal standpoint, for I feel as firmly convinced on this matter as on any question we have passed this session, that the exemptions we are passing into law would be unconstitutional, as the courts of New Hampshire have held.

I hope the members of the Senate will vote against reconsideration.

The PRESIDENT: The Chair will have to ask the senator from Cumberland, Mr. Cram, to make his motion explicit, for the Senate has adopted two amendments, Senate Amendment C was adopted yesterday, and the day before Senate Amendment A was adopted.

Mr. CRAM: Mr. President, I will say that we have had a newspaper report of the decision of the New Hampshire courts on the gas tax law. Of course, the supreme court of New Hampshire is not a court of last resort in this country, and this matter has been passed upon by the supreme court of the United States in connection with the tax in New Mexico, and the report, as far as New Mexico was concerned was that it was constitutional.

I feel that we do desire and that it is quite necessary to get some

gasoline tax passed at this session of the Legislature. I firmly believe that a tax without exemption is the only way that we can arrive at the matter.

Mr. HINCKLEY: Mr. President, I feel, before I am ready to vote in favor of taxing the fishermen along the entire Atlantic seaboard, as far as the coast of Maine is concerned, for the specific purpose of maintaining the highways in this State, and before I am ready to tax the farmer for the gasoline used in his tractor, or the gasoline used in his stationary engine for the purpose of operating his threshing machine or wood-sawing machine, or for any other purpose, adding fifty or seventy-five cents per barrel to the cost of gasoline, for the specific purpose of maintaining the highway, it is better for the State of Maine to tax all property for this purpose than to pass this legislation.

The PRESIDENT: The question before the Senate is on the motion of the senator from Cumberland, Mr. Cram, that we reconsider the vote whereby yesterday we adopted Senate Amendment C.

A viva voce vote was had and the Chair being in doubt a division was ordered.

(Before the vote was taken the question was re-stated by the Chair, and then Senator Eaton asked to have Senate Amendment C. read.)

Mr. HINCKLEY: Mr. President, I think I can state in a word that Senate Amendment C exempts from the gasoline tax all gasoline used for every purpose except that used in motor vehicles on the highway.

A division was then had, and eleven senators voting in the affirmative and seventeen in the negative the motion to reconsider was lost.

Mr. HINCKLEY: Mr. President, I now move that the bill be passed to be engrossed as amended by Senate Amendments A and C.

A viva voce vote was had and the same being doubted a division was had. Seventeen senators voting in favor of the passage of the bill as amended and nine opposed, the bill was passed to be engrossed as amended by Senate Amendments A and C.

Sent down for concurrence.

The President laid before the Senate An Act providing for the benefit and assistance for aged persons under cer-

tain 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. 320), and recognized the senator from Aroostook, Mr. Hussey.

On motion by Mr. Hussey, the bill was retabled temporarily in the absence of the senator from Somerset, Mr. Smith.

The President laid before the Senate An 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 (Senate Doc. No. 318), and recognized the senator from Cumberland, Mr. Hinckley.

Mr. HINCKLEY: Mr. President, I put this bill on the table for the purpose of printing. The House voted against my objection to having the matter received, and I would now leave it with the Senate.

Mr. ELLIOT of Knox: Mr. President, if this bill has had due consideration I would move that the rules be suspended, and the bill given its two readings at this time.

The PRESIDENT: It will be necessary to suspend the order limiting the time of the reception of private and special legislation. This requires the two-thirds vote. There was no action taken upon receiving the bill. If there is any objection on the part of any senator to the suspension of the order they will please indicate it before voting.

Mr. HINCKLEY: Mr. President, I move that the order limiting the reception of bills be suspended.

A division was had and on a two-thirds vote the order was suspended.

Mr. BUZZELL of Waldo: Mr. President, for a matter of information is a two-thirds vote required at all stages of this bill?

The PRESIDENT: Any motion that calls for suspension of the rules has to have a two-thirds vote.

The motion now pending is to further suspend the rules and give the bill its two several readings at this time.

Mr. HINCKLEY: Mr. President, I would state to the Senate that now as the Senate has voted to receive this matter, I will abide by the majority of the Senate and will vote with the majority on this matter.

The rules were suspended by a unanimous vote, the bill given its two readings and passed to be engrossed.

(A short recess was taken at this time.)

AFTER RECESS

The Senate was called to order by the President at 10 o'clock A. M.

Mr. BUZZELL of Waldo: Mr. President, in these closing hours of the Legislature I move that the rules be suspended and that any members of the Senate who desire to smoke may do so. The motion was agreed to.

Mr. BEMIS of Somerset: Mr. President, I ask unanimous consent to introduce a resolve out of order and under suspension of the rules, I will explain my reasons for so doing.

Up in my county there is a little academy that has received State aid for some twenty-five years, a very small amount, \$750 annually for some time. By and through some oversight this is omitted from the blanket resolve covering the several academies in the State.

It is for this reason that I ask consent to introduce the resolve at this time. I fear if that little academy does not receive the usual stipend that it will have to close its doors. There are about 45 students there at the present time and we feel that it would be a great injustice if this matter cannot be taken care of for the two coming years.

Unanimous consent was given to the suspension of the order limiting the time of reception of the bill, and the suspension of the rules, and the resolve, a resolve in favor of the Somerset Academy was given its two readings without printing and without reference to a committee and was passed to be engrossed.

Sent down for concurrence.

The PRESIDENT: Now is it the pleasure of the Senate that we reconsider the vote whereby earlier in the session we passed an order recalling from the Governor the so-called blanket resolve on the academies?

The motion was agreed to and unanimous consent was then given to the withdrawal of the order.

The Committee of Conference on the disagreeing action of the

two branches of the Legislature, on bill "An Act to amend Section 45, Chapter 127 Revised Statutes, as amended by Chapter 291, Public Laws of 1921, relating to Intoxicating Liquor" (Senate Doc. No. 54) report a recommendation that the Senate recede and concur with the House in indefinite postponement.

The report was accepted and the bill was then indefinitely postponed in concurrence.

The PRESIDENT: The Chair will announce at this time the conference committee on the disagreeing action of the two branches on the State aid or highway bond bill, so-called: The senator from Kennebec, Mr. Wadsworth, the senator from Somerset, Mr. Smith, and the senator from Cumberland, Mr. Hinckley.

On motion by Mr. Hinckley of Cumberland, S. D. 58, Resolve proposing an amendment to the Constitution prohibiting the use of public funds for sectarian schools, was taken from the table.

Mr. HINCKLEY: Mr. President, I feel that every senator has made up his mind in regard to this matter, and without further debate I yield to the senator from Cumberland, Mr. Brewster.

Mr. BREWSTER: Mr. President, I move the adoption of the resolve, and I agree with the senator from Cumberland, that it does not need any further discussion as it has been before the Senate a good deal of this session.

I feel that the people of the State have, perhaps, been as keenly interested in this as in anything else we have had. The members have naturally come to the decision as to what they will do, after a good deal of consideration and inspection.

In view of the action of the House our action would be merely a matter of record. I ask that we make a record by a yea and nay vote on our position in this matter.

A sufficient number arising the yeas and nays were ordered. Those voting "yes" were Messrs. Allen, Bemis, Brewster, Clark, Cram, Elliot, Emery, Morison, Phillips, Sargent, Speirs, Spencer, Stevens,—13. Those voting "no" were Messrs. Adams, Buzzell, Carlton, Croxford, Eaton, Farrington, Hinckley, Hussey, Kirschner, Mornau, Powers, Putnam, Smith, Trefe-

then, Wadsworth, Wilson—16. Absentees, Messrs. Bailey, Ryder.

Thirteen senators voting "yes" and sixteen voting "no" the resolve failed of the required two-thirds vote on its passage.

On motion by Mr. Powers of Aroostook, the resolve was indefinitely postponed by a viva voce vote.

The PRESIDENT: There are two matters on the table H. D. 459, Resolve amending Article IX of the Constitution as amended by Article XXXV of the Constitution and as amended by Article XLIII, increasing the amount of bonds to be issued for the purpose of building State highways and State aid highways and providing for the building of intrastate, interstate and international bridges, and S. D. 320, An Act providing for the benefit and assistance for aged persons under certain conditions, etc. These await the pleasure of Senator Smith of Somerset.

Mr. SMITH of Somerset: Mr. President, I would like to retable S. D. 320, the old age pension bill, for a short time, and I do this out of courtesy even to those who are opposed to the measure.

The motion was agreed to and the bill was retabled.

Mr. SMITH: Mr. President, at this very time we are attempting to correct an error in H. D. 459. It seems that the time of the election is left out. In a short time we will be pleased to take this matter up. I move that the bill be retabled.

The motion was agreed to.

Mr. WADSWORTH of Kennebec: Mr. President, there is another amendment to Senate Amendment B that is on the table, to this same bill, H. D. 459.

The PRESIDENT: That matter has just been laid on the table.

Mr. WADSWORTH: Mr. President, I yield to the senator from Somerset, Mr. Smith.

Mr. SMITH: Mr. President, I shall have to ask the senator from Kennebec to explain the matter.

Mr. WADSWORTH: Mr. President, it is in regard to Senate Amendment B which I offered yesterday.

Mr. SMITH: Mr. President, I move that this amendment take its regular course.

The PRESIDENT: The Chair will state that the motion to lay on the table included everything in the bill.

Mr. SMITH: Mr. President, I move that this bill and all amendments lie on the table.

The motion was agreed to.

From the House: An Act to withdraw from the contingent fund the sum of \$500,000 and to transfer the same sum to the fund for the 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.

In the House this bill was passed to be enacted.

Mr. CLARK of Lincoln: Mr. President I move that this bill be tabled for a short time.

The motion was agreed to.

From the House: 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.

In the House passed to be enacted.

Mr. POWERS of Aroostook: Mr. President, I would like to ask if House Amendment A has been put on this bill?

The PRESIDENT: This is an enacted bill and apparently comes to the Senate amended by House Amendment A. Does the senator wish to have the amendment read?

Mr. POWERS: No, Mr. President.

Mr. BUZZELL of Waldo: Will the Chair read the amendment?

The PRESIDENT: The Chair will state the bill has come before the Senate on its passage to be enacted.

Mr. WILSON of Aroostook: Mr. President, I think I can explain to the senator from Waldo, Mr. Buzzell, that the attorney general ruled that the three town act took precedence over the State aid act for towns.

Mr. BUZZELL: Mr. President, I can ask a question and clear up the whole matter. Does the amendment simply take care of towns that have already taken action this year?

Mr. WILSON: They have the same chance with those that have State aid.

Mr. BUZZELL: That explains the matter.

This bill carrying the emergency clause required on its passage to be enacted the affirmative vote of two-thirds the members of the Senate.

Twenty-eight senators voting in

favor of the passage of the bill to be enacted. None opposed, the bill was passed to be enacted.

Passed to be Enacted

An Act to amend section 1 of Chapter 350 of the Public Laws of 1915, relative to Hours of Labor of Minors.

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.

An Act to amend Chapter 197 of the Public Laws of 1917, as amended by Chapter 172 of the Public Laws of 1919 as amended by Chapter 162 of the Public Laws of 1921, and to amend Chapter 19 of the Revised Statutes, as amended, relating to the State Department of Health.

An Act to amend Chapter 319 of the Public Laws of 1915, as amended by Chapter 304 of the Public Laws of 1917, and by Chapters 140, 162 and 243 of the Public Laws of 1919, and by Chapters 50 and 143 of the Public Laws of 1921, providing for State and County Aid in the construction of Highway Bridges.

An Act to make uniform the law of Sales of Goods.

An Act to amend Section 2 of Chapter 34 of the Revised Statutes as amended by Chapter 81 of the Public Laws of 1921, relating to the duties of the Commissioner of Agriculture.

An Act to amend Section 43 of Chapter 19 of the Revised Statutes, relating to Local Health Officers.

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

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.

An Act to Abolish the Title of Land Agent.

An Act to provide for investigation and survey of bridges.

An Act to amend Section 37 of Chapter 117 of the Revised Statutes, as amended, relating to the salary of county attorney of Somerset county.

An Act to amend Section 169 of Chapter 16 of the Revised Statutes, relating to teachers' pensions.

Mr. ALLEN of York: Mr. President, I would like to have this bill in rela-

tion to teachers' pensions tabled, and I will take it off the table this afternoon.

The motion was agreed to and the bill was tabled.

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

Mr. BREWSTER of Cumberland: Mr. President, I would like to lay on the table this Act relating to the Maine Water Power Commission.

Mr. HINCKLEY of Cumberland: Mr. President, may I inquire whether it will be taken up again during the forenoon?

Mr. BREWSTER: Mr. President, I might desire to have it stay there until tomorrow.

A viva voce vote was had and the Chair being in doubt a division was ordered.

Mr. BREWSTER: Mr. President, if in order I move to assign a time especially.

The PRESIDENT: The Chair would entertain that motion.

Mr. BREWSTER: I move that the bill be tabled and especially assigned for tomorrow morning.

There are reasons why I think it would be in the interest of everyone if that was done. There is no especial hostility to the measure or to matters now pending that I make the motion.

The motion was agreed to and the bill was tabled and especially assigned for tomorrow morning.

Finally Passed

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

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

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

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

Mr. SMITH of Somerset: Mr. Presi-

dent, I move that we take from the table House 459, Resolve amending the Constitution in regard to bonds for highways.

The motion was agreed to.

The same senator then moved the adoption of Senate Amendment A (S. D. 315).

Mr. BREWSTER of Cumberland: Mr. President, I do not know whether I am clear about this matter. Have we adopted Senate Amendment B?

The PRESIDENT: Yes. Senate Amendment B was adopted and then that action was reconsidered so that both amendments are unadopted at the present time.

Mr. BREWSTER: Am I correct in thinking that the two amendments are incompatible? I had the impression that Senate Amendment B, if adopted I take it that Senate Amendment A would not be necessary.

The PRESIDENT: The Chair is unable to enlighten the senator in regard to the amendments, but there are two amendments unadopted, Senate Amendments A and B. A is S. D. 315, a printed document, and B is a printed document S. D. 316.

If there is any question about the two amendments being incompatible it might be well to have the matter tabled.

Mr. HINCKLEY of Cumberland: Mr. President, I move that these matters lie on the table until they are adjusted by the parties.

The motion was agreed to.

The PRESIDENT: The Chair would suggest that in the interim between this morning's session and the time we may recess to this afternoon, it would be advisable to look over the amendments very carefully and find out what you want to do with them.

Mr. HINCKLEY: Mr. President, I am informed that the parties agree that the matter is in proper shape, and I move it be taken from the table.

The motion was agreed to.

Mr. HINCKLEY: Mr. President, I now yield to the senator from Somerset, Mr. Smith.

Mr. SMITH: Mr. President, I have to renew my motion that the bill and amendments take their regular course.

The PRESIDENT: Does the senator mean that both amendments be adopted and the bill passed to be engrossed as amended?

Mr. SMITH: Yes, Mr. President.

The amendments were then adopted and the bill as amended by Senate Amendments A and B was passed to be engrossed.

Sent down for concurrence.

The PRESIDENT: There are several committees that have not finally reported. The Chair will read the list and see if there has been any oversight in not reporting finally.

The committees on Inland Fisheries and Game, Labor, Public Buildings and Grounds, State Prison, State Sanatoriums, and the committee to consider the Cole Report.

I think we have final reports from all committees except those named.

Mr. WILSON of Aroostook: Mr. President, the committee on Sanatoriums has filed its final report and it must be lost.

Final Reports

Mr. Adams for the committee on Ways and Bridges submitted its final report having acted upon all matters referred to them.

The report was accepted.

Mr. CLARK of Lincoln: Mr. President, I move to take from the table, 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.

The motion was agreed to.

Mr. CLARK: Now, Mr. President and members of the Senate, I have been informed by our Governor that we have not this \$500,000 in the Contingent Fund to be taken and applied to roads.

I think the impression has been given previous to this time that there was a large amount of money in the Contingent Fund. I learned last night that this is not so. There has been anticipated that there would be around a million dollars. The Governor told me and two other gentlemen who happened to be in his private office that if this \$500,000 was taken and applied for roads, that the State aid that is given now to dependent mothers and children, the money that is used for examination of diseased cattle in our State, and the money that is used to care for 1444 dependent children would have to be withdrawn within twenty-four hours.

Now if that is true, and I have no

reason to believe but what it is, I for one do not want to go on record as taking any steps that would withhold this money that is used for these three, as I believe, important purposes. To me this aid to mothers with dependent children is one of the most worthy objects in our State, and these dependent children would come into the same class. I do not believe there is a senator here who would favor taking this \$500,000 from the contingent fund if it is going to cripple that class of people, that aid that they are receiving. I felt it my duty to make this explanation at this time to this Senate.

I for one, believe it is our first duty to care for our State institutions, our dependents, our blind, in this State. There are thousands of these people now who are not receiving half the aid that I believe they should. On learning these facts I am opposed to taking this \$500,000 from the contingent fund to apply to roads, as much as I am interested in them.

The PRESIDENT: May I ask the senator from Lincoln, Mr. Clark, if he has a motion that he desires to make?

Mr. CLARK: Yes, Mr. President, I move that it be indefinitely postponed.

Mr. HINCKLEY of Cumberland: Mr. President, without taking sides on this matter at this time, I am going to state to the senators that I think the time has come for the Legislature to determine whether it shall decide how much money shall be spent for various purposes in this State, and for what purposes that money shall be expended, or whether, as in the past several years, hundreds of thousands, even more than a million dollars a year, is to be expended by the Governor and Council without specific appropriation by the Legislature for these particular purposes.

It is my understanding, under the Constitution of the State of Maine, that it is the duty and the sole prerogative, if you please, of the Legislature to determine for what purposes money shall be expended and how much shall be expended for those purposes. We have drifted into this contingent fund proposition and I feel that the theory is absolutely wrong, that no Governor and Council should have delegated to them the authority to spend hund-

reds of thousands of dollars a year for any purpose they see fit. That should be solely provided by the Legislature except, I would say, a reasonable contingent fund for the purpose of caring for emergencies.

Now if at the present time it is necessary to expend hundreds of thousands of dollars during the next few months, or during the next two years, for dependent mothers, for dependent children, for mothers' aid, for caring for tuberculosis in cattle, then it is up to this Legislature to say how much should be appropriated for those matters and appropriate that money at this time.

Now I am discussing this matter not having in view who constitutes the Legislature or who constitutes any other branch of the government, but I am discussing this matter from a sound, economic policy, also from a sound legislative policy. The Governor of the State of Maine in his message urged that something be done, and has said in many speeches over the State that something should be done to prevent a large contingent fund, and this Legislature has taken no action on it. Now whether or not it is better to take the money in this contingent fund and use it for this particular purpose is for the Legislature to say. It seems to me that an Act such as this which provides aid for every town practically in the State of Maine through maintenance or building of its highways is as equal a distribution as we could get of this money.

Now I hope that the Legislature during these closing days will decide, and act upon that decision, to appropriate whatever money is necessary to care for the wards of the State—and we are under obligation to do it, there is no doubt about that—that they do that thing and assume the obligation, and not pass legislation as we did two years ago and four years ago, providing that certain wards of the State be cared for and then not appropriate sufficient money to do it, and leave it to the Governor and Council to do. We ought to assume that responsibility ourselves or we should change the law that we have already passed.

I believe if this act becomes a law it will be a step in the right direction, and then the Legislature will be put in a position where they will be required to provide whatever

money is necessary for caring for these several matters mentioned.

Mr. BREWSTER: Mr. President, I would like to inquire through the Chair of the senator from Cumberland, Mr. Hinckley, whether or not he thought it was an improper exercise of the executive power last August, when it was necessary to take these funds for the support of dependent mothers and children out of the contingent fund.

The PRESIDENT: The senator from Cumberland, Mr. Hinckley, may reply through the Chair.

Mr. HINCKLEY: I have already stated that the Legislature two years ago, and four years ago, provided that the State should assume additional burdens in the care of wards of the state, in the matter of mothers' aid or child dependency and other matters, without appropriating sufficient money, and under the statutes of this State in emergencies of that kind, it is absolutely proper for the Governor and Council to use money from the contingent fund to pay these bills. But I say to you here, Mr. President and Senators, that I feel that the Senate and the House, this Legislature, is wrong in passing legislation requiring these things and then ducking the responsibility of raising sufficient money to carry out these purposes. And if that condition does exist at this time, it is the duty of this Legislature, which is the body that provides the money and names the purposes, to provide at this time, with an emergency, sufficient money to care for every mother and every child and every other charitable purpose that is entitled under the laws of the State of Maine to receive it.

Mr. BREWSTER: Mr. President. I would like to inquire further of the senator whether or not he believes that we should take this money away from the mothers and children for the roads until we have made some other adequate provision for their immediate supply?

The PRESIDENT: The senator may reply through the Chair.

Mr. HINCKLEY: I have already said that I felt that an emergency existed, and if this Legislature or the past Legislature has not provided sufficient money to care for these several purposes, it is now the duty of the Legislature to immediately pass an emergency and provide the money. But it is not good legislation, knowing that

that need exists, for the Legislature to dodge its responsibility and place it where the Constitution does not contemplate it should be placed.

Mr. BREWSTER: Mr. President, I am in entire accord with substantially all that the senator has said. I cannot, however, go so far as to subscribe to his proposition that we should take this money away until we have made some other provision. When his emergency act, which he suggests, is presented here, is considered, and is passed, then we may properly take any other action to dispose of these funds, but until we have made adequate provision for the very necessary purposes for which this money is now necessarily used, I cannot believe that any senator would desire to close the door to that provision which is now being made and for which there is at present no other provision.

Mr. HINCKLEY: If I may have the privilege of simply saying this, that it seems to me a pretty late hour in this legislative session for the fact to be called to the attention of the Legislature that there exists a real emergency where mothers and children would be deprived of their aid if the contingency fund was interfered with.

It seems to me it should have been called to the attention of this Legislature early in the session, that an emergency existed there. Because, I want again to impress upon this Legislature, sooner or later the Legislature of the State of Maine must get back to that position it occupied prior to eight years ago, which was really the beginning of a big contingent fund—get back to the time when the Legislature determined what purposes money should be used for, and how much should be used for it, and not permit the Governor and Council to pass legislation on matters of appropriating and expending money, because that is the prerogative of the Legislature, and if it keeps on in this manner, in a few years from now all that will be necessary will be for the Legislature to meet here and decide that we will appropriate so many million dollars and then move to finally adjourn and go home, and to allow the Governor and Council to spend all of the money.

Mr. BREWSTER: Mr. President, if I may be permitted to reply—

The PRESIDENT: There is no objection to the senators speaking as often as they desire unless the objection is made from the floor, under the

rule. The Chair has heard none and recognizes the senator from Cumberland.

Mr. BREWSTER: The question which we have to decide is clear, whether we will take the money from the purpose for which it is now being used and put it to another purpose. As to the suddenness of this emergency, I think it has been common knowledge in this State since last August, when the funds ran out, that it was necessary to supply these funds from the contingent fund. The Chief Executive had some serious qualms about doing that, he entertained strict ideas in regard to the contingency fund, but he did it and at the opening of the Legislature he sent a special message, calling the attention of the Legislature to the exact use of every cent of that emergency fund for the past two years, and showing exactly what must be done with it during the next few months. So I think the Legislature has had ample knowledge of the demands to be made on that fund and the disposition which must be made of it, and it was of course for the Legislature to decide whether it would pass emergency appropriations to take care of deficiencies during the current year up to June 30. They have not seen fit to do that.

Mr. HINCKLEY: Mr. President, may I ask the senator from Cumberland whether or not he can now give this Legislature information as to how much money will probably come into the contingent fund during the next two years, and also how much of this contingent fund will probably be necessary during the three months' period until I assume the regular appropriation is available to the Governor and Council—how much will be necessary out of this contingent fund to care for these purposes? Then we can intelligently act.

Mr. CLARK: Mr. President, I doubt if any member of this Legislature perhaps was aware of just the conditions existing relative to this contingent fund. I am informed that the Governor is having a statement prepared, and if I am in order I would like to withdraw my motion of indefinite postponement and have this retabled for a short time. Perhaps this afternoon or tomorrow morning we could have this statement, and perhaps we could act more intelligently at that time.

Mr. HINCKLEY: Mr. President, before the motion is put, this has just been passed to me, a statement of the Governor, and I want this to go into

the record. The balance of the contingent fund on June 30, 1922 was \$787,387.39; lapses December 31, 1922, \$242,140.19, less payments to December 31, 1922, \$328,138.37, leaving a balance in the contingent fund according to the statement signed by the Governor on January 1, 1923, of \$701,309.21, showing that the last six months of 1922 the Governor and Council expended \$328,138.37 for purposes which they deemed, without any specific legislative action, necessary for carrying on the business of the State.

Mr. CLARK: Mr. President, there is some doubt in my mind about this statement at the present time, whether we have the \$500,000 to use for roads if we wanted it. I insist on my motion that we have a little time to ascertain.

The PRESIDENT: Do you wish to withdraw your motion?

Mr. CLARK: I do, Mr. President.

Mr. BREWSTER: Mr. President, I would like to accompany the statement which the senator from Cumberland wished to incorporate in the record with the first three sentences of the statement in the budget message. I think in a matter of this importance this information should go in with it, in view of certain implications.

Total payments made from the contingent fund during the past two years are as follows:

A	Payments required by law but for which no provisions were made by the Legislature	\$319,285.05
B	Payments of over-drafts by State departments and institutions	889,631.17
C	Payments under special resolves payable in 1923 for roads and State park at Augusta, this money already refunded to contingent fund	75,000.00
D	Payments in which the Governor and Council have exercised their discretion	35,993.92
E	Payments from contingent fund whereby balances of unexpended appropriations lapsed into the fund but later were used to pay outstanding bills presented after books were closed June 30.	297,188.00
F	Payment of bills contracted during 1919-1920	41,000.00
		\$1,159,000.00

On which the Governor and Council exercised discretion . . . \$35,993.92

Mr. BUZZELL: Mr. President, I will say that I must agree with Senator Clark on his proposition. I hardly know how to take some of the arguments that have been made by the senator from Cumberland, Senator Hinckley. At the outset he said he was not going to take sides.

I am reminded of a little story, a little talk that took place between an old lawyer and his son, who was just commencing to practice law. The son wanted a little information. He said "Father, when you have a case and the law is with you but the justice is against you, what do you do?" "Why," he says, "son, I talk law." "Well, father, when you have the law against you and justice with you, what do you do then?" He says, "Son, I talk justice." "Well, now," he says, "father, when both law and justice are against you, what do you do then?" The father thought a second and said, "Son, all I do then is to **pay** air."

The arguments of the senator from Cumberland remind me of pawing air on the question.

Now this bill provides for taking \$500,000 from the contingent fund for a certain purpose. Now let us be candid about this matter for a minute. What is the contingent fund? In the first place, the senator from Cumberland, Senator Hinckley says that his attention should have been called to this proposition earlier. It is a pleasure for me at this time to call his attention to this fact, that the Cole committee made a recommendation along these lines, and once more I want to say that the standing army of this Legislature was so great, it is barely possible that the senator from Cumberland might have been found in the ranks against the recommendations of that committee, that that recommendation together with many others went by the board.

What do they want to do now? They want to pass a bill to take \$500,000, a half a million, from the contingent fund. Now when are they going to do it? When that law becomes operative. Suppose it is not there, how are you going to get it from the contingent fund? The contingent fund, I believe is a good deal like my checking account at times. It may show on its face several hundred, and perhaps thousands of dollars, but if I have an inclination to pay a few of my bills and utter sev-

eral checks, as a matter of fact I may not have over eighty cents in the bank. Now when that law becomes a law, if the \$500,000 is not there, how are you going to get it?

If it is there, I want to say this, that I am in favor of taking care of the dependents of the State of Maine first. Now it is not good business, it is not common sense, it is not justice—you know I spoke about justice in the first place when I started in—it is not reason for us to say, let the dependents take care of themselves but get that \$500,000. I feel that there is much force in the utterances of Senator Clark and I heartily concur with him.

The PRESIDENT: Does the senator from Lincoln, Mr. Clark, still wish to withdraw his motion?

Mr. CLARK: No, Mr. President, I move that it be indefinitely postponed.

A viva voce vote being doubted, a division was had, and eighteen senators voting in favor of the motion for indefinite postponement and eleven against it, the motion was carried and the bill was indefinitely postponed.

On motion of Mr. Allen of York, the Senate recessed until two o'clock this afternoon.

AFTER RECESS

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

Papers from the House disposed of in concurrence.

From the House: Resolve to provide for copying pictures to be placed in the Speaker's office.

In the House, under suspension of the rules, given its several readings and passed to be engrossed.

In the Senate, on motion by Mr. Eaton of Oxford, the rules were suspended, the bill given its two readings and passed to be engrossed in concurrence.

From the House: An Act to amend Section 4 of Chapter 197 of the Public Laws of 1917, as amended by Chapter 172 of the Public Laws of 1919, relating to the State Department of Health.

In the House this bill was given its several readings under suspension

of the rules and passed to be engrossed.

(The secretary read the bill.)

Mr. HINCKLEY of Cumberland: Mr. President, may I inquire before we vote on this matter whether or not it is the same as the bill passed earlier in the session with the exception of the time of appointment of this member.

Mr. PHILLIPS of Hancock: Mr. President, the other bill read almost precisely like this, and I do not understand why this bill was put in, unless they have made some change.

Mr. HINCKLEY: Mr. President, if I understand it there was objection to the other bill as it required the members to be appointed before the act became law, and I wondered if this was to correct that error?

Mr. PHILLIPS: That may be it, as it reads exactly as the other bill.

The PRESIDENT: The Chair will inquire if the bill referred to has become law?

Mr. PHILLIPS: Mr. President, I think it has.

Mr. CROXFORD of Penobscot: Mr. President, I think that was voted down in the House, practically the same bill.

The PRESIDENT: As the Chair recalls the bill was vetoed by the Governor and the veto was sustained.

A division was had on the suspension of the order limiting the time of reception of bills.

The PRESIDENT: The Chair is unable to determine by this vote whether two-thirds have voted or not, and must insist that all senators vote, as it requires a two-thirds vote.

Mr. ALLEN of York: Mr. President, would it be in order to move to lay this matter on the table?

The PRESIDENT: I think it would be good judgment to do that.

On motion by Mr. Allen, the bill was tabled.

From the House: S. D. 268. An Act to establish a teachers' retirement system.

This bill was passed to be engrossed in the Senate, went to the House, that branch adopted House Amendments A and B and passed the bill to be engrossed as so amended.

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

House Amendment A was then adopted.

House Amendment B was read by the Chair.

Mr. ALLEN of York: Mr. President and gentlemen of the Senate, this has all been gone over very carefully by the parties concerned and agreed to, and I move that we adopt House Amendment B in concurrence.

Mr. ADAMS of Kennebec: Mr. President, to me this seems to be an important piece of legislation, with 15 or 20 amendments, and I would suggest that this bill as amended be tabled.

The PRESIDENT: The Chair will state that in his opinion, it is rather a long bill, and probably would not be here until tomorrow afternoon. If the senator wishes to make the motion the Chair will entertain it.

Mr. ADAMS: Mr. President, I withdraw my motion.

The PRESIDENT: The Chair did not understand that there was a motion before the Senate.

House Amendment B was then adopted by a viva voce vote and the bill as amended by House Amendments A and B was passed to be engrossed, in concurrence.

From the House: An Act to provide for the construction of gravel roads in all cases except where a different type of construction is especially authorized (House Doc. No. 491).

Came from the House, that branch having voted to insist on its former action in passing the bill to be engrossed and to ask for a committee of conference, the Speaker having appointed as the House members of such a committee:

Messrs. NICKERSON of Swanville,
LELAND of Sangerville,
HAMILTON of Caribou.

This bill was originally indefinitely postponed by the Senate.

On motion by Mr. Wadsworth of Kennebec, the Senate voted to insist on its former action 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 and Cram of Cumberland.

The PRESIDENT: The Chair would suggest that on these conference matters it behooves the conferees to get together and get busy as soon as possible, after we have taken up the regular work.

From the House: An Act to amend Chapter 37 of the Private and Special Laws of 1917 as amended by Chapter 124 of the Private and Special Laws of the Special Session of 1919, relating to the salaries of chief of police and police captains of the city of Lewiston (House Doc. No. 74).

Came from the House, that branch having voted to insist on its former action in passing the bill to be engrossed and to ask for a committee of conference, the Speaker having appointed as House members of such a committee:

Messrs. GAGNE of Lewiston,
DOUGLAS of Lamoine,
CRAFTS of Greenville.

This bill had been indefinitely postponed by the Senate.

On motion by Mr. Hinckley of Cumberland, the Senate voted to adhere.

From the House: An Act providing for a tax upon gasoline and other products used in operating internal combustion engines (House Doc. No. 490).

Came from the House, that branch having voted to insist upon its former action in passing the bill to be engrossed without amendment, and to ask for a committee of conference, the Speaker having appointed as House members of such a committee:

Messrs. LELAND of Sangerville,
GRANVILLE of Parsonsfield,
MAHER of Augusta.

This bill had been passed to be engrossed by the Senate as amended by Senate Amendments A and C.

Mr. ALLEN of York: Mr. President, I move we recede and concur with the House.

Mr. HINCKLEY of Cumberland: Mr. President, I certainly hope the Senate will not concur in this action. We have voted on this matter this morning, and I think, fully understand the matter. I certainly hope that we will insist and ask for a committee of conference.

The PRESIDENT: The pending question is on the motion of Senator Allen, that the Senate recede and concur with the House.

A viva voce vote was had. The Chair being in doubt a division was had. Nine senators voting in the affirmative and 15 against the motion, the motion to recede and concur was lost.

Mr. Hinckley then moved to insist and ask for a committee of conference.

The motion was adopted by a viva voce vote and the Chair appointed as such committee on the part of the Senate, Messrs. Hinckley of Cumberland, Emery of Washington, Phillips of Hancock.

The committee on Inland Fisheries and Game, on bill "An Act to amend Section 38 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 37 of the Public Laws of 1919 and as amended by Chapter 117 of the public Laws of 1921, relating to the protection of deer, reported the same in a new draft, under the same title (House Doc. No. 482) and that it ought to pass.

Which came from the House, the bill recommended to the committee on Inland Fisheries and Game.

On motion by Mr. Clark of Lincoln, the Senate voted to accept the report in concurrence and the bill was then given its first reading.

Senator Clark then moved the suspension of the rules and that the bill be given its second reading.

On motion by Mr. Eaton of Oxford, the bill was tabled pending the motion to suspend the rules for second reading.

Passed to be Engrossed

S. 322. Resolve for the construction, maintenance and repair of roads, bridges and ferries.

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

The PRESIDENT: That disposes of all papers before the Senate with the exception of four matters on the table.

Mr. ALLEN of York: Mr. President, I move we take from the table An Act to amend Section 4 of Chapter 197 of the Public Laws of 1917, as amended by Chapter 172 of the Public Laws of 1919, relating to the State Department of Health, tabled by me a short time ago.

The motion was agreed to.

Mr. ALLEN: Mr. President, now, agreeable to those who seem to know

all about this bill, I move that it be indefinitely postponed.

Mr. HINCKLEY of Cumberland: Mr. President, I would ask the senator from York, in accordance with our order, that the bill be referred to the next Legislature.

Mr. ALLEN: Mr. President, I move that the bill be referred to the next legislature.

The motion was agreed to and the bill was referred to the next Legislature.

The PRESIDENT: There are on the table, a Resolve in favor of the State Armory at Lewiston, S. D. 320, An Act in relation to the assistance for aged persons under certain conditions, An Act relating to teachers' pensions, and An Act in regard to the Maine Water Power Commission.

On motion by Mr. ALLEN of York, S. 130, An Act to amend section 169 of chapter 16 of the revised statutes relating to teachers' pensions was taken from the table, and on further motion by the same senator was passed to be enacted.

On motion by Mr. Wadsworth of Kennebec, Resolve in favor of the State armory at Lewiston was taken from the table, and on further motion by the same senator, under suspension of the rules it was given its second reading and passed to be engrossed.

The PRESIDENT: There are two more matters on the table here. On motion of Senator Smith of Somerset, An Act to provide for the benefit and assistance of aged persons, pending passage to be engrossed, was assigned for tomorrow morning.

It was understood that the other matter was to come off this afternoon.

Mr. HINCKLEY: Mr. President, I will ask the senator from Somerset through the Chair if he would have any objection to his matter coming off the table and being passed to be engrossed. It could be tabled in a later stage.

Mr. SMITH: That will be very agreeable. Mr. President.

Mr. HINCKLEY: Mr. President, I move to take S. 320, An Act providing for the benefit and assistance of aged persons, from the table.

The motion was agreed to, and on

further motion by the same senator, the bill was passed to be engrossed.

Mr. CRAM of Cumberland: Mr. President, I wish to make a motion to reconsider our action whereby we referred to the next Legislature the act to amend the charter of Portland academy, and to speak briefly on that subject.

The PRESIDENT: The Chair is of the impression that that bill was referred to the next Legislature by both branches, and it would be on the files at this time, and that it would be better for the senator to prepare an order that it be taken from the files, in order that it might be physically in the hands of the Senate so that a motion could be considered under suspension of the rules. The legislative day has passed and it would have to be done under suspension of the rules.

Mr. SMITH of Somerset: Mr. President, before S. D. 320 goes to the House I would like to offer a few remarks, and on account of some members who are favorable to the bill not being present, I would like to retable the matter, or rescind our action whereby we voted to have it engrossed.

The vote was reconsidered whereby the bill was passed to be engrossed. And on further motion by the same senator the bill was tabled.

(A short recess was declared at this time.)

After Recess

The Senate was called to order by the President at 4 o'clock.

From the House: An Act to Withdraw from 'The Contingent Fund' the Sum of Five Hundred Thousand Dollars, and to Transfer the Same Sum to the Fund for Construction of State Aid Highways, and to Amend Section Eighty-seven of Chapter Two of the Revised Statutes, as Amended by Chapter Ninety-six of the Public Laws of Nineteen Hundred and Twenty-one (House Doc. No. 493).

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

It came from the House that branch insisting on its former action and asking for a committee of conference.

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

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

From the House: Resolve in favor of the state Department of Health.

This resolve was passed to be engrossed by the Senate, and by the House indefinitely postponed.

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

The Chair stated that he would announce the committee a little later.

Committee Report

Mr. PUTNAM, from the Committee on Inland Fisheries and Game, on "Resolve, appropriating money to aid in the screening of Lake Winnecook, or Unity Pond, in the towns of Burnham and Unity, in the County of Waldo" reported that the same be placed on file, as the subject matter has been incorporated in another resolve.

The report was accepted and sent down for concurrence.

The Committee of Conference on the disagreeing action of the two branches of the Legislature on bill "An Act making it unlawful for any person to have intoxicating liquors in his possession in any public place" (Senate Doc. No. 155) reported that the bill be referred to the next Legislature.

The report was accepted, and the bill was then referred to the next legislature, in accordance with the report of the committee.

Sent down for concurrence.

The PRESIDENT: The Chair was in error as to this bill in relation to the Portland Academy being on the files. By some mistake it has not been sent to the House.

Mr. CRAM of Cumberland. Mr. President, I move suspension of the rules and that we reconsider our action by which this bill was referred to the next Legislature, and I wish to speak to that motion.

This matter provides an amendment to the charter of this Portland Academy which was chartered under

an act of the Commonwealth of Massachusetts and passed February 13, 1794. Through this act this Academy was established in the town of Portland in 1794. The amendment proposed is to add after the word "Portland" the words "or in any other town."

Since our other action on this matter, I have conferred further with Judge Bird, who is extremely anxious to have the matter go through this session of the Legislature, so that it may not be put off for two years. As I previously stated, the Portland Academy is not a going concern, but the organization has been kept up. They have from sixty to sixty-five thousand dollars in funds on interest, which has been used for the Portland Public Library and a private school for boys now established in Portland. They desire by means of this amendment to assist schools outside of Portland.

Owing to certain conditions, one I think, being the ill health of Judge Bird, we were unable to get this matter into shape to come down before the Legislature until this late day. I feel it is a matter of considerable importance to this organization, which, as I have stated, is composed of some prominent Portland people, and it is not a matter which is an amendment of a charter of any importance except to assist in matters of education, and I trust that the Senate will give the matter consideration.

Mr. HINCKLEY of Cumberland: Mr. President, I am in the same position I take on other matters. One hundred and twenty-nine years this has been the law without change, and now, during the last few days of this session, it has been discovered that it is important to amend this law that was passed under the Commonwealth of Massachusetts one hundred and twenty-nine years ago.

It seems to me that if the distinguished gentlemen in Portland who are interested in this matter—and I have the very highest regard for each one of them—realized the condition of the Legislature in these late days they would not have urged this matter upon us. A matter that can go along for the next two years as it has gone along for more than one hundred years, and I cannot see that it would be any serious hardship to anyone. It is simply another case of opening the doors after closing them.

The PRESIDENT: The question before the Senate is the motion of the senator from Cumberland, Mr. Cram, that we suspend the rules and reconsider the vote whereby we referred this matter to the next Legislature.

A division was had, and eight senators voting in the affirmative and fifteen opposed, the motion was lost.

Mr. EATON of Oxford: Mr. President, I move to take from the table H. D. 482, An Act to amend Section 38 of Chapter 219 of Public Laws of 1917, as amended by Chapter 37 of the Public Laws of 1919, and as amended by Chapter 117 of the Public Laws of 1921, relating to the protection of deer.

The motion was agreed to, and on further motion by the same senator the bill was recommitted to the committee on inland fisheries and game.

The PRESIDENT: The Chair will announce the conference committee on the part of the Senate on the Resolve in favor of the State Department of Health: Messrs. Trefethen of Franklin, Phillips of Hancock, and Allen of York.

The PRESIDENT: The senator from Cumberland, Mr. Cram, desires to present at this time An Act relating to the assessment of the taxes for the several counties for the year 1923.

(The bill was read by the secretary.)

Mr. CRAM of Cumberland: Mr. President, I move that the rules be suspended and the bill have its several readings and be passed to be engrossed at this time.

There being no objection, the rules were suspended and the bill was read twice and passed to be engrossed, without printing and without reference to a committee.

Sent down for concurrence.

A short recess was taken at this time.

After Recess

Senate called to order by the President at 5 o'clock.

Mr. BUZZELL of Waldo: Mr. President and members of the Senate, I have a couple of orders here that I

wish to introduce out of order under suspension of the rules, and I move that the rules be suspended.

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

Ordered, that the Governor be requested to return to the Senate An Act to amend paragraph 9 of section 6, chapter 10 of the Revised Statutes, as amended by chapter 101 of the Public Laws of 1919, relating to the exemption from taxation of the estates of war veterans.

The same senator presented the following order and moved its passage:

Ordered, that the Governor be requested to return to the Senate An Act to amend paragraph 11 of section 6, chapter 10 of the Revised Statutes, relating to forest land exemption from taxation.

From the House: An Act to provide for the supervision, regulation and conduct of the transportation of persons over the public highways of the State of Maine by automobiles, jitney busses and auto stages by the Public Utilities Commission (Senate Doc. No. 312).

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

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

From the House: Resolve amending Article 9 of the Constitution as amended by Article 35 of the Constitution, and as amended by Article 43 increasing the amount of bonds to be issued for the purpose of building State Highways and State Aid Highways and providing for the building of intrastate, interstate and international bridges (House Doc. No. 459).

Which came from the House, Senate Amendment "B" rejected, and passed to be engrossed as amended by Senate Amendment "A" in non-concurrence.

On motion by Mr. Hussey of Aroostook, the Senate voted to reconsider

the vote whereby this bill was passed to be engrossed as amended by Senate Amendments A and B.

On motion by the same senator the action was reconsidered whereby the Senate adopted Senate Amendment B, and the bill was then passed to be engrossed as amended by Senate Amendment A, in concurrence.

From the House: An Act to amend Chapter 37 of the Private and Special Laws of 1917 relating to a police commission for the city of Lewiston (House Doc. No. 464).

Which came from the House, that branch having accepted the minority report "ought to pass" in a new draft, the Senate having accepted the majority report "ought not to pass," the House insisting upon its action and asking for a Committee of conference, the Speaker having appointed as the House members of such a Committee:

Messrs. HOLMES of Lewiston,
MARTIN of Augusta,
WEEKS of Fairfield.

On motion by Mr. Powers of Aroostook the Senate voted to insist on its former action and join a committee of conference.

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

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on An Act to amend Section 14 of Chapter 78 of the Revised Statutes relative to Conveyances not effectual against others unless recorded (House Doc. No. 455), reported that the Senate recede and concur with the House in giving the bill a passage.

The report was accepted, on motion by Mr. Allen of York.

Mr. POWERS of Aroostook: Mr. President, I move that this bill be indefinitely postponed.

A viva voce vote was had, and the Chair being in doubt a division was had. Twenty senators voting in the affirmative and three opposed, the bill was indefinitely postponed.

Sent down for concurrence.

From the House:
The Committee of Conference on the disagreeing action of the two

branches of the Legislature, on Resolve in favor of the State Park Commission (House Doc. No. 422), reported that the Senate recede and concur with the House in passing the resolve to be engrossed.

The report was accepted.

The rules were suspended and the bill given its second reading and passed to be engrossed, in concurrence with the committee report.

From the House: The Committee on Inland Fisheries and Game, on An Act to amend Section 46 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 133 of the Public Laws of 1919, and as amended by Chapter 218 of the Public Laws of 1921, relating to the protection of fur-bearing animals (Senate Doc. No. 305), reported the same in a new draft, under the same title, and that it ought to pass.

Which came from the House, the report accepted, the new draft read three times under suspension of the rules, and passed to be engrossed.

Mr. SPENCER of York: Mr. President, I would like to present Senate Amendment A to this bill, if it is in amendable stage.

The bill was given its first reading.

(Speaker Holley at this time was escorted to a seat by the President, amid applause.)

The secretary read the new draft, S. D. 305, at the request of the Chair.

Mr. SPENCER: Mr. President, I have had no opportunity to compare the bill with the amendment, and I move that the bill and amendment lie on the table until tomorrow.

The motion was agreed to and the bill and amendment were tabled until tomorrow.

From the House: Report "A" from the Committee on State Lands and Forest Preservation, on An Act to provide for the protection of White Pine Trees (House Doc. No. 119) reporting the same in a new draft, under the same title (House Doc. No. 486), and that it ought to pass.

(Signed) GRANVILLE
MELCHER
PLUMMER
PHILLIPS

Report "B" from the same commit-

tee, on the same bill, that the same ought not to pass.

(Signed) PUTNAM
CURTIS
HAMMOND
PIPER

Came from the House, Report "B" accepted.

On motion by Mr. Putnam of Washington, the Senate voted to concur with the House in the adoption of Report "B," ought not to pass.

The PRESIDENT: The two bills which were recalled from the Governor on the orders presented by the senator from Waldo, Mr. Buzzell, An Act to amend Paragraph 11, Chapter 6 of the Revised Statutes, relating to forest land exemption from taxation, and the Act in regard to exemption from taxation of the estates of war veterans, are in the possession of the Senate.

Mr. BUZZELL of Waldo: Mr. Pres-

ident and members of the Senate, I will say that I recalled both of these bills at the request of the Governor, and know nothing about them, and have not any interest in them myself. I move that they lie on the table.

The votes were reconsidered by which these two bills were passed to be enacted.

Both bills were then tabled in accordance with the motion of Senator Buzzell.

The PRESIDENT: There appears to be nothing that can be done by the Senate, unless there is some matter on the table which some senator desires to move along. There appears to be nothing that could be accomplished by any further recesses.

On motion by Mr. Allen of York,
Adjourned until tomorrow morning at nine o'clock.