

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Second Legislature

OF THE

STATE OF MAINE

1925

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Wednesday, February 25, 1925.

The House met according to adjournment and was called to order by the speaker.

Prayer by the Rev. Mr. Young of Hallowell.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Report of the committee on Military Affairs on resolve memorializing Congress in the interest of National defense (S. P. 94) (S. D. 40) reporting same in a new draft (S. P. 289) (S. D. 100) under same title and that it ought to pass.

In the Senate report read and accepted and the new draft passed to be engrossed.

In the House report read and accepted in concurrence, the resolve read once, the rules suspended, and the resolve had its second reading and was passed to be engrossed in concurrence.

From the Senate: Report of the committee on Inland Fisheries and Game, reporting ought to pass on bill, an act to prohibit plug fishing on Peabody Pond in the county of Cumberland (S. P. 77) (S. D. 92)

In the Senate, the report was read and accepted, and the bill passed to be engrossed.

In the House, the report was read and accepted in concurrence, the bill had its two several readings, and on motion by Mr. Bragdon of Perham tabled pending its third reading.

The following bills, petitions and remonstrances were received and, upon recommendation of the committee on reference of bills, were referred to the following committees:

Judiciary

By Mr. Wing of Auburn: An Act to amend Section 127 of Revised Statutes relating to Affidavits being received as prima facie evidence (H. P. No. 895)

(500 copies ordered printed)

By Mr. Page of Skowhegan: An Act relative to the parole of women

committed to the Reformatory for Women (H. P. No. 896).

(500 copies ordered printed)

By Mr. Spear of Portland: An Act to amend Chapter 38 of the Public Laws of 1921 relating to absentee voters (H. P. No. 897).

(500 copies ordered printed)

Labor

By Mr. Holmes of Lewiston: Petition of H. M. Wiggin of Portland and 52 others endorsing S. D. No. 38, known as the Old Age Assistance Bill. (H. P. No. 898)

By the same gentleman: Petition of Edw. W. Cobb of So. Portland and 28 others in favor of same. (H. P. No. 899)

Legal Affairs

By Mr. Piper of Jackman: An Act to inflict capital punishment for murder (H. P. No. 900).

(On motion by Mr. Curtis of Brewer tabled pending reference to committee and 500 copies ordered printed)

Salaries and Fees

By Mr. Leland of Sangerville: An Act relating to salary of sheriff of Piscataquis County (H. P. No. 901).

(500 copies ordered printed)

By Mr. Seidel of Biddeford: An Act relating to the salary of the County Attorney for York County (H. P. No. 902).

(500 copies ordered printed)

Sea and Shore Fisheries

By Mr. Boman of Vinalhaven: Remonstrance of J. H. Marshall and 34 others of Vinalhaven against the passage of the so-called Lamson Bill regarding the measurement of lobster-sters. (H. P. No. 904)

By Mr. Moore of Gouldsboro: Remonstrance of Melville Spurling and 148 others of Gouldsboro against same. (H. P. No. 905)

By the same gentleman: Remonstrance of J. W. Rice and 40 others of Gouldsboro against same (H. P. No. 906.)

By Mr. Pike of Lubec: Remonstrance of W. E. Ackley and 16 others of Cutler against same. (H. P. No. 907.)

By Mr. Fuller of Southwest Harbor: Remonstrance of H. Galley and 3 others of Bernard against any change in the present Sea and Shore Fisheries Commission Law. (H. P. No. 908.)

By Mr. Mathews of Cherryfield: Remonstrance of D. H. Lock and 28

others of Addison against same. (H. P. No. 909.)

By the same gentleman: Remonstrance of John A. Chipman and 33 others of Milbridge against same. (H. P. No. 910.)

By Mr. Moore of Gouldsboro: Remonstrance of G. E. Gerrish and 19 others of Winter Harbor against same. (H. P. No. 911.)

Taxation

By Mr. Wing of Auburn: An Act to raise an excise tax on corporations organized for making, generating, selling, distributing and supplying electricity or electric current for power, lighting, heating, manufacturing or mechanical purposes. (H. P. No. 903.)

(Tabled by Mr. Piper of Jackman, pending reference and 1000 copies ordered printed.)

Taxation and Ways and Bridges

By Mr. Boman of Vinalhaven: Remonstrance of E. Thomas and 32 others of Isle au Haut against any increase in the gasoline tax without exemptions to fishermen. (H. P. No. 912.)

By Mr. Mansfield of Jonesport: Remonstrance of H. E. Bagley and 8 others of Jonesport against same. (H. P. No. 913.)

Reports of Committees

Mr. Holmes from the Committee on Judiciary reported "Ought not to pass" Bill on "An Act to provide for the Regulation of Public Dances and the licensing and regulation of Public Dance Halls." (H. P. No. 450) (H. Doc. No. 92.)

Mr. Oakes from same Committee reported same on Bill "An Act relating to Itinerant Vendors." (H. P. No. 493) (H. Doc. No. 98.)

Mr. Wing from same Committee reported same on Bill "An Act to amend Section 7 of Chapter 117 of the Revised Statutes, relating to Compensation of Active Retired Justices." (H. P. No. 203) (H. Doc. No. 38.)

Mr. Martin from same Committee reported same on Bill "An Act regulating the Parking of Automobiles around Public Buildings." (H. P. No. 541) (H. Doc. No. 109.)

Reports were read and accepted and sent up for concurrence.

Mr. Flint from the Committee on Inland Fisheries and Game reported "Ought to pass" on Bill "An Act relating to Fishing in Brook emptying into Thompson Lake at Oxford, known in Oxford and Otisfield as Greely Brook, and in the town of

Norway as Lombard Brook." (H. P. No. 602) together with petition (H. P. No. 244.)

Same gentleman from same Committee reported same on Bill "An Act relating to Fishing in certain waters in Franklin and Oxford Counties." (H. P. No. 317.)

Same gentleman from same Committee reported same on Bill "An Act to regulate Fishing in Miller Brook, a tributary to Moose Pond in the town of Bridgton in the county of Cumberland." (H. P. No. 373.)

Mr. Hale from same Committee reported same on Bill "An Act relating to the Portland Public Library." (H. P. No. 500.)

Reports were read and accepted and the Bills ordered printed under the Joint Rules.

Same gentleman from same Committee reported same on Bill "An Act to amend Section 1 of Chapter 147 of the Revised Statutes of Maine, relating to the State Board of Charities and Corrections." (H. P. No. 205) (H. Doc. No. 46.)

Report was read and accepted and on motion by Mr. Nicholas of Portland tabled pending first reading.

Mr. Flint from the Committee on Inland Fisheries and Game on Bill "An Act relating to the Bounty on Bob Cats" (H. P. No. 236), reported same in a new draft (H. P. No. 915) under title of "An Act relating to payment of Bounty on Bob Cats, Loupcervier or Canada Lynx killed in the State of Maine" and that it "Ought to pass".

Mr. Hale from the Committee on Judiciary on Bill "An Act relating to the Female Orphan Asylum of Portland" (H. P. No. 540) (H. Doc. No. 108) reported same in a new draft (H. P. No. 914) under same title and that it "Ought to pass".

Reports were read and accepted and the new drafts ordered printed under the Joint Rules.

Mr. Sargent from the Committee on Sea and Shore Fisheries on Bill "An Act to provide for the better protection of Clams within the limits of the town of Perry" (H. P. No. 416) reported same in a new draft, (H. P. No. 916), under same title, and that it "Ought to pass".

(Tabled by Mr. Lamson of So. Portland pending acceptance of the report.)

First Reading of Printed Bills

H. P. No. 877: An Act to regulate Fishing in the portion of Moose

River above Brassua Lake, in the county of Somerset.

H. P. No. 878: An Act closing Heald Brook and Alder Brook in Alder Brook Township and in Soldier Town, so-called, in Somerset county, to all fishing except with artificial flies, and to establish a daily limit of five pounds of fish therein.

(Tabled by Mr Bragdon of Perham pending assignment for third reading).

H. P. No. 879: An Act to amend Chapter 110 of the Private and Special Laws of the year 1909, relating to the Good Will Home Association (H. P. No. 879) (H. Doc. No. 207).

Passed To Be Engrossed

S. P. No. 26: An Act to amend Section 4 of Chapter 134 of the Public Laws of 1923 relating to the Control and Suppression of the European Corn Borer.

H. P. No. 64: An Act authorizing the Clerk of Courts of Lincoln County to act as Clerk of Lincoln Municipal Court.

H. P. No. 68: An Act to extend the Charter of the Quebec Extension Railway Company.

H. P. No. 109: An Act to repeal the Bounty on Bears.

H. P. No. 159: An Act relative to the Bangor Public Library.

H. P. No. 329: An Act to regulate the appointment of Guardians for Adults and the appointment of Conservators when the Judge of Probate is interested, and to amend Sections 4 and 10 of Chapter 72 of the Revised Statutes.

(Tabled by Mr. Nichols of Portland pending assignment for third reading).

H. P. 330: An Act with reference to the Penalty under the Act relating to Desertion and Non-support, when the offense is not of a high and aggravated nature.

H. P. No. 331: An Act amending Chapter 204, Section 11 of the Public Laws of 1856, as amended, relating to the powers of the Recorder of the Portland Municipal Court.

H. P. No. 332: An Act amending Section 81 of Chapter 82 of the Revised Statutes relating to the Terms of the Superior Court for the county of Cumberland.

H. P. No. 410: An Act to amend the Charter of the City of South Portland. (H. P. No. 410).

H. P. No. 453: An Act authorizing the Judge of the Portland Municipal Court to fix the time for holding

Criminal Sessions. (H. P. No. 453).

H. P. No. 456: An Act to renew the Charter of the R. and T. Cement Railroad.

H. P. No. 674: An Act to establish Close Time on Lobsters west of Petit Manan Point.

Passed To Be Enacted (Emergency Measure.)

An Act providing for the protection of moose.

The SPEAKER: This being an emergency measure, and requiring under the Constitution the affirmative vote of two-thirds the entire membership of this House on its passage to be enacted, all those in favor of its passage to be enacted will rise and stand in their places until counted, and the monitors will return the count.

A division being had,

One hundred and sixteen voted, all in the affirmative, so the bill was passed to be enacted.

An Act to authorize the State Highway Commission to cooperate with the Bureau of Public Roads of the United States Department of Agriculture in numbering and marking roads of interstate character.

An Act to make legal the sale of cider which has been so treated as to prevent fermentation and which does not contain one-half of one percent of alcohol by volume.

(Tabled by Mr. Sturgis of Auburn pending passage to be enacted.)

An Act to regulate fishing in Bog Brook, so-called, in Oxford and Androscoggin Counties.

An Act to amend Section 23 of Chapter 9 of the Revised Statutes, relating to the preparation and publishing of an annual list of corporations delinquent in payment of their franchise taxes.

An Act to change the name of Pleasant Pond, in the towns of Whitefield and Jefferson to Clary Lake.

An Act relating to ice fishing in Moose Hill Pond in the town of East Livermore in the county of Androscoggin.

Finally Passed

Resolve in favor of Animal Husbandry.

Resolve in favor of Highmoor Farm in the town of Monmouth

Resolve providing for the expenses of the contest over the election as representative to the Legislature from the town of Lisbon.

Orders of the Day

Mr. THOMPSON of Rockland: Mr. Speaker, I suppose, under the vote of the House passed last week, everything is taken from the table this morning.

The SPEAKER: The gentleman is correctly informed.

Mr. THOMPSON: Therefore, I move to take from the table House Document No. 79.

The SPEAKER: The matter is before the House without motion.

Mr. THOMPSON: I want to say, Mr. Speaker, that I move for the re-table of this bill, and ask the indulgence of the House for this reason: The bill was held by the committee on salaries and fees for the purpose of reporting it simultaneously with other bills then before them. The bill by inadvertence was prematurely reported and the remainder of the report will be ready the coming week. Therefore, I ask the indulgence of the House and move that it be re-tabled.

The motion prevailed.

The SPEAKER: The Chair presents Report A and Report B on resolve authorizing Michael Burns to sue the State of Maine, House Paper 201, the pending question being the acceptance of either report.

Mr. MARTIN of Augusta: Mr. Speaker and Members of the House, I wish to move the acceptance of Report B, ought to pass, and wish very briefly to make a few remarks on this matter. I do this at the request of Mr. Burns and also because there seems to be a legal right of action which has been denied Mr. Burns for a great many years.

The facts in this matter are extremely simple. In 1887 Michael Burns, in the city of Augusta, was selling imported, original, unbroken packages of liquor. That was in accordance with the law of this State as any attorney can tell you. There are three decisions on it; in 49th, 65th and 69th Maine. That business at that time was being conducted not only in Augusta but elsewhere; in Skowhegan, at Houlton, and in Portland. The Governor of the State at that time, realizing that possibly some action should be taken, even prior to legislation which was pending in Congress, went ahead and had the liquor seized, although advised by the County Attorney of Kennebec, and by the Attorney General and a Judge of the Municipal Court that the business conducted by Mr. Burns was legal.

The liquor was seized in 1887 and

kept until 1890, when the Law Court, after several years of considering the matter and considerable legislation, gave a decision, which is in §2nd Maine, stating that Burns was right and ordering the return of the liquor which had been seized from him, to him. The liquor was returned in 1890 and Burns took it to Boston where it was sold at a loss of three hundred dollars. In the meantime Congress had passed an act making it illegal to sell imported packages.

The basis of the claim is the three hundred dollars—it is only a small matter—the three hundred dollars which he lost by the illegal seizing of his goods, and also the possibility of certain expenses of litigation which, if allowed, will amount to about one thousand dollars. The amount of interest is left to the discretion of the Court.

Now, all Mr. Burns asks in this matter is simply the right to bring an action against the State of Maine. As you know, no citizen of the State of Maine can sue his sovereign, the State of Maine, without the consent of the State, which is given through the Legislature. It is nothing unusual that he asks. It has been granted before and there is not one member of this House, I am sure, who would want to forbid any citizen of this State bringing an action against the State of Maine if that citizen had proper cause for such an action.

That is the situation in this matter, and I realize it has been before the Legislature a great many times, and I want to just briefly explain that it has not been on the same basis as it has been during the last six years. Before that, and for nearly twenty-five years, Mr. Burns tried for money, brought a resolve before the committee on Claims—there was once a compromise offered him but he refused it—and no Legislature ever gave him any satisfaction, and the reason for it is—and it is common knowledge—or the main reason is, I will say, because his claim was tainted with liquor. If it had been a furniture dealer or a grocery store that had been treated in the same way Mr. Burns has been treated, there would have been no question but that the money would have been returned, his claim allowed, and the matter settled a great many years ago. But if a man is doing a legal business, it makes no difference what his business is, and he was doing a legal business if you can believe the decisions of the Supreme Court.

In 1919 Mr. Burns presented a claim to the Legislature not asking for money, simply for the right to sue the State of Maine. That starts a new history in this case. Now, we can be guided safely—and ought to be guided to some extent—by what past Legislatures have done, because the State of Maine has been well governed. Now, in 1919, this bill asking for the right to sue the State, just as other men have asked, was presented to the Legislature and came before the Judiciary committee, and I will read the names of that committee. They were Davies of Cumberland, Dearth of Penobscot and Deering of York, in the Senate. There was, as the House chairman, Barnes of Houlton, now a member of the Supreme Court of this State, Buzzell of Belfast, Baxter of Portland, for nearly four years Governor of this State, Chaplin of Bridgton, Conary of Bucksport, Maher of Augusta, and Murchie of Calais. The matter came before that committee in 1919 and that committee unanimously reported that Michael Burns should have the right to sue the State of Maine, and the Legislature of 1919, without a dissenting vote in the House, accepted the report and passed it as also did the Senate. It then went to the Governor, and the Governor vetoed the bill and, as in all matters which are not of great State interest, the veto was, as is customarily done, sustained.

Now I wish to read an editorial which appeared in the Kennebec Journal a few days after that. The Kennebec Journal, as you know, has always stood for the Prohibitory Law and fought hard for it in the days gone by, and to show that this matter has greater interest than just the attempt of Michael Burns to establish a legal right, the leading editorial in the Kennebec Journal which explained this case read in part as follows:

"The Supreme Court of this State, following a decision by the United States Supreme Court, expressly held that the sale of liquor by Mr. Burns in the original packages was not a violation of the State of Maine law, as such packages were subject to interstate commerce as to which Congress alone at that time had the power to legislate. The fact that subsequently Congress did legislate, making such packages subject to State Law, merely emphasized the legal property rights of Mr. Burns at the time his liquors were seized by the State."

"The question before the Maine Legislature, therefore, was simply that of reparation by the State for the invasion of a legal right. The bill merely asked that Mr. Burns be given permission to bring an action in our Maine Courts to test the legality of his claim. An adverse decision would have ended the case, while a decision favorable to Mr. Burns would have imposed upon the State the obligation of repaying him for his liquors it had illegally seized."

"Through what seems to the writer an unjustifiable assumption on the part of the Governor, the unanimous decision of the principal committee of the Legislature was reversed, and the State of Maine is placed in the position not only of refusing to make restitution to a citizen for the invasion of an admittedly legal property right, but of refusing even to let its own Judicial Courts pass upon the question. Such action is unworthy of a sovereign state, and the writer hopes that Mr. Burns will live to see justice done him by a future legislature."

That closed the chapter in 1919 and in 1921 a similar bill asking for the right to sue the State was presented to this Legislature, and again the matter was referred to the Judiciary Committee. There was, on that Committee, Gillen of Penobscot, Guernsey of Cumberland and Farrington of Kennebec, in the Senate. In the House there was Maher of Augusta, Buzzell of Belfast, Murchie of Calais, Cole of Eliot, our present Republican House leader, Wing of Auburn, Hinckley of South Portland, and the gentleman who so efficiently and gracefully presides over us today, the gentleman from Gardiner, Mr. Gardiner. That Committee again reported unanimously that Michael Burns should have the right to sue the State—and that is what he asks for today—and again it came before the House, and without a dissenting vote passed the House and also went through the Senate without a dissenting vote, and Governor Baxter at that time properly vetoed the bill, and the reason for it was that the bill was different than it was in 1919. In it it stated that if it was shown that the Governor instituted the suit, the procedure—and Governor Baxter properly said that there was a difference in that and that it might lead to trouble for future Governors—and properly, I say, vetoed that bill because it was not properly drawn, and the House sustained the veto. But Governor Baxter, in making that veto, said

that it was for that reason only that he vetoed the bill, and you will recall that in 1919 Governor Baxter was on that Committee which reported unanimously in favor of it, and it is not improper to say that our present Chief Executive was a member, I believe, in 1919, of the Legislature that unanimously passed this resolve. In 1923 the bill was presented again and there would have been a divided report—and when I say “divided” I do not know how the members would have been on it—and I took the matter up with Mr. Burns, who thought that having had two unanimous reports he did not want a divided report on it, and I believe it came back with the report “legislation inexpedient.” There was no attempt made to do anything with it thereafter.

Now, today, the matter comes up on a divided report of five to five. There are four members of the House who have signed the report “Ought to Pass.” They are the gentleman from Auburn, Mr. Wing; the gentleman from Lewiston, Mr. Holmes; and the gentleman from Portland, Mr. Oakes; and myself. There are five—two Senators and three members of the House—who signed the report “Ought not to Pass.” The reason that the matter is brought up today is because this is probably the last time that this matter will ever be discussed if it is unfavorably acted upon here today, because Michael Burns—in some way there has not seemed to be much thought as to who Michael Burns is—but Michael Burns is making his last appearance here, in my opinion, today.

There is only one man in the House today who has attained his age. Last summer he had a shock. He is in very feeble health and he is a pathetic old man, today. He is an inmate of the Soldiers' National Home at Togus, an inmate at the hospital there. He hasn't a single living relative today. He is almost alone in the world. Gone are his comrades and his friends and he realizes that this is the last time, if justice is to be done him, that it can be done.

But Michael Burns has not lived an idle life. There was a time when his name would bring happy thoughts and pride to those who knew him, even as it does today. Michael Burns served in the Civil War for over four years. He was at the battle of Bull Run and he ended up at Appomatox in the happy days of victory, but the

happiest memory that he has is the day when he shed his blood for us on the battlefield of Gettysburg. And I submit that a man of that type is entitled to careful consideration in any matter which he presents before this Legislature.

Now take the last three reports of the Committee on Judiciary. There have been thirty signers. Twenty-five men have said that this matter ought to pass and Michael Burns be given the right to sue the State, and five have said not. There have been similar cases, and properly so, where men have been given permission to sue the State of Maine. This matter would not involve any great expense to the State. The evidence is simple. The facts are practically admitted. It would only be a short time before one Justice and the matter could be determined, and if Michael Burns has a right, he should be allowed to bring suit, and if he has not, the Justice of the Supreme Court will say so and the matter will be ended; and that is all that he asks. The expense of it is small.

There is the De Forrest Keyes case, where a man was allowed to sue after being unjustly denied the right for a number of years. There is the Jones case. Precedent is absolutely in favor of Michael Burns. That is all that we ask, that he be allowed to bring the suit. We do not ask, on account of his advanced age, any sympathy. We simply ask for ordinary justice, and we ask of you in this matter to let it be determined, before it is too late, by the Supreme Court of Maine.

THE SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Martin, that Report B, “Ought to Pass,” be accepted. Is the House ready for the question?

MR. HAMILTON of Caribou: Mr. Speaker and gentlemen of the House, I shall not attempt, in my feeble way, to answer the splendid remarks of my brother from Augusta. The one thing that it seems to me that we have to consider now is not only the fact that many legislatures in the past have decided that Michael Burns should not sue the State, but also the question of whether or not he has a just cause even after we give him the legal right.

My brother Martin has stated truly to you in regard to the circumstances of the case, how under the Original Package Act the State commenced in the wrong, how afterwards by change in the law of the United States, Mr. Burns found that his

original packages were not saleable in the State of Maine. Of course we will admit that that was unfortunate, but we have many cases where the State of Maine has taken action against our citizens and after long and tedious fights in the courts, it has been discovered that the State of Maine was wrong. There is no legal remedy for that. The injured parties cannot come here and ask you to give them rights.

Recently in our Court of Aroostook County, I had an unfortunate gentleman who had been arrested for selling rum. He could not get his bail and he had to go to jail. He stayed there for many months and when his case came up for trial the county attorney admitted that he did not have sufficient evidence to convict him and let him go home. It seems to me that person had just as much right to come down here and ask for the right to sue the State for the unjust detention that he had suffered in that jail. It seems to me that Michael Burns has had his justice when he has come before the Committee on Claims in the past, where they have attorneys, where they have members such as you people who are able to judge as well as any jury, and in those cases they have decided that Michael Burns had no just cause.

And it seems to me that it would be casting a reflection upon past legislatures if we now should reverse the decision of those legislatures and give Michael Burns this right. It seems to me that we would be opening the door to the persistence of people who felt that they had a just cause to come down here to future legislatures and, if the matter was turned down, go on persisting in the hope that finally they would get the opportunity to carry the matter through.

It seems to me that we should go ahead this time and bury this matter so deep that Michael Burns will never have an opportunity or a desire to come before any legislature again on this matter.

The SPEAKER: Is the House ready for the question?

Mr. HOLMES of Lewiston: Mr. Speaker and members of the House, I wish merely to say that as one of the members of the Judiciary Committee who signed the report "Ought to Pass," I wish to sustain the motion of the gentleman from Augusta, Mr. Martin, and the prevailing consideration would be—and I think

should be with all of us—that there have been gentlemen of such high standing, both as lawyers and as citizens, and whose loyalty to the Prohibition Law and the enforcement thereof cannot be questioned, who have voted in the past to give this petitioner the right to sue the State, a right which I believe should never be denied when there is a prima facie case.

It seems to me that is the prevailing consideration, with me at least. Such names as Percival P. Baxter and the present Justice of the Supreme court, Charles Barnes, carry very much weight with me. It seems to me it is doing but little to say "Yes, you may go to Court and if you can show there that you have a legal right, all right."

The SPEAKER: Is the House ready for the question? As many as are in favor of the motion of the gentleman from Augusta, Mr. Martin, that Report B "Ought to Pass" be accepted, will say aye; those opposed no.

A viva voce vote being doubted.

A division of the House was had.

Seventy voting in the affirmative and sixty-seven in the negative, the motion of Mr. Martin of Augusta, that Report B, "Ought to Pass," be accepted, prevailed. (Applause)

The SPEAKER: The bill will be printed under the joint rules. (Applause)

The Chair presents House Document No. 33, resolve for co-operative work between College of Agriculture of the University of Maine and United States Department of Agriculture, tabled by Mr. White of Bowdoinham, February 13, pending passage to be engrossed.

On motion by Mr. White of Bowdoinham the resolve was re-tabled.

The Chair presents an act to provide new charter for the city of Lewiston, abolishing political party designation therein and providing for a referendum therein to the electors of Lewiston, tabled by Mr. Gagne of Lewiston, pending reference.

On motion by Mr. Gagne of Lewiston, the bill was re-tabled and specially assigned for tomorrow morning.

The Chair presents resolve in favor of scientific investigation in agriculture in Aroostook county,

House Document No. 23, tabled by Mr. White of Bowdoinham, February 18, pending final passage.

On motion by Mr. White of Bowdoinham, the bill was re-tabled.

The Chair presents report of the committee on Agriculture on resolve making an appropriation for the study and control of the blueberry fly, S. P. No. 27, tabled by Mr. White of Bowdoinham, February 19, pending acceptance of the report of the committee, which report was ought to pass.

The SPEAKER: This is a resolve carrying an appropriation for the study and control of the fruit or blueberry fly in Maine. Is the House ready for the question?

On motion by Mr. McDonald of East Machias the report was accepted, and the bill had its first reading and tomorrow assigned for its second reading.

The Chair presents an act to divide the town of Jonesport and incorporate the town of Beals, tabled by Mr. Mansfield of Jonesport, February 20, pending reference to a committee.

On motion by Mr. Mansfield of Jonesport the bill was referred to the committee on Towns.

The SPEAKER: The Chair presents report of the committee on Judiciary on bill, an act relating to motor vehicles (H. D. No. 49), the pending question being the acceptance of the report of the committee, which report was ought not to pass. This is an act relative to registration of motor vehicles by dealers apparently. Is it the pleasure of the House that this report be accepted?

Thereupon the report was accepted.

THE SPEAKER: The Chair presents report of the committee on Salaries and Fees on bill to an act to increase the salaries of County Commissioners for Cumberland County (S. D. No. 46), tabled by Mr. Hale of Portland, February 20, pending acceptance of the report, which report was ought to pass.

On motion by Mr. Hale of Portland, the report was re-tabled and specially assigned for Tuesday next.

The SPEAKER: The Chair presents House amendment A to bill, an act relating to fees for the registration of motor vehicles (S. D.

No. 36), the pending question being the adoption of the amendment.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I move the adoption of House amendment A.

The SPEAKER: The Chair will read.

House Amendment A. to Senate Document No. 36, an act to amend paragraph A of Section 47 of Chapter 211 of the Public Laws of 1921, relative to fees for registration of vehicles.

Said act is hereby amended by adding after the word "registered" in line four, Section 47, Paragraph A, the words "or licensed".

Thereupon the amendment was adopted and tomorrow assigned for the third reading of the bill as amended.

The Chair presents resolve in favor of Maine Agricultural Experiment Station for purchase of land for Highmoor Farm (H. D. 189) tabled by Mr. Deering of Saco, February 24, pending second reading.

On motion by Mr. Leland of Sangerville, the resolve had its second reading and was passed to be engrossed.

The SPEAKER: Proceeding under orders of the day there were several matters tabled this morning, and it is now in order to take them from the table.

Mr. WING of Auburn: I wish to take from the table the bill relating to excise tax on corporations, the pending question being reference to a committee, and move that it be referred to the committee on Taxation.

Mr. PIPER of Jackman: I move that it lie on the table again.

Mr. WING: I do not yield to the gentleman from Jackman, Mr. Piper.

The SPEAKER: The motion of the gentleman from Jackman (Mr. Piper) takes precedence over the motion of the gentleman from Auburn (Mr. Wing).

Mr. WING: I now ask the indulgence of the House to take this from the table.

Thereupon the bill was taken from the table and referred to the committee on Taxation.

On motion by Mr. Comins of Edgington

Adjourned until ten o'clock tomorrow morning.