

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

Tuesday, March 3, 1925

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

Prayer by the Rev. Mr. Folsom of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bill in First Reading

S. P. 344: An Act relating to the jurisdiction of the municipal court of the city of Westbrook.

From the Senate: Bill, an act in relation to State Funds for Charity Patients in public and private hospitals, (H. P. 731) which was referred to the committee on Appropriations and Financial Affairs in the House, February 24th.

In the Senate, referred to the committee on Judiciary in non-concurrence.

In the House, on motion by Mr. White of Bowdoinham, this body voted to recede and concur with the Senate in reference of the bill to the committee on Judiciary.

Messages and Documents

The following communication: To the House of Representatives of the Legislature of Maine.

The undersigned Justices of the Supreme Judicial Court acknowledge the receipt of a copy of an order passed by the House of Representatives, January 13, 1925 requesting the opinion of the Justices relative to a pending bill entitled, "An Act Relating to the Limitation of Buildings in Specified Districts of Cities and Towns;" a copy of the bill referred to is made a part of the order. The question propounded for our consideration is as follows:

"Has the Legislature the right and authority under the Constitution to enact a law according to the terms of the following Bill?"

We also acknowledge the receipt of a copy of another order passed by the House of Representatives February 3, 1925, relating to the same pending bill, by which an answer to the following supplemental question is requested:

"Has the Legislature the power under the constitution to authorize

cities and towns to limit buildings according to their use or construction to specified districts thereof?"

Before answering the questions propounded we think it proper to avoid any possibility of misapprehension as to our views of the character and scope of the pending bill. We, therefore, take occasion to point out that the bill in question does not by its terms limit the use, height or construction of buildings; it is not a "zoning law." An apt definition of zoning is "the regulation by districts of building development and uses of property." Harv. Law Review, May 1924, page 834.

We regard the proposed law as an enabling act, delegating to cities and incorporated villages authority to exercise the police power. It relates solely to action by municipalities under the police power; there is no provision whatever for the exercise of the power of eminent domain, with attendant compensation.

The underlying question, then, is whether the Legislature may delegate to the legislative bodies of cities authority to exercise the police power. Of that we have no doubt. The ordinary form of a city charter granting authority to enact ordinances not inconsistent with the constitution and laws of the state is a delegation of authority to exercise the police power. Reinman vs Little Rock, 237 U. S. 171, 59 L. Ed. 900. The term "incorporated villages," is not applicable in Maine; the term refers to a form of municipality found in some other states, having, we understand, some type of legislative body, such as a council. Our village corporations are not the same; they have no legislative bodies; the inhabitants conduct their affairs in open meeting as inhabitants of towns do.

Again, although the proposed bill may lawfully delegate authority to exercise the police power, every ordinance enacted by a city government must stand or fall on its own merits. A favorable opinion, therefore, on any part of the proposed bill must not be understood as an opinion that an ordinance supposed to be framed under it will necessarily be valid.

With these reservations, turning to section one of the proposed bill, we answer:

(a) Regulation of the height of buildings. We are of the opinion that such regulation is a valid exercise of the police power, and may be accomplished by the creation of dis-

tricts. *Weich vs Swasey*, 193 Mass. 364; affirmed 214 U. S. 91. *Cochran vs Preston* 108 Md. 220. *Ayer vs. Comrs. on Height of Buildings in Boston* 242 Mass. 30.

(b) Regulation of the construction of buildings. This is also a valid exercise of the police power. We already have in this State very comprehensive authority for such regulation. *R. S. chap. 4, sec. 98, Par. VIII. Houlton vs. Titcomb* 102 Maine 272; 10 L. R. A. (N. S.) 580. *Lewiston vs. Grant* 120 Maine 194.

(c) Regulation of the location and use of buildings for trade. We cannot make a more definite answer than to say that the location of some kinds of business is undoubtedly subject to regulation under the police power. *R. S. chap. 23, sec. 5; Reiman vs. Little Rock, supra. Hadacheck vs. Sebastian*, 239 U. S. 394, 60 L. Ed. 348; and it has been held that regulation under the police power is not confined to the suppression of what is disorderly, offensive or unsanitary. *C. B. & Q. Ry. Co. vs. Illinois* 200 U. S. 561, 592; 50 L. Ed. 596, 609. *Beacon vs. Walter* 204 U. S. 311, 318; 51 L. Ed. 499, 502.

(d) Regulation of density of population. Just what method of regulation is proposed, and to what extent, we are not advised. Undoubtedly the regulation of the height of buildings serves to regulate to some extent the density of population; so does the regulation of the construction of buildings in the interest of sanitation and health. Both of these forms of regulation are valid under the police power. But if regulation of density of population is attempted by the establishment of building lines, it probably cannot be justified under the police power, as stated in the following paragraph.

(e) Regulation of the percentage of a lot that may be occupied, the size of yards, courts and other open spaces. Such regulation involves the establishment of building lines. The weight of authority seems to be, that building lines cannot be justified under the police power, (12 A. L. R. 681. 2 Dillon, Mun. Corp. 5th Ed. sec. 695, 1 Lewis, Em. Domain 2d Ed. Sec. 144a.), but must be accomplished by the exercise of the right of eminent domain with compensation; such by law of this State is the method for the establishment of parks. *R. S. chap. 4, sec. 87.*

(f) The bill provides for appeals to a board of adjustment from an administrative official. We have been

unable to discover what powers are conferred, or what duties are imposed upon an administration official. Any opinion on such a provision must be based upon the ordinance as enacted.

(g) The bill also confers authority to make special exceptions to, and to authorize variance from, the terms of an ordinance. Upon such general provisions we are unable to give an opinion as to the proposed delegation of authority. It is well settled that there cannot be arbitrary discrimination in municipal regulation on the subjects proposed. *City Council of Montgomery vs. West* 149 Ala. 311; 123 Am. St. 33, note on page 36.

It is obvious that any opinion as to the validity of administrative details of a regulatory ordinance must be based upon the exact language of the ordinance as enacted. Compare *Eubank vs. Richmond*, 226 U. S. 137, 57 L. Ed. 156, with *Thos. Cusack Company vs. Chicago*, 242 U. S. 526, 61 L. Ed. 472, 476.

February 20, 1925.

Respectfully submitted.

(Signed)

LESLIE C. CORNISH,
WARREN C. PHILBROOK,
CHARLES J. DUNN,
JOHN A. MORRILL,
SCOTT WILSON,
LUERE B. DEASY,
GUY H. STURGIS,
CHARLES P. BARNES.

Note: The above answers were prepared by Mr. Justice Morrill.

L. C. C.

On motion by Mr. Oakes of Portland, this communication was ordered placed on file, and 500 copies were ordered printed.

On motion by Mr. Oakes of Portland, the House voted to reconsider its vote whereby the communication was ordered placed on file; and on further motion by the same gentleman the communication was referred to the committee on judiciary.

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

Inland Fisheries and Game

By Mr. Kinsman of Augusta: An Act to amend Section 32 of Chapter 219 of the Public Laws of 1917, as amended relating to the pollution of certain waters with mill waste .H. P. No. 950.)

By the same gentleman: An Act relating to open season on Golden

Eye, or Whistler, so-called, and Sheldrake (H. P. No. 951.)

Judiciary

By Mr. Piper of Jackman: Remonstrance of Rev. Arthur Macdougall and 31 others of Bingham against repeal of Primary Law. (H. P. No. 952.)

By Mr. Leland of Sangerville: Remonstrance of N. M. McCusick of Guilford and certain others against same. (H. P. No. 953.)

By Mr. Dudley of Woodstock: Remonstrance of S. T. White of West Paris and certain others against same. (H. P. No. 954.)

By Mr. Boody of Windham: Remonstrance of Edith Hodgdon and certain others of Windham against same. (H. P. No. 955.)

By the same gentleman: Remonstrance of Sumner B. Varney of So. Windham and certain others against same. (H. P. No. 956.)

By the same gentleman: Remonstrance of Harry B. Phillips of No. Windham against same. (H. P. No. 957.)

By Mr. Gilchrist of Thomaston: Remonstrance of Mary T. Bunker of Thomaston and certain others against same. (H. P. No. 958.)

By Mr. Mills of St. Albans: Remonstrance of Martha L. Boynton of St. Albans against same. (H. P. No. 959.)

By Mr. Mathews of Cherryfield: Remonstrance of W. A. Dunbar of Columbia and certain others against same. (H. P. No. 960.)

By Mr. Mills of St. Albans: Remonstrance of H. C. Prescott and certain others against same. (H. P. No. 961.)

By Mr. Brown of Waterford: Remonstrance of S. T. White and certain others against same. (H. P. No. 962.)

By Mr. Sargent of Sedgwick: Remonstrance of Harry L. Crabtree and 24 others of Hancock county against same. (H. P. No. 963.)

By Mr. Leland of Sangerville: Remonstrance of Martin Drake and others of Guilford against same. (H. P. No. 964.)

By Mr. Wheeler of So. Paris: Remonstrance of S. T. White and 46 others against same. (H. P. No. 965.)

By Mr. Hamilton of Caribou: Remonstrance of Joseph E. Hall and others against same. (H. P. No. 966.)

By Mr. Oakes of Portland: 274 letters addressed to the Legislature

and petitions signed by 119 persons engaged in the automotive business in the State of Maine in favor of a lien on automobiles for repairs and storage covered by H. D. 189 now before the Judiciary Committee. (H. P. No. 967.)

By Mr. Nichols of Portland: An Act relative to the appointment of administrators, guardians, conservators and receivers. (H. P. No. 968.)

(500 copies ordered printed.)

By Mr. Wing of Caribou: An Act relieving the State of the necessity of alleging and proving the non-existence of a Federal Permit in proceedings for punishment for unlawful transportation of liquor and for forfeiture of vehicles, boats, etc. (H. P. No. 969.)

(500 copies ordered printed.)

By Mr. Bragdon of Pe'ham: An Act relating to Liens for personal services in harvesting potatoes. (H. P. No. 970.)

(500 ordered printed.)

Legal Affairs

By Mr. Lessard of Lewiston: An Act to provide for the licensing of persons installing awnings in the State. (H. P. No. 971.)

(500 copies ordered printed)

Public Utilities

By Mr. Wing of Auburn: An Act to amend Section 72 of Chapter 56 of the Revised Statutes, relating to the ringing of the engine bell or sounding of the whistle at grade crossings. (H. P. No. 972.)

(500 copies ordered printed)

Sea and Shore Fisheries

By Mr. Allen of Yarmouth: Remonstrance of G. O. Getchell and 9 others of Harpswell against the passage of the so-called Lamson Bill regarding the measurement of lobsters. (H. P. No. 973.)

By the same gentleman: Remonstrance of F. E. Hutchings and 26 others of West Point against same. (H. P. No. 974.)

By the same gentleman: Remonstrance of J. S. Doughty of Harpswell and 17 others against same. (H. P. No. 975.)

By the same gentleman: Remonstrance of W. H. Walker and 22 others of Cliff Island against the same. (H. P. No. 976.)

By Mr. Jones of So. Portland: Remonstrance of H. L. Mansfield and 13 others of Chebeague Island against same. (H. P. No. 977.)

By Mr. Allen of Yarmouth: Remonstrance of W. S. Toothaker and 26 others of Cundys Harbor against any change in the present Sea and Shore Fisheries Commission Law. (H. P. No. 978).

By the same gentleman: Remonstrance of J. A. Pennell and 9 others of Cards Cove against same. (H. P. No. 979).

By the same gentleman: Remonstrance of G. A. Linscott and 32 others of Orrs Island against same. (H. P. No. 980).

By the same gentleman: Remonstrance of F. E. Hutchins and 31 others of West Point against same. (H. P. No. 981).

By the same gentleman: Remonstrance of S. K. Johnson and 11 others of Harpswell against same. (H. P. No. 982).

By Mr. Boman of Vinalhaven: Remonstrance of C. B. Davis and 12 others against same. (H. P. No. 982).

By Mr. Thompson of Rockland: Remonstrance of A. Pettegrew and 6 others against same. (H. P. No. 984).

By the same gentleman: Remonstrance of James Seavey and 12 others of Cushing against same. (H. P. No. 985).

Taxation and Ways and Bridges

By Mr. Moore of Gouldsboro: Remonstrance of L. H. Campbell and 41 others of Corea against any increase in the tax on Gasoline without exempting the fishermen. (H. P. No. 986).

By the same gentleman: Remonstrance of Alvah Leighton and 19 others of Winter Harbor against same. (H. P. No. 987).

By the same gentleman: Remonstrance of Henry Over and 11 others of Gouldsboro against same. (H. P. No. 988).

By the same gentleman: Remonstrance of Frank Gerrish and 29 others of Winter Harbor against same. (H. P. No. 989).

By the same gentleman: Remonstrance of G. W. Rice and 38 others of Gouldsboro against same. (H. P. No. 990).

By Mr. Allen of Yarmouth: Remonstrance of F. E. Hutchins and 38 others of West Point against same. (H. P. No. 991).

By the same gentleman: Remonstrance of Millard Dunning and 9 others of Cundys Harbor against same. (H. P. No. 992).

By the same gentleman: Remonstrance of E. A. Carter and 18 others

of Harpswell against same. (H. P. No. 993).

By the same gentleman: Remonstrance of Charles B. Birmett and 31 others of Baileys Island against same. (H. P. No. 994).

By the same gentleman: Remonstrance of Moses Wallace and 29 others of Cundys Harbor against same. (H. P. No. 995).

By the same gentleman: Remonstrance of R. A. Stevens and 46 others of Orrs Island against same. (H. P. No. 996).

By Mr. Thompson of Rockland: Remonstrance of R. H. Rackliff and 18 others of Spruce Head against same. (H. P. No. 997.)

By the same gentleman: Remonstrance of C. B. Carver and 40 others of Rockland against same. (H. P. No. 998.)

By Mr. Sargent of Sedgwick: Remonstrance of A. S. Colbeth and 41 others of Bucks Harbor against same. (H. P. No. 999.)

By Mr. Mathews of Cherryfield: Remonstrance of Carlton N. Strout and 52 others of Hilbridge against same. (H. P. No. 1000.)

By Mr. Jones of So. Portland: Remonstrance of F. H. Bickford and 169 others of Portland against same. (H. P. No. 1001.)

By Mr. Fuller of Southwest Harbor: Remonstrance of M. R. Beal and 17 others of Manset against same. (H. P. No. 1002.)

By the same gentleman: Remonstrance of J. A. Row and 15 others of Bernard against same. (H. P. No. 1003.)

By Mr. Frost of Eastport: Remonstrance of Arthur Holmes and 13 others of Larrabee against same. (H. P. No. 1004.)

By the same gentleman: Remonstrance of W. R. Smith and 32 others of Eastport against same. (H. P. No. 1005.)

By the same gentleman: Remonstrance of C. A. Akers and 23 others of Eastport against same. (H. P. No. 1006.)

By Mr. McDonald of East Machias: Remonstrance of A. W. Wallace and 6 others of Roque Bluffs against same. (H. P. No. 1007.)

By the same gentleman: Remonstrance of R. A. Kinney and 38 others of Bucks Harbor against same. (H. P. No. 1008.)

Orders

Mr. Holmes of Lewiston presented

the following order and moved its passage:

Ordered, the Senate concurring, that the committee on Labor be, and is hereby authorized and directed to investigate the condition of labor in the textile industry of the State, and in pursuance thereof to hold hearings and conduct investigations in any part of the State and to summon and examine witnesses under oath or affirmation, and to compel the production of books, papers and records which they may deem pertinent to the inquiry, and to employ stenographers and other necessary clerical help. Subpoenas for witnesses and for the production of documents shall be signed by the chairman and shall issue upon the motion of any member; they shall be served in like manner as subpoenas in Grand Jury investigations, and by any qualified officer. Failure to obey such subpoenas shall subject the offender to the penalty of being summoned by the committee to the bar of the House of Representatives to answer to the charge of obstructing its proceedings. The committee shall proceed forthwith and conduct the inquiry expeditiously and report their findings to the Eighty-Second Legislature as soon as possible, and they shall propose such remedial legislation, if any, as they shall deem wise, concerning the health of women textile workers and the public health, welfare, and safety; and such proposed legislation may be introduced notwithstanding any rule limiting the time for introduction of new measures now adopted or to be adopted. The expenses incurred by the committee shall be charged to the appropriation for legislative expense.

Statement of Facts

The textile industry of Maine prospered during and after the war, but the profits, instead of being divided as regular dividends, in a considerable part of the industry were divided as stock dividends, thus greatly increasing the capitalization and forcing the mills to earn more,—in some instances twice as much money, with substantially the same number of workers. The increase in the amount of work in the cotton industry is from 33 1-3 per cent. to 100 per cent., accompanied by a reduction in wages of 10 per cent. and a reduction in earning capacity from overwork which amounts to more than 10 per cent.

Women weavers who were running 16 or 17 looms have been required within the past few weeks to run 38 and 40 looms. Women workers have complained to public health officers that if they take one minute to get a drink of water it costs them the loss of one hour's wages to catch up with their work; that to run 40 looms means walking 150 feet back and forth all day. Many of these women are mothers and prospective mothers. The death rate of infants under one year of age in Lewiston in 1924 was the highest of any city in the United States. The rate in other cotton manufacturing centers in Maine is similarly significant. Many of the textile workers are sinking into a state of sullen despair. There are rumors that a general strike may break out spontaneously at any time. In the present condition of retail business in the cotton mill centers a general strike would be financially disastrous to the retail merchants and property owners. The public health department and the labor department are without power to remedy the situation. The legislature alone has power to protect the health of women workers and the public health, welfare and safety.

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston (Mr. Holmes) that this order be passed.

Mr. CUMMINGS of Portland: Mr. Speaker, without any hostility to the order and entirely in sympathy with a desire to obtain knowledge of facts anywhere, but as a member of the committee on labor, the question arises in my mind as to how much it will take us away from our duties in the Legislature to undertake that investigation at this time and do it in any way that will be satisfactory and effective. In order to consult upon that with the other members of the committee, and for that purpose only, I move that the order lie on the table.

Mr. WING of Auburn: Mr. Speaker—

The SPEAKER: The motion is not debatable.

Mr. HOLMES of Lewiston: Mr. Speaker, may I ask, through the Chair, if the gentleman from Portland (Mr. Cummings) will assign a time?

The SPEAKER: The gentleman from Lewiston, Mr. Holmes, inquires through the Chair if the gentleman from Portland, Mr. Cummings, will assign a date certain.

Mr. CUMMINGS: Mr. Speaker, I cannot do it but I will assure the gentleman from Lewiston (Mr. Holmes) that I will take it from the table just as soon as I can consult with the members of the committee. I have no personal motive to keep it on the table. I merely do it that I may ascertain, as I stated, if we can do this at this time without interfering very greatly with our duties in the Legislature.

The SPEAKER: The Chair will suggest that it comes from the table tomorrow unless retabled.

Mr. WING of Auburn: Mr. Speaker, I rise to inquire whether that is a joint order.

The SPEAKER: It is a joint order.

Thereupon the motion of Mr. Cummings of Portland to table the order prevailed.

On motion by Mr. Wing of Auburn 500 copies of the order were ordered printed.

On motion by Mr. Littlefield of Kennebunk, it was

Ordered, that there be printed 500 additional copies of House Paper No. 618, House Document No. 138, relative to the registration and licensing of dogs

Reports of Committees

Mr. Kinsman from the Committee on Inland Fisheries and Game on Petition of Citizens of Andover and vicinity relating to fishing in Pond in the River, so-called, in Oxford County (H. P. No. 318) reported that same be placed on file.

Mr. Flint from same committee reported same on Bill "An Act to create a closed season on Bear to repeal the provisions of law as to bounties on the same, and to amend certain sections of the laws relating to Bear" (H. P. No. 257) (H. D. 52) as the subject matter in part has been covered by a bill already reported by this committee.

Mr. Fuller from the Committee on Legal Affairs reported "Ought not to pass" on Bill "An Act relating to death certificates of physicians" (H. P. No. 546) (H. Doc. No. 117).

Mr. Seidel from same Committee reported same on Bill "An Act to amend Section 16 of Chapter 120 of the Revised Statutes relating to Rape" (H. P. No. 544).

Mr. Beckett from same Committee reported same on Bill "An Act relating to the authority of medical

examiners" (H. P. No. 547) (H. Doc. No. 118).

Same gentleman from same Committee reported same on Bill "An Act relating to contracts of Municipal Officers" (H. P. No. 160) (H. Doc. No. 30).

Mr. Dwinal from same Committee reported same on Bill "An Act to amend Section 14 of Chapter 40 of the Revised Statutes, relating to dealers in securities" (H. P. No. 19) (H. Doc. No. 9).

Mr. Flint from the Committee on Inland Fisheries and Game reported same on Bill "An Act relating to the taking of suckers, eels, hornpouts and yellow perch" (H. P. No. 603).

Same gentleman from same Committee reported same on Bill "An Act prohibiting plug fishing for land-locked Salmon or Togue in Cold Stream Pond in Enfield, Lowell and Lincoln in the county of Penobscot" (H. P. No. 444).

Mr. Stone from same Committee reported same on Bill "An Act to permit fishing in Village Brook, a tributary to Bryant Pond, or Lake Christopher, so-called, in the town of Woodstock, county of Oxford" (H. P. No. 196).

Mr. Sargent from the Committee on Public Utilities on Bill "An Act to amend Section 5 of Chapter 53 of the Revised Statutes, relating to the Insurance Laws" (H. P. No. 724) (H. Doc. No. 158) reported that same be referred to the Committee on Mercantile Affairs and Insurance.

Reports were read and accepted and sent up for concurrence.

Mr. Bump from the Committee on Inland Fisheries and Game reported "Ought to pass" on Bill "An Act to prohibit fishing in the tributaries of Lake Anasagunticook, in Canton and Hartford, in the county of Oxford" (H. P. No. 533).

Mr. Hallett from same Committee reported same on Bill "An Act prohibiting fishing in the tributaries to St. Croix Lake, in Townships 7 and 8, Range 4, Aroostook County" (H. P. No. 445).

Mr. Kinsman from same Committee reported same on Bill "An Act relating to Open Season on Goldeneye, or Whistler, so-called, and Sheldrake" (H. P. No. 535).

(On motion by Mr. Kinsman of Augusta recommitted to the Committee on Inland Fisheries and Game.)

Same gentleman from the same Committee reported same on Bill "An Act to regulate ice fishing in Long Pond, in the towns of Somerville and Jefferson, in the county of Lincoln and in the town of Windsor, in the county of Kennebec." (H. P. No. 536.)

Mr. Stone from same Committee reported same on Bill, "An Act to establish daily limit on fish in C. Pond, in Township C, Surplus, Oxford County." (H. P. No. 534.)

Same gentleman from same Committee reported same on Bill, "An Act relating to fishing in Stony Brook, in Newry and in Hanover, in Oxford County." (H. P. No. 486.)

Mr. Bartlett from the Committee on Legal Affairs reported same on Bill, "An Act to ratify and make valid the incorporation of Hammond Street Congregational Church in Bangor." (H. P. No. 454.)

Reports read and accepted and the new drafts ordered printed under the joint rules.

Mr. Hallett from the Committee on Commerce on Bill "An Act in relation to standard time" (H. P. No. 7) (H. Doc. No. 6) reported same in a new draft (H. P. No. 959) under same title and that it 'ought to pass.'

On motion by Mr. Hale of Portland, tabled and especially assigned for Thursday next.

On motion by Mr. Atwood of Portland 500 copies of the new draft were ordered printed.

First Reading of Printed Bills and Resolves

H. P. No. 366: An Act additional to and amendatory to Chapter 35 of the Revised Statutes, relating to the Prevention of Contagious Diseases among Animals.

H. P. No. 616: An Act to amend Chapter 195 of the Private and Special Laws of 1887, entitled "An Act incorporating the city of Waterville, as amended by Chapter 16 of the Private and Special Laws of 1917.

H. P. No. 936: An Act in favor of the Monson, Maine Slate Company.

H. P. No. 937: An Act relating to the Penobscot Tribe of Indians.

H. P. No. 948: An Act to incorporate the Cousins and Littlejohns Islands Village Corporation.

H. P. No. 307: Resolve making appropriations for the Passamaquoddy Tribe of Indians for the years July 1, 1925 to June 30, 1927.

Passed to be Engrossed

S. P. No. 46: An Act relating to close time on lobsters in the towns of Cutler, Trescott and Lubec, in Washington County.

S. P. No. 113: An Act to extend the charter of the Patten Water and Power Company.

H. P. No. 916: Act to provide for the better protection of clams within the limits of the town of Perry.

H. P. No. 201: Resolve authorizing Michael Burns to bring a suit at law against the State of Maine.

(On motion of Mr. Nichols of Portland, tabled pending second reading.)

H. P. No. 364: Resolve in favor of Newell Gabriel, Representative of the Penobscot Tribe of Indians.

H. P. No. 365: Resolve in favor of Frank Socoby, Representative of the Passamaquoddy Indians.

Paper from the Senate, out of order.

Joint Resolution

WHEREAS, a native son of one neighboring State and also the distinguished citizen by adoption of our parent Commonwealth of Massachusetts has been destined by fate to be the third Chief Magistrate of the Union to be chosen from New England and mindful that as an individual he typifies the best there is in American manhood.

BE IT RESOLVED that the Senate and House of Representatives of the State of Maine in the Legislature assembled hereby expresses its sense of appreciation of this profound honor, and

BE IT FURTHER RESOLVED that there be spread upon the records of this Legislature an appreciation of the high esteem for the fine manhood, splendid ability and lofty purpose of Calvin Coolidge, President of the United States and that a message of congratulation be sent to him from this Legislature together with its best wishes for his health and prosperity and the continued honor and greatness of our common Country.

In the Senate, read and passed.

In the House, read and passed in concurrence by a unanimous rising vote.

Orders of the Day

On motion by Mr. Hale of Portland, it was voted to take from the table report of the committee on salaries and fees, tabled by that gentleman February 25, on bill, An Act to increase the salaries of county commissioners of Cumberland county, which report was "ought to pass"; and on further motion by the same gentleman the bill received its first and second reading; and on motion by Mr. Hale

of Portland, tabled pending assignment for third reading.

On motion by Mr. Campbell of Kingman, it was voted to take from the table bill, An Act relating to electors in unorganized places (H. P. No. 942), tabled by that gentleman February 27, pending reference to committee; and on further motion by the same gentleman the bill was referred to the committee on legal affairs.

On motion by Mr. Wing of Auburn, it was voted that 500 additional copies of the labor order presented by Mr. Holmes of Lewiston earlier in the session be printed, making 1000 copies in all.

On motion by Mr. Nichols of Portland, it was voted to take from the table bill, An Act relating to the State Board of Charities and Corrections (H. P. No. 205) (H. D. No. 46), tabled by that gentleman February 25, pending first reading; and on further motion by the same gentleman the bill received its first and second reading and tomorrow assigned.

On motion of Mr. Sturgis of Auburn, it was voted to take from the table House Paper 185, An Act to make legal the sale of cider which has been treated to prevent fermentation, tabled by that gentleman on February 25th on its passage to be enacted; and the same gentleman yielded the floor to the gentleman from Portland, Mr. Cummings.

On motion by Mr. Cummings of Portland, the House voted to reconsider its action whereby the above bill was passed to be engrossed; and the same gentleman offered House Amendment A.

House Amendment "A" to bill "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 per cent. of alcohol by volume."

Amend said bill by adding after the word "volume" in the fifth line of Section 1 thereof, the words "the container of which shall bear a label placed over the stopper or bung of said container plainly stating that the product contained therein is cider and the manner in which said cider has been treated to prevent fermentation" and by adding after the word "volume" in the 17th line of Section 2 thereof the words "the container of which shall bear a label placed over the stopper or bung of said container plainly stating that the product contained therein is cider and the manner in which said cider has been treated to prevent fermentation."

Mr. CUMMINGS: Mr. Speaker and members of the House, the amendment, as you will discover, is purely in the nature of a safeguard. The amendment as read is satisfactory to all concerned, so far as I know. It is satisfactory to Mr. Towle, who presented the bill; it is satisfactory to the department of agriculture, which is interested in it, and it is satisfactory to the temperance people who are desirous of safeguarding its sale. I do not feel that I need to discuss the amendment for that reason and if there is no objection to the amendment I will not attempt to discuss it. Thereupon the amendment was adopted and the bill as amended was passed to be engrossed.

On motion by Mr. Metcalf of Farmington

Adjourned until tomorrow morning at ten o'clock.