

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

Thursday, March, 5, 1925.

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

Prayer by the Rev. Mr. Atkins of Gardiner.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

S. P. No. 127: An Act to repeal Section 21 of Chapter 34 of the Revised Statutes relating to the use of the score card system by agricultural societies in the judging of dairy products.

S. P. No. 234: An Act to change the name of the city of South Portland.

S. P. No. 93: An Act to amend Section 2 of Chapter 95 of the Public Laws of 1917 as amended by Section 2 of Chapter 7 of the Public Laws of 1923, relating to the giving of checks and drafts on banks where the maker has not sufficient funds.

S. P. No. 178: An Act to repeal Section 43 of Chapter 19 of the Revised Statutes, as amended by Chapter 194 of the Public Laws of 1923, relative to Health Officers.

From the Senate: Report of the Committee on State Lands and Forest Preservation on Resolve authorizing the Land Agent to sell and convey a certain interest of the State in Township 1, Range 7, Penobscot County (S. P. No. 204) (S. Doc. No. 72) reporting same in a new draft (S. P. No. 371) (S. Doc. No. 130) under title of "Resolve authorizing the Forest Commissioner to sell and convey a certain interest of the State in Township 1, Range 7, Penobscot County" and that it "Ought to pass".

Comes from the Senate report read and accepted and the resolve passed to be engrossed.

In the House, on motion by Mr. Thompson of Rockland, the report was tabled pending acceptance in concurrence.

From the Senate: Bill "An Act to Incorporate the Winding Ledges Power Company" (H. P. No. 710) (H. D. No. 154).

Which was referred to the Committee on Judiciary in the House February 17th.

Comes from the Senate referred to the Committee on Public Utilities in non-concurrence.

In the House, on motion by Mr. Wing of Auburn, that body voted to recede and concur with the Senate in the reference of the bill to the committee on Public Utilities.

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. Mitchell of Houlton: Remonstrance of James C. Madigan and 163 others against the proposed One Deer Law. (H. P. No. 1024).

By the same gentleman: Remonstrance of Ora Gilpatrick and 32 others against same. (H. P. No. 1025).

By Mr. Morse of Oakland: Remonstrance of F. L. Hersom and 86 others of Oakland against any change in the Resident Hunting and Fishing License Fees. (H. P. No. 1026).

By the same gentleman: Remonstrance of Jos. W. Wood and 23 others of Oakland against same. (H. P. No. 1027).

Judiciary

By Mr. Cummings of Portland: An Act relating to the regulation of fishing in the inland waters of Maine (H. P. No. 1028).

(500 copies ordered printed)

By Mr. Flint of Monson: Remonstrance of Mrs. P. J. Genthner and others of Dover-Foxcroft against repeal of the direct Primary Law. (H. P. No. 1029).

By Mr. Cole of West Gardiner: Remonstrance of Edith H. Larrabee and others of Gardiner against same. (H. P. No. 1030).

By the same gentleman: Remonstrance of Mrs. R. C. Patten of Gardiner and others against same. (H. P. No. 1031).

By Mr. Melcher of Rumford: Remonstrance of Incy C. French of Rumford and 24 others against same. (H. P. No. 1032).

By Mr. Wheeler of So. Paris: Remonstrance of Mrs. Amy L. Strickland and others of So. Paris against same. (H. P. No. 1033).

By Mr. Decker of Milo: Remonstrance of J. C. Hamlin and 56 others against same. (H. P. No. 1034).

By Mr. Thompson of Rockland: Remonstrance of Frank H. Ingraham

of Rockland and 68 others against same (H. P. No. 1035).

By Mr. Dwinal of Camden: Remonstrance of W. R. Kirk and 21 others against same. (H. P. No. 1036).

By Mr. Cummings of Portland: Remonstrance of George W. Mitchell and 149 others of Portland against same. (H. P. No. 1037).

By Mr. Bump of Wilton: Remonstrance of F. A. Allen of Wilton, Maine, and 106 others against same. (H. P. No. 1038).

By Mr. Dwinal of Camden: Remonstrance of H. F. Milligan and 16 others against same. (H. P. No. 1039).

By Mr. Thompson of Rockland: Remonstrance of Rev. B. V. Allen of Rockland and 29 others against same. (H. P. No. 1040).

By Mr. Davis of Dexter: Remonstrance of C. H. Crawford, and 37 others of Dexter, Maine, against same. (H. P. No. 1041).

By Mr. Thompson of Rockland: Remonstrance of Joseph W. Robinson of Rockland and 26 others against same. (H. P. No. 1042).

By Mr. Nichols of Portland: An Act relating to the notice given by the assessors of taxes before assessment. (H. P. No. 1043)

(500 copies ordered printed.)

By Mr. Sargent of Sedgwick: An Act providing for recovery by log drivers of damages caused by storage dams. (H. P. No. 1044)

(500 copies ordered printed.)

Legal Affairs

By Mr. Winn of Lisbon: An Act to permit towns to be divided into polling districts for the election of municipal officers. (H. P. No. 1045)

(500 copies ordered printed.)

Mercantile Affairs and Insurance

By Mr. Bragdon of Perham: An Act to provide for the collection of assessments from the mortgagee in interest. (H. P. No. 1017)

(500 copies ordered printed)

Reports of Committees

Mr. Hayford from the Committee on Banks and Banking reported "ought not to pass" on Bill "An Act relative to the payment of Interest by Banks on Withdrawals." (H. P. No. 42) (H. D. No. 13)

Mr. Atwood from the Committee on Legal Affairs reported same on Bill "An Act relating to support of Paupers." (H. P. No. 545) (H. Doc. No. 116)

Same gentleman from same Committee reported same on Bill "An

Act relating to falsely assuming to be a Justice or Officer." (H. P. No. 543)

Mr. Frost from the Committee on Salaries and Fees reported same on Bill "An Act relating to the Salaries of County Treasurers." (H. P. No. 237)

Mr. Melcher from same Committee reported same on Bill "An Act to increase the salary of the Register of Deeds for Knox Co." (H. P. No. 415)

Reports read and accepted and sent up for concurrence.

Mr. Palmer from same committee reported same on bill "An Act to increase the salary of the Register of Probate for Knox Co." (H. P. No. 208.)

(Tabled by Mr. Thompson of Rockland pending acceptance of report.)

Mr. Palmer from the Committee on Salaries and Fees reported "ought not to pass" on Bill "An Act relating to Compensation of Clerk of Courts for Lincoln County." (H. P. No. 72.)

Mr. Thissell from same Committee reported same on Bill "An Act to amend Section 39 of Chapter 117 of the Revised Statutes, as amended, relating to Salaries of Registers of Probate." (H. P. No. 163.)

Same gentleman from same Committee reported same on Bill "An Act increasing the salary of the Clerk of the Judicial Courts in the county of Sagadahoc." (H. P. No. 554.)

Same gentleman from same Committee reported same on Bill "An Act increasing the clerk hire in the office of the Clerk of the Judicial Courts for the county of Sagadahoc." (H. P. No. 553.)

Reports read and accepted and sent up for concurrence.

Mr. Bishop from the Committee on Salaries and Fees reported "Ought to pass" on Bill "An Act increasing the salary of the Register of Deeds of Lincoln County." (H. P. No. 73.)

Same gentleman from same Committee reported same on Bill "An Act relative to Clerk Hire in the office of Registry of Deeds of Lincoln County." (H. P. No. 74.)

Same gentleman from same Committee reported same on Bill "An Act to increase the salary for Clerk Hire in the office of Registry of Probate for Knox Co." (H. P. No. 207.)

Mr. Palmer from same Committee

reported same on Bill "An Act relating to the salary of the Clerk of the Lewiston Municipal Court." (H. P. No. 384.)

Mr. Towle from the Committee on Ways and Bridges reported same on Resolve appropriating money to rebuild one pier of the Gardiner and Randolph drawbridge. (H. P. No. 464.)

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

Mr. Thissell from the Committee on Salaries and Fees reported same on Bill "An Act relating to the Fees of Clerks of Cities and Towns." (H. P. No. 551) (H. Doc. No. 119.)

Report read and accepted and the bill having already been printed was read twice under suspension of the rules and tomorrow assigned.

Mr. Flint from the Committee on Inland Fisheries and Game on Bill "An Act relating to the Trapping of Fur bearing Animals." (H. P. No. 194) (H. Doc. No. 36.) reported same in a new draft (H. P. No. 1052) under same title and that it "Ought to pass."

Same gentleman from same Committee on Bill "An Act relating to the Revocation of Licenses and Certificates issued by the Department of Inland Fisheries and Game" (H. P. No. 407) reported same in a new draft (H. P. No. 1053) under same title and that it "Ought to pass."

Mr. Leighton from the Committee on Interior Waters on Bill "An Act to authorize Harry M. Stanley to construct and maintain a Wharf and Boat House in Lake Maranacook, in Winthrop, Maine" (H. P. No. 490) reported same in a new draft (H. P. No. 1054) and that it "Ought to pass."

Mr. Bishop from the Committee on Salaries and Fees on Bill "An Act to amend Section 38 of Chapter 117 of the Revised Statutes relating to Compensation of Judges of Probate" (H. P. No. 162) reported same in a new draft (H. P. No. 1046) under same title and that it "Ought to pass."

Same gentleman from same Committee on Bill "An Act relative to Salaries and Expenses of County Commissioners," (H. P. No. 69) reported same in a new draft (H. P. No. 1048) under same title and that it "Ought to pass."

Mr. Dunning from the same Committee on Bill "An Act relative to

an increase in the salaries of the Judge and Recorder of the Millinocket Municipal Court" (H. P. No. 336) reported same in a new draft (H. P. No. 1047) under same title and that it "Ought to pass."

Mr. Thissell from the same Committee on Bill "An Act relating to the Salary of the Judge of the Municipal Court of So. Portland" (H. P. No. 385) reported same in a new draft (H. P. No. 1049) under same title and that it "Ought to pass."

Same gentleman from same Committee on Bill "An Act to amend Section 43 of Chapter 219 of the Public Laws of 1921, increasing the salary of the Register of Deeds of York County." (H. P. No. 363) reported same in a new draft (H. P. No. 1050) under same title and that it "Ought to pass."

Same gentleman from same Committee on Bill "An Act relating to Salary of Sheriffs of Waldo County" (H. P. No. 637) reported same in a new draft (H. P. No. 1051) under same title and that it "Ought to pass."

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

Report "A" of the Committee on Ways and Bridges reporting "Ought to pass" on Bill "An Act authorizing the towns to unite for the purpose of employing a superintendent of ways and bridges" (H. P. No. 75) (H. Doc. No. 20)

Report was signed by the following:

Messrs. SMITH of Somerset
BOND of Lincoln—
 of the Senate
LELAND of Sangerville
DRAKE of Bath
DUNBAR of Orland—

 of the House
Report "B" of the same Committee reporting "ought not to pass" on same Bill.

Report was signed by the following:

Messrs. CASE of Washington—
 of the Senate
MARDEN of Waldo
KITCHEN of Presque Isle
TOWLE of Winthrop
PIKE of Lubec—

 of the House
Mr. LELAND of Sangerville: Mr. Speaker and Members of the House, I move the adoption of Report "A" to House Document No. 20, and I think it would be in order at this time to address myself briefly to that motion.

The purpose of this act is to allow towns to unite to employ a Superintendent of Ways and Bridges.

Mr. WING of Auburn: Mr. Speaker, will the gentleman from Sangerville (Mr. Leland) state through the Chair which report he is speaking in favor of?

The SPEAKER: The House Document is No. 20 and the gentleman from Sangerville (Mr. Leland) is speaking in favor of Report "A" which is "ought to pass". The motion is that the report "ought to pass" be accepted. The gentleman will proceed.

Mr. LELAND, resuming: Mr. Speaker and members, if you have found the bill you will see that this is a proposal to allow towns to unite in the employment of a Superintendent of Ways and Bridges. The thought back of this proposition is to secure, if possible, better and more adequate supervision of all moneys expended upon our highways and bridges. I think we all recognize the fact that a great deal of the money expended by our towns and also, possibly, by the State in the various towns, is expended under lack of adequate supervision. This has been recognized for some time by all those who have given highways matters careful study. Just what should be the most practical solution of this matter has been something of a problem.

It seems to me that there is a very decided need for a co-ordination of the interests of the State and towns in highway matters. Many years ago the Highway District as a unit of measure was outgrown. Rapid development in highway traffic has created a great demand for highway improvement and it has outgrown the town as a unit of measurement for such needs.

This bill is drawn along the lines of the present method of employing Superintendents of Schools. I am aware that this is one of the chief objections to this proposition because many people think that the method by which School Superintendents are employed is not satisfactory. The great fault seems to be that suitable men are not employed, are not found; they are unable to secure them. Now it seems to me that if it is difficult to secure men of ability to superintend the schools in four or five towns, the proposition to return to the old method of each town employing the superintendent of itself simply multiplies that difficulty by four. And it seems to me that the objection raised by this proposition would apply exactly

along that line. It was argued before the Committee that this proposition was simply an entering wedge by which the State would take over more and more the interests of the towns in this matter.

Now, it seems to me that is by no means the thought, or would be the result, of such a proposition. It seems to me that if you read the bill carefully you will find that the Selectmen of the towns have a right to discharge the Supervisor of ways and bridges. The only stipulation in relation to approval by the Highway Department is that those men shall be men of practical experience in the construction of Ways and Bridges and shall have had such experience as would merit the approval, simply, of the Highway Department.

The need of further supervision, and more adequate supervision, was touched upon by the Chief Executive in his Inaugural Address, and this bill is in reality the outgrowth of the thought raised in his discussion of that matter.

It seems to me that it is not necessary for me to take up the time of this House to any great extent this morning in presenting to you the desirability of some such proposition. As I have sat day after day in the Committee on Ways and Bridges listening to the proposals and resolves asking assistance by the State in the various towns, almost invariably this matter is brought up; that the need of this particular resolve from this particular town may be more the result of Representatives from neighboring towns stating that through this town is their only outlet for market or for the trunk line, or something of that sort and that this neighboring town, through lack of interest in the matter, is unable to improve the roads and therefore the State is asked to do so.

Now, it seems to me that in a large measure this very proposition would help to remedy that situation which comes out so fully in every road proposition which is put up to the Ways and Bridges Committee for special resolve.

I do not know that I should say anything further at this time. It seems to me that the matter should stand on its own merits, and that the need of some such provision for further adequate supervision is so obvious that it will need very little in the way of defense. And with that thought in mind I shall ask your favorable consideration of this proposal.

Mr. KITCHEN of Presque Isle: In justice to the members of the Committee who signed the report "ought not to pass." I move that this matter lie on the table pending the motion of the gentleman from Sangerville, Mr. Leland, that Report "A" "ought to pass" be accepted.

Mr. LELAND: I will ask that the gentleman assign a date certain.

The SPEAKER: Will the gentleman from Presque Isle (Mr. Kitchen) assign a date certain.

Mr. KITCHEN: I will assign Wednesday of next week.

The SPEAKER: The gentleman assigns next Wednesday as the date certain. Is it the pleasure of the House that the matter be so assigned?

Thereupon the motion of Mr. Kitchen of Presque Isle, to lay on the table, prevailed and the matter was especially assigned for next Wednesday.

First Reading of Printed Bills

H. P. No. 445: An Act prohibiting fishing in the tributaries to St. Croix Lake, in Townships 7 and 8, Range 4, Aroostook County.

H. P. No. 454: An Act to ratify and make valid the incorporation of Hammond Street Congregational Church in Bangor.

H. P. No. 486: An Act relating to fishing in Stony Brook, in Newry and in Hanover, in Oxford County.

H. P. No. 533: An Act to prohibit fishing in the tributaries of Lake Anasagunticook in Canton and Hartford in the county of Oxford.

H. P. No. 534: An Act to establish daily limit on fish in C. Pond, in Township C Surplus, Oxford County (H. P. No. 534) (H. Doc. No. 250.)

H. P. No. 536: 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.

At this point, Mr. Wing of Auburn assumed the Chair, amid the applause of the House.

Passed to Be Engrossed

S. P. No. 111: An Act prohibiting ice fishing in Kennebank Pond, in the county of York.

S. P. No. 128: An Act to amend Chapter 62 of the Public Laws of 1923, relating to the Production and Sale of Certified Seed.

S. P. No. 188: An Act to amend

Section 5 of Chapter 37 of the Revised Statutes, as amended by Chapter 66 of the Public Laws of 1919, relating to the registration of milk dealers.

S. F. No. 58: Resolve for double stacking the State Library.

S. F. No. 161: Joint Resolution favoring the acquiring and maintenance by the United States Government of a suitable Vessel, constructed and equipped especially as an ice breaker, to be stationed and operated solely on the Maine Coast.

Orders of the Day

The SPEAKER pro tem: The Chair lays before the House for its consideration report of the committee on Commerce on bill, an act in relation to standard time, being House Paper No. 7 (H. D. No. 6), and the clerk will please read the report of the committee.

(The Clerk read the report.)

The SPEAKER pro tem: The question is on the acceptance of the report of the committee in new draft, and the Chair recognizes the gentleman from Portland, Mr. Hale.

Mr. HALE of Portland: Mr. Speaker and members of the House: I move the rejection of the committee report for reasons which I will outline briefly; and I wish, first, to call the attention of the members to the new draft which is House Document 260, and is among the printed bills which were laid on your desks this morning. As the bill is brief, I should like to call attention to its language, as follows:

"Section 1. That, within the State of Maine, the Standard time shall be based on the mean astronomical time of the seventy-fifth degree of longitude west from Greenwich, known and designated by the Federal statute as "United States Standard Eastern Time," a similar provision to that is now on the statute books. The bill goes on: "It shall be unlawful for any town or other municipality to vote for, or otherwise establish any other system of time."

"Section 2. The supreme judicial court in equity, by writ of injunction or otherwise, may restrain or annul proceedings in any town or city in violation of the preceding section, upon application of ten or more taxable citizens of the State and a writ of temporary injunction

may issue forthwith without filing of a bond by such petitions."

Now, Mr. Speaker, I hope that in voting on this report the issue will not be confused. The issue is not whether standard time is better time than daylight saving time, or whether daylight saving time is better than standard time, because, on that question, I think there is no doubt in this House—no question in the minds of most of the members—that they prefer standard time and they have every right to prefer it. The only question is whether any town or municipality may, in its discretion, by the vote of its citizens, establish some other time, and I am speaking on the question because it is of great interest to the citizens of the city of Portland which I represent.

Ever since the war, every year in December, the citizens of that city have taken a vote on the question of whether in that city they would establish the daylight saving system of time—in other words set the clock an hour ahead; and every year they have voted to do so, and last year they voted to do so by a vote of two to one.

It does not seem to me to be relevant to discuss the considerations which were in the minds of the citizens of Portland when they so voted. I am willing to assume for the purposes of this argument that two-thirds of the citizens of Portland in voting for daylight saving time were absolute idiots. The fact remains that they so voted, and I would like this Legislature to give effect to the will of the citizens of Portland as so expressed. It seems to me it is merely a question of home rule. It seems to be that it is rather a local question for the citizens of Portland. I know that perhaps many of you are thinking that this is not a local question for the citizens of Portland in establishing daylight saving time to the confusion of travelers and other citizens of the State. It may be that daylight saving time in Portland causes a little confusion to people who live outside the city. It causes a little confusion to people who live inside the city, and the presence of that confusion is a consideration in the minds of the people when they vote on the question in Portland. Nevertheless, in spite of the confusion, which I think bears

more on us than on residents of other parts of the State, the citizens of Portland do vote for the other system of time. A certain amount of confusion in railway schedules seems to be unavoidable because the State of Massachusetts on the west has the daylight saving system, the Province of New Brunswick on the east has another system, and in Montreal and the Province of Quebec they have daylight saving; so that I cannot feel that whatever the city of Portland chooses to do at its municipal election can have very serious effect on the rest of the State, and if it does not have a very serious effect on the rest of the State, I would ask the members of this House to allow the citizens of Portland to express their will on this question at the polls.

Gentlemen have asked me in private conversation whether the result of daylight saving time could not be accomplished by people getting up earlier in the morning. Undoubtedly those results could be so accomplished; but the point is that it operates for the greater convenience and uniformity of life in a city for a uniform standard of time to be observed by the city as a whole, otherwise certain individuals will operate their business and their private affairs on the one schedule and other individuals will operate on the other, so that the result will be a confusion, it seems to me, greater than the confusion which this bill seeks to eliminate. On this question it would seem to me that our motto might be "Live and let live." The citizens of Portland are certainly not seeking to impose their particular ideas of their own convenience upon the rest of the State, and I hope that the rest of the State will be similarly indulgent to them.

Mr. HARRIMAN of Readfield: Mr. Speaker, in regard to this daylight saving bill, as it is called, it seems to me that it is hardly necessary to say anything at this time only that perhaps the full significance of the feeling in Portland has not been fully expressed. A gentleman from Portland came here to the House some two weeks ago and said that he had got a Senator from Cumberland county to introduce him to me, saying that he wanted to see the author of the daylight bill. He said I want to assure you, Mr. Harriman, that Portland is by no means two-

thirds in favor of this measure. It was brought out at the hearing, I believe, as stated by the gentlemen from Portland who appeared at that hearing, that on the referendum vote two-thirds of the people voted for it. According to the vote, no doubt that is true, because something like six thousand voted for and four thousand against it, when as a matter of fact there were twenty-one thousand people who voted in the September election; and if you can judge of general conditions from that, only fifty percent of the people voted anyway. So it would seem, that a very small majority of the people of Portland, even, want standard time. The gentleman who took the pains to come and meet me said that the business men of Portland are opposed to it. He said that during the war, when it was a nation-wide issue in the interests of winning the war, that everybody was willing to do anything to help win the war and it was "put across" as a nation-wide issue, with everybody having a chance to work in their war gardens. Today it is simply the clerks and an element of people who want more time to play golf and ride in their automobiles who wish the extra hour of daylight time. It seems to me that very little need be said on this matter because the sentiment of the people all over the State is well known in regard to this time, and I hope that the motion of the gentleman from Portland (Mr. Hale) will not prevail.

The SPEAKER pro tem: The gentleman from Portland, Mr. Hale, moves that the House Report ought to pass in new draft on House Document No. 6 be rejected. As many as are in favor of the motion will say aye; those opposed will say no.

A viva voce vote being taken, the motion to reject the House Report failed of passage.

Mr. HARRIMAN: Mr. Speaker, I now move, if in order, the acceptance of the House Report.

Mr. PIERCE of Sanford: Mr. Speaker, I would like to have that retabled and especially assigned for Tuesday next.

A viva voce vote being doubted, A division of the House was had, Thirty-two voting in the affirmative and 87 in the negative, the motion of the gentleman from Sanford, Mr. Pierce, to re-table, was lost.

The SPEAKER pro tem: The ques-

tion now is on the motion of the gentleman from Readfield, Mr. Harriman, to accept the report of the committee, of the bill in new draft.

A viva voce vote being taken, the report was accepted.

The SPEAKER pro tem: The bill having been printed, the gentleman from Readfield, Mr. Harriman, now moves that the rules be suspended and that this bill have its first two readings at this time.

Mr. OAKES of Portland: Mr. Speaker, this is a new bill before us this morning, and it does seem as though the people from Portland should have an opportunity to examine it, and I move that the matter lie on the table in its present status and be specially assigned for Tuesday next.

Mr. HARRIMAN: Mr. Speaker, is that motion debatable?

The SPEAKER pro tem: It is not debatable. The question is on the motion of the gentleman from Portland, Mr. Oakes, that this matter lie on the table and be especially assigned for Tuesday next. As many as are in favor will say aye; those opposed will say no.

A viva voce vote being taken, the motion to retable was lost; and on motion by the gentleman from Readfield, Mr. Harriman, and a further viva voce vote being taken, the rules were suspended, the bill had its two several readings and tomorrow was assigned for its third reading.

The SPEAKER pro tem: The Chair lays before the House majority and minority reports of the Committee on Sea and Shore fisheries on bill, an act relating to the Commissioner of Sea and Shore Fisheries, H. P. No. 128 (H. D. 29) tabled by the gentleman from Sedgwick, Mr. Sargent, March 4th, pending the acceptance of either report, and the clerk will read the reports.

(The clerk reads the reports).

The SPEAKER pro tem: The Chair recognizes the gentleman from Sedgwick, Mr. Sargent.

Mr. SARGENT: Mr. Speaker, with the permission of the House, I would like to retable these two reports with the understanding that they will be considered on the same day as the report tabled by the gentleman from South Portland, Mr. Lamson, on an act relating to the legal size of lobsters.

Thereupon, a viva voce vote being taken, the motion to retable prevailed.

The SPEAKER pro tem: The Chair lays before the House, for its consideration, a resolve authorizing Michael Burns to bring suit against the State; the question being the second reading. And the Chair recognizes the gentleman from Augusta, Mr. Martin.

Mr. MARTIN: Mr. Speaker, I move that this resolve be given its second reading.

A viva voce vote being doubted,

A division of the House was had,

Sixty having voted in the affirmative and sixty one in the negative, the motion that the resolve be given its second reading was lost.

The SPEAKER pro tem: The House having refused to give this resolve its second reading, the gentleman from Portland, Mr. Nichols, now moves that this resolve be indefinitely postponed. (Applause) As many as are in favor—

Mr. MARTIN: Mr. Speaker, I move that this resolve be re-tabled.

A viva voce vote being doubted,

A division of the House was had,

Fifty three having voted in the affirmative and seventy two in the negative, the motion to retable was lost.

The SPEAKER pro tem: The question now returns to the motion of the gentleman from Portland, Mr. Nichols, that this matter be indefinitely postponed.

Mr. MARTIN: Mr. Speaker, is the question now debatable?

The SPEAKER pro tem: The question is debatable.

Mr. MARTIN: I would simply like to make this suggestion at this time. That this matter is of no great importance to the State, I realize, and it only affects one individual individually. It seems to me, however, that it is the policy of this Legislature to well consider, whether, after voting one way on the matter, it shall immediately turn around and change its position. If it does on this matter, it will be for the second time. Possibly the people of the State may wonder and consider why we are not more consistent in the position we originally took.

Mr. OAKES of Portland: Mr. Speaker and members: I have no interest in this case, but I wish to state why I voted for Michael Burns. Mr. Martin, the other day, in his talk, stated as follows: "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 the Judge of the Municipal Court that the business conducted by Mr. Burns was legal."

The analogy has been drawn to a man who is accused of murder or some other crime, is put in jail and is forced to remain there for a period of time and then goes to trial and is found not guilty. The point is raised that the man suffers and does not have compensation for the time that he loses. If that man, however, were put in jail by a legal process or when the officers knew that he was innocent, he would have a right of action against someone. Now it seems to me that this proceeding against Michael Burns may have been justified as a matter of public policy, but it was not—and was known not to be—a legal process when it was taken.

It seems to me that it is within the province of the Legislature to let the Court decide whether he has a legal grievance or not, and if he has a legal grievance, we should not hide behind the skirts of "Miss Sovereign."

Mr. KINSMAN of Augusta: Mr. Speaker and members, as one of the Representatives of Augusta, I wish to express the opinion of the citizens of Augusta as I understand them, with regard to Michael Burns. They feel that he has not been given a square deal in the past and that he should have the privilege of coming before the State and asking for this amount of money, which is very small, and I trust that this matter can be taken care of in a satisfactory manner and he be given a fair and square deal.

Mr. BRAGDON of Perham: Mr. Speaker, while I do not feel competent to argue the point of law before this Legislature, I do feel that Michael Burns is coming to the wrong place to get his money. There is no doubt that the decision of the Court upheld his right to sell this liquor, but the officials of the State returned the liquor to him when the case was decided against him, and the trou-

ble seems to be that while this matter was pending the Federal Government changed the law and took his market away from him. It seems to me that if anyone owes Mr. Burns anything, it is the Federal Government instead of the State of Maine, and I feel, as the gentleman from Portland, Mr. Oakes, intimated that some of the opponents of the measure felt, that if we open up this matter and send this case to the Court, we are in duty bound to give the man who was sent to jail because of his inability to give bond in a liquor case—the man who was sent to jail and waited there six months before the Court decided on the matter and discharged him—he is entitled to be reimbursed just as much as Michael Burns, and we are opening a wide door if we pass this case along to the Court.

Mr. MARTIN: Mr. Speaker and members: As this is probably the last time that this matter will ever be heard in these halls, I feel that it is proper, since I have talked with him no later than this morning, that the views of the County Attorney who prosecuted Michael Burns be stated to you. I wanted to be absolutely sure of the facts. They are in the Statement of Facts, to some extent. The County Attorney then, who is now the President of our Kennebec Bar Association, one of the most revered lawyers in the State of Maine—the Honorable L. T. Carleton of Winthrop—received a letter from the Governor at that time—and he told me this morning that he believed he had that letter on file—telling him to go to his office. He went to the office of the Governor with another attorney whom every member of this House knew or has heard of, the late Attorney General, Orville D. Baker, of Augusta, and they told the Governor that Michael Burns was doing a legal business. But the Governor, in carrying out what he thought was a proper public policy, told them to go ahead and prosecute, and they did.

Now there is no analogy between a man in jail because he cannot give bail and taking away a man's furniture without justice, or taking away a man's merchandise. The liquor in question was kept for three years, but it does not make any difference legally whether it is liquor or furniture, it was kept three years. The gentleman from Perham, Mr. Bragdon, says the liquor was returned. It was returned in part but not in its

entirety and there was a financial loss. The County Attorney—and there is no man living who knows the facts better—has been before the Legislature in its Committees and has urged that the State give this man a fair chance to have the matter tried before the Supreme Court of this State. That is all he asks and the only man in the world living today who knows the facts is Mr. Carleton. He knows the facts; he talked with the Governor and knows everything about this case, and he authorized me to quote him just as strongly as I could in urging the Legislature to give this man a square deal. That is all this resolve asks for and in justice to Mr. Carleton and to this aged man who puts this resolve in, I feel that these facts should at least be made a matter of record.

(At this point Speaker Gardiner resumed the Chair, Mr. Wing of Auburn, retiring amid the applause of the House.)

Mr. CUMMINGS of Portland: Mr. Speaker and members of the House, there are a great many citizens of Maine who at one time or another are prosecuted, and sometimes I think they are persecuted, because later they are proven to be innocent of the charges against them. Men are frequently put to great inconvenience and loss and oftentimes disgrace and have no remedy. They cannot sue the State and they cannot recover damages for the injury which has been inflicted upon them.

Our friend from Augusta, Mr. Martin, wants to know why the House should take a different action today from what we took on the other occasion. In reply I would say that we live and learn. I confess that I feel better informed—although I did not vote on the other occasion either for or against—I feel I am better informed on this matter than I was at that time. We were told on the former occasion of Michael Burns being in the Civil War and being wounded and considerable sympathy was enlisted on that account, but there are many other things of which we were not told. We were not told that he was a rum seller operating in violation of the laws of his State for many years, although his sales of liquor in the original package were sanctioned by the Federal law. Nevertheless, he was a violator of the laws of his State, repeatedly and persistently, and no doubt greatly to the injury of

his community. I can see no reason why this man should be permitted to sue the State to recover what he says is his loss that he sustained on these goods after they were returned to him and he had to send them to Boston to be sold.

Again, I cannot help remembering that Michael Burns, to all intents and purposes, and from his heart, was a murderer; that he deliberately shot his brother-in-law on the streets of this city over a personal matter and that he did not kill him was not from any lack of intention on his part but was merely because the pocketbook that he wore over his breast was thick enough so that the bullet did not penetrate his body. He served two years in State's Prison for that offense.

Now, for God's sake, members of this House, is there any justification why, in view of the fact that so many men suffer through the acts of the authorities from which they have no appeal and for which they have no remedy, we should authorize this man, who has so persistently—and with a persistence worthy of a better cause—continued to apply to this Legislature that he might have the satisfaction of suing and recovering from the State, to do so. It does not seem to me that we should do it. (Applause.)

Mr. THOMPSON of Rockland: Mr. Speaker, I understood the gentleman from Augusta, Mr. Martin, to say that the statement was made by the gentleman from Perham, Mr. Bragdon, that the liquor was returned to Michael Burns, and the gentleman from Augusta (Mr. Martin), says that it was returned in part. If my understanding is correct, I would like to ask the gentleman from Augusta (Mr. Martin) how much was returned, if he knows, and whether this suit is for the whole or for what was not returned and, why, if it was not all returned, he did not sue the sheriff.

The SPEAKER: If the gentleman from Augusta (Mr. Martin) cares to reply through the Chair, he may do so.

Mr. MARTIN: Mr. Speaker, I do not know exactly how much was returned. The resolve was drawn for a great many years by other Attorneys—I think that the Honorable Herbert M. Heath originally appeared for Mr. Burns. I will simply answer the gentleman from Rockland (Mr.

Thompson), and I will quote exactly the words which Mr. Carleton used this morning—he did not give the exact amount—he simply said that when the liquor was returned they found that there had been an evaporation. (Laughter.)

The SPEAKER: Is the question of the gentleman from Rockland (Mr. Thompson) answered?

Mr. THOMPSON: He has answered the question in part but has not stated how much evaporated.

Mr. MARTIN: Mr. Speaker, I can only answer that through the Chair by saying that the then County Attorney, Mr. Carleton, could not tell, or did not tell.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Portland, Mr. Nichols, that this resolve be indefinitely postponed.

A viva voce vote being taken, the motion to indefinitely postpone prevailed. (Applause.)

The SPEAKER: The House is proceeding under orders of the day.

On motion by Mr. Littlefield of Kennebunk, it was voted to take from the table, bill, an act relating to registration of motor vehicles, H. P. No. 1016, tabled by that gentleman, March 4, pending reference; and on further motion by the same gentleman, the bill was referred to the committee on Judiciary.

On motion by Mr. Burnham of Kittery, it was voted to take from the table bill, an act to regulate fishing in the brooks in York, H. P. 67 (H. D. 124) tabled by that gentleman, March 4, pending passage to be enacted; and on further motion by the same gentleman, the bill was passed to be enacted.

On motion by Mr. Cummings of Portland, it was voted to take from the table, the order for investigation of labor in the textile industry, tabled by that gentleman, March 4, pending passage, and that gentleman offered House Amendment A, and moved its adoption as follows:

House Amendment A

Amend said order by striking out all after the word "concurring" in the first line thereof, and inserting therein the following words: "that the Commissioner of Labor be, and

hereby is, 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 summons and examine witnesses under oath or affirmation, and to compel the production of books, papers and records which he may deem pertinent to the inquiry, and to employ stenographers and other necessary clerical help. The Commissioner shall proceed forthwith and conduct the above inquiry expeditiously and report his findings to the 82nd Legislature as soon as possible."

The SPEAKER: The question before the House is the adoption of the amendment. Is the House ready for the question?

A viva voce vote being doubted,

A division of the House was had, Eighty-four having voted in the

affirmative and 16 in the negative, House Amendment A was adopted.

Mr. WING of Auburn: Mr. Speaker, I now move the passage of the order as amended.

A viva voce vote was taken, and the order, as amended, received passage.

The SPEAKER: Is there further business under orders of the day?

(No response) The Chair is unable to give any indication of the probable time of reassembling next week, but it will likely be Tuesday morning. If there is no further business under orders of the day, the Clerk will read the notices.

(Notices read.)

On motion by Mr. Allen of Harpswell,

Adjourned until ten o'clock tomorrow morning.