

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 31, 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.

The **SPEAKER**: An afternoon session at four o'clock has been proposed. The understanding is that this is agreeable to the Senate and that papers can be exchanged between the two bodies.

Papers from the Senate disposed of in concurrence.

From the Senate: Order for Legal Affairs committee to investigate matter of false affidavits which was read and passed in the House, March 23.

Comes from the Senate, read and failed of passage in non-concurrence.

In the House:

Mr. **HOLMES** of Lewiston: Mr. Speaker, I wish to make a motion, and I would like a ruling of the Chair, or the suggestion of the Chair, whether to do it now or wait until Orders of the Day, as I wish to address myself to the motion.

The **SPEAKER**: The gentleman might table it until orders of the day.

Thereupon, the matter was temporarily tabled.

From the Senate: Report of the committee on Judiciary reporting ought not to pass on bill an act providing for clerk hire for Justices of the Supreme Judicial Court (S. P. 228).

Comes from the Senate, report read and accepted.

In the House, on motion by Mr. Hale of Portland, tabled pending acceptance of the report in concurrence.

Senate Bills in First Reading

S. P. 471: An act to amend Section 4 of Chapter 34 of the Revised Statutes relating to the duties of the Commissioner of Agriculture.

S. P. 162: An act reimbursing towns for supplies furnished certain Indians.

S. P. 281: Resolve providing for a State Pension for Frank H. Taylor of Whitefield.

S. P. 246: An act to repeal Chapter 57 of the Private and Special Laws of 1923 relating to smelt fishing in the waters of Penamaquam and Cobscook Bays.

S. P. 514: An act to ratify transfers of certain real estate to the State of Maine.

S. P. 575: An act to define certain grades of milk offered for sale within the State.

S. P. 578: An act relating to the disposition of money collected under the provisions of the Inland Fish and Game Laws.

S. P. 576: Resolve appropriating money to aid in the screening of certain lakes and ponds.

S. P. 577: Resolve appropriating money for the purpose of operating fish hatcheries and feeding stations for fish, for the protection of fish, game and birds and for printing the report of the Commissioner of Inland Fisheries and Game, and for maintenance of the Maine State Museum and for other expenses incident to the administration of the Department of Inland Fisheries and Game.

S. P. 590: An act to amend Section 18 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 196 of the Public Laws of 1919, and as amended by Chapter 73 of the Public Laws of 1921, relating to fishing in upper Kezar Pond and Lovewell's Pond, in Oxford County, and in Lower Kezar Pond, in Oxford and Cumberland Counties.

S. P. 594: An act making uniform the registration of married women as voters.

S. P. 595: An act to amend certain acts relating to corporations.

S. P. 548: Resolve in favor of the Northern Maine Sanatorium for new construction.

S. P. 592: An act relating to purposes for which cities and towns may raise money.

S. P. Resolve in relation to the celebration of the sesquicentennial of the anniversary of the Declaration of Independence.

From the Senate: Report of the committee on Judiciary reporting ought to pass on bill an act to amend Section 34 of Chapter 211 of the Public Laws of 1921 relating to non-resident motor vehicles. (S. P. 231) (S. D. 98).

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

In the House, report read and accepted in concurrence, and on motion by Mr. Nichols of Portland, tabled pending first reading.

From the Senate: Report of the committee on Pensions on bill an act

to amend Chapter 148 of the Revised Statutes creating a Field Agent for the Blind, and Guide and defining the duties and compensation of such field agent and guide (S. P. 4) reporting same in new draft S. P. 581, S. D. 249, under same title and that it ought to pass.

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

In the House, report read and accepted in concurrence, and the bill received its first reading, and on motion by Mr. Flint of Monson, tabled pending second reading.

From the Senate: The following order:

Ordered, the House concurring, that all matters tabled hereafter shall be taken from the table at the following session.

In the Senate read and passed.

In the House, on motion by Mr. Wing of Auburn tabled.

From the Senate: Bill, An Act relating to the taking of additional land by railroad corporations; proceedings before Public Utilities Commission (H. P. 1221) (H. D. 437), which was passed to be engrossed in the House March 24th.

Comes from the Senate, Senate Amendment A read and adopted and passed to be engrossed, as so amended.

In the House:

(Senate Amendment A read by the Clerk).

Thereupon the House voted to reconsider its action whereby this bill was passed to be engrossed; and on motion by Mr. Nichols of Portland the bill was tabled pending adoption of the amendment.

From the Senate: Report of the committee on Salaries and Fees reporting ought to pass on bill, An Act to amend Section 18 of Chapter 118 of the Revised Statutes relating to the fees payable to Registers of Deeds (S. P. 45) (S. D. 156).

Comes from the Senate report read and accepted and the bill passed to be engrossed as amended by Senate Amendment A.

In the House:

(Senate Amendment A read by the Clerk).

Report read and accepted in concurrence and Senate Amendment A adopted in concurrence; and the bill as amended by Senate Amendment A received its two several readings and

tomorrow assigned for its third reading.

From the Senate: Bill, An Act to ratify the plantation meeting of The Fork Plantation (S. P. 598, S. D. 255).

Comes from the Senate, received in that body out of order, under suspension of the rules, given its several readings and passed to be engrossed without reference to a committee.

In the House, on motion by Mr. Piper of Jackman, the rules were suspended, and this bill had its two several readings at this time and tomorrow assigned for its third reading.

From the Senate: Bill, An Act to appropriate moneys for the expenditures of the government for the remaining months of the fiscal year ending June 30, 1925 (S. P. 599, S. D. 266).

Comes from the Senate, introduced out of order, under suspension of the rules, and passed to be engrossed without reference to a committee.

In the House, on motion by Mr. White of Bowdoinham, the rules were suspended and this bill had its two several readings at this time, and tomorrow assigned for its third reading.

From the Senate: Bill, An Act to establish the Fort Fairfield Municipal Court, S. P. 12, S. D. 8, which was passed to be enacted in the House, March 24th.

Comes from the Senate, indefinitely postponed.

In the House, on motion by Mr. Wing of Auburn, that body voted to recede and concur with the Senate in the indefinite postponement of the bill.

From the Senate: Bill, An Act to change the personnel of the Budget Committee, S. P. 451, S. D. 166, which was passed to be enacted in the House March 24, and passed to be engrossed March 20th.

Comes from the Senate engrossing reconsidered, Senate Amendment A A read and adopted, and passed to be engrossed as amended by Senate Amendment A.

In the House:

(Senate Amendment A read by the clerk).

The SPEAKER: This appears to be a verbal correction. Is it the pleasure of the House that we reconsider our action whereby this bill was passed to be enacted?

Thereupon the House voted to reconsider its action whereby this bill was passed to be enacted; also its ac-

tion whereby this bill was passed to be engrossed.

Thereupon Senate Amendment A was adopted in concurrence, and the bill as amended by Senate Amendment A was passed to be engrossed in concurrence.

From the Senate: Bill, An Act to amend Section 31 of Chapter 7 of the Revised Statutes of 1916 relating to elections and permitting the use of ballot boxes with devices for registering and endorsing ballots deposited therein (S. P. No. 114) (S. D. No. 48) which was passed to be enacted in the House March 24th and passed to be engrossed March 18th.

Comes from the Senate, engrossing reconsidered, Senate Amendment "A" read and adopted, and the bill as so amended passed to be engrossed.

In the House:

(Senate Amendment A read by the clerk)

On motion by Mr. Thompson of Rockland, the matter was tabled pending reconsideration.

From the Senate: Bill, an act relating to the fees of clerks of cities and towns (H. P. No. 551) (H. D. No. 119) which was passed to be enacted in the House March 24th and passed to be engrossed as amended by Senate Amendment "A" March 19th.

Came from the Senate, engrossing reconsidered, Senate Amendment "B" read and adopted, and the bill as amended by Senate Amendments "A" and "B" passed to be engrossed.

In the House:

(Senate Amendment B read by the Clerk)

On motion by Mr. Nichols of Portland the matter was tabled pending reconsideration.

Orders

On motion by Mr. Holmes of Lewiston, it was

Ordered, that 1000 copies of the Legislative Record of March 24th and March 25th be printed for the use of the Legislature.

Passed to be Engrossed

S. P. No. 269: An Act to amend Section 2 of Chapter 113 of the Public Laws of 1919, relating to Indians voting.

S. P. No. 290: "An Act to amend Chapter 176 of the Public Laws of 1921 to regulate certain In-

ternal Affairs of the Passamaquoddy Tribe of Indians.

S. P. No. 460: An Act relating to the purposes for which Cities and Towns may raise Money.

S. P. No. 467: An Act relating to the payment of the costs in transporting persons to the State School for Girls, the Maine School for Feeble-Minded, the Reformatory for Women and the Reformatory for Men.

H. P. No. 339: An Act to authorize the construction and maintenance of a bridge across Beach Creek in Bristol.

H. P. No. 677: An Act relating to provision for upkeep, equipment and extensions for the several Normal Schools and the Madawaska Train-in school.

H. P. No. 787: An Act to incorporate the Richmond Water District.

H. P. No. 1242: An Act to regulate the manufacture and sale of soft drinks, syrups and non-alcoholic beverages.

H. P. No. 1244: An Act relating to open season on certain game birds.

H. P. No. 1247: An Act to incorporate the Union River Railway Company.

H. P. No. 1248: An Act to incorporate the Old Town Water District.

(Tabled by Mr. Sargent of Sedgwick pending third reading)

H. P. No. 1249: An Act to extend the charter of the Great Pond Railway Company.

H. P. No. 1250: An Act relating to the analysis of water used for domestic purposes.

H. P. No. 1251: An Act to amend Section 37 of Chapter 55 of the Revised Statutes, as amended by Chapter 128 of the Public Laws of 1919, relating to the authorization of issue of stocks, bonds and notes by Public Utilities.

H. P. No. 1252: An Act to incorporate the Personal Finance Company.

S. P. No. 84: Resolve in favor of the Reformatory for Women for maintenance and other purposes.

S. P. No. 586: Resolve in favor of the State Reformatory for Men for the erection of a building.

S. P. No. 587: Resolve in favor of the State Reformatory for Men for maintenance, personal services, repairs and equipment.

H. P. No. 1136: Resolve relating to Apportionment of Representatives among the several counties, cities,

towns, plantations and classes in the State of Maine.

H. P. No. 1245: Resolve in favor of the town of Hampden.

Passed to Be Enacted

An Act relating to traveling peddlers, dealers, salesmen and solicitors of orders for punch boards, seal cards, slot gambling machines or other implements, apparatus or materials of any form of gambling.

An Act relating to dogs found chasing moose, caribou or deer.

An Act relating to State School Fund covering unexpended balances.

An Act relating to retiring and pensioning State employees.

An Act relating to the appointment of election clerks of polling places.

An Act to amend Section 26 of Chapter 144 of the Public Laws of 1923, relating to the Banking Laws.

An Act relating to the location of ways crossing railroad tracks.

An Act to amend Chapter 264 of the Public Laws of 1919 as amended by Chapter 134 of the Public Laws of 1921 and Chapter 55 of the Public Laws of 1923, relating to soldiers' and sailors' bonus.

An Act relating to adjustment of rate of interest on farm loans granted by the State.

An Act relating to the Portland Gas Light Company.

An Act relating to the better protection of smelts.

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

An Act relating to fees for the registration of vehicles used for the transportation of school children.

An Act relating to the issuance of permits to propagate game birds, game and fur-bearing animals.

An Act to relieve 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.

An Act relating to the desecration of flags.

An Act relating to appropriations for advertising by cities and towns.

An Act relating to State of Maine Building at West Springfield, Massachusetts.

(Tabled by Mr. Leland of Sangerville pending passage to be enacted).

An Act relating to State pensions.

An Act to change the grades of the apple packing law.

An Act relating to ice fishing in

Watchic Pond in the town of Standish in the county of Cumberland.

An Act relating to the ringing of the engine bell or sounding of the whistle at grade crossings.

An Act to regulate fishing in East Stream, so-called, in Washington county.

Finally Passed

Resolve in favor of the Maine State prison for maintenance and current expenses.

Resolve in favor of F. W. Cunningham & Sons for contractors' fees as per contract with the State, dated October, 1923, in connection with the State Prison, Thomaston, Maine, together with disbursements.

Resolve in favor of an appropriation for the directors of the Port of Portland for the payment of salaries and expenses.

Resolve in favor of Bessie E. King of Belfast for State pension.

Resolve providing for a State pension for Alice Guptill of Belfast.

Resolve providing for a State pension for George A. McKusick of Guilford.

Resolve in favor of Eliza J. Eldridge of Hampden for State pension.

Resolve in favor of Nancy T. Morrill of Madison for State pension.

Resolve providing for the appointment of one or more persons to represent the State in certain proposed changes in freight rates affecting the people of the State.

(Tabled by Mr. Hamilton of Caribou pending final passage.)

Resolve granting authority to the Maine Agricultural Experiment Station for the purchase of land.

Resolve in favor of the Gardiner Fish & Game Association, to reimburse same for one-half the cost of the screen installed by said association on Cobbosseecontee Stream, at the New Mills, so-called, in the City of Gardiner, in the county of Kennebec.

Resolve in favor of the Augusta State Hospital for renovation of Steam Plant for fiscal years 1926 and 1927. S. P. 463, S. D. 179.

Mr. DEERING of Saco: Mr. Speaker, I would like to move the indefinite postponement of this resolve for the reason that the subject matter contained in it has been taken care of through an agreement with the Trustees of the hospital and the Legislature.

The SPEAKER: The House hears the remarks. Is it the pleasure of

the House that this resolve be indefinitely postponed?

The motion to indefinitely postpone prevailed.

(Emergency Measure)

An act relating to application for license to build or extend wharves or fish weirs, H. P. 1219, H. D. 438.

The SPEAKER: This bill comes from the committee on Engrossed Bills with the report that it is truly and strictly engrossed. This being an emergency measure, requires for its passage the vote of two-thirds of the membership of the House.

Mr. WING of Auburn: Will the Speaker read the statement of the emergency?

(Bill read by the Speaker).

The SPEAKER: There appears to have been one verbal amendment that escaped the notice of the Committee on Engrossed Bills. The matter might well be withdrawn from consideration this morning and he returned to the committee on Engrossed Bills.

Thereupon, the bill was withdrawn from consideration at this time.

Resolve proposing an amendment to the Constitution prohibiting the use of public funds for other than public institutions and public purposes, S. P. 40, S. D. 31.

Mr. BARTLETT of Bangor: Mr. Speaker, I would like to have that tabled and especially assigned for Thursday morning next.

The SPEAKER: Thursday is a long way off. The gentleman from Bangor, Mr. Bartlett, moves that this matter lie on the table.

The motion prevailed.

The SPEAKER: The gentleman (Mr. Bartlett) requests a special assignment for Thursday next. That matter is debatable.

Mr. HAMILTON of Caribou: Mr. Speaker, the matter is now on the table, and it seems to me that we could easily take care of that at this time. As I understand, there is a provision that we do not table any matter more than one day. Personally, I should prefer to see the matter disposed of now.

The SPEAKER: The Chair will state that there came an order from the Senate providing that matters should not be tabled more than one day. That order was not passed but is now on our table. The Chair will state that there will probably be a session this, Tuesday, afternoon, Wednesday morning, Wednes-

day afternoon, Thursday morning and Thursday afternoon.

Mr. HOLMES of Lewiston: Mr. Speaker I move, on the question of time, a compromise between the gentleman from Bangor, (Mr. Bartlett) and the gentleman from Caribou (Mr. Hamilton), and this be especially assigned for Wednesday.

Mr. HAMILTON: Mr. Speaker, I will amend that by making it Wednesday forenoon. (Laughter)

The SPEAKER: The motion before the House is that of the gentleman from Bangor, Mr. Bartlett, that this matter be assigned for Thursday morning.

Mr. BARTLETT of Bangor: Mr. Speaker, I will withdraw my motion for the special assignment on Thursday and make it tomorrow, Wednesday forenoon.

The motion prevailed.

Orders of the Day

The SPEAKER: Under orders of the day and especially assigned for today, the Chair presents a resolve referring to education, House Document 465, tabled by the gentleman from Caribou, Mr. Hamilton, the pending question being the motion of the gentleman from Portland, Mr. Hale, that the resolve be indefinitely postponed. This would appear to be the Stitham bill, so-called, the new draft of which was printed and appears as House Document 465. The motion before the House is that the resolve be indefinitely postponed. Is it the pleasure of the House that this resolve be indefinitely postponed?

A viva voce vote being taken, the motion to indefinitely postpone the resolve prevailed.

The SPEAKER: The Chair presents, especially assigned for today, report of the committee on Public Utilities, ought not to pass on bill an act to incorporate the Winding Ledges Power Company, H P. 710, H. D. 154, tabled by Mr. Hammond of Van Buren March 27, pending acceptance of the report.

Mr. HAMMOND of Van Buren: Mr. Speaker, I move to substitute the bill for the report, and offer House Amendment A.

The motion to substitute the bill for the report prevailed; House Amendment A offered; and on further motion by Mr. Hammond, 500 copies of House Amendment A were ordered printed; and on further motion by the same gentleman, the matter

was tabled pending first reading of the bill.

The SPEAKER: The Chair presents, especially assigned for today, majority report, ought not to pass, and minority report, ought to pass, of committee on Judiciary on resolve amending the Constitution to change the date of State elections, H. P. 495, H. D. 97, tabled by Mr. Lait of Old Town, March 27, pending acceptance of either report.

Mr. PARTLETT of Hanover: Mr. Speaker, I would ask that this matter be tabled until tomorrow morning on account of the absence of Mr. Lait of Old Town.

Thereupon these reports were re-tabled, pending acceptance of either.

The SPEAKER: The Chair presents bill, an act for the State to acquire the American portion of the international bridge at Calais, H. P. 806, H. D. 185, tabled by Mr. Pierce of Sanford, March 30, pending third reading.

On motion by Mr. Pierce of Sanford, the bill had its third reading and was passed to be engrossed.

The SPEAKER: The House is now proceeding under Orders of the Day.

Mr. FROST of Belfast: Mr. Speaker, I wish to take from the table House Paper 561, House Document 461, bill, An Act relating to the better protection of smelts in the Passagassawaukeag river, tabled by me March 27, pending passage to be engrossed, and I move that this matter be referred to the committee on Inland Fisheries and Game for the purposes of correction.

The SPEAKER: The Chair apprehends that the committee on Inland Fisheries and Game may be holding their last meeting very shortly, and wonders if the gentleman's purpose could be accomplished by an amendment.

Mr. FROST: Mr. Speaker, the criticism has come from the Department of Inland Fisheries and Game. The bill is worded in such a way that protection would extend to a point 2000 feet below the Memorial Bridge and through to the very source of all the streams entering into the Passagassawaukeag river. For that reason they think a definite bound should be placed; that is, this bill makes a conflict between the offshores and the inland shores. They want this corrected and I think it should be done.

The SPEAKER: The Chair might ask the chairman of the House committee on Inland Fisheries and Game regarding the status of their business.

Mr. KINSMAN of Augusta: Mr. Speaker, we have only one matter for further hearing, at 2 o'clock this afternoon; but I am fully aware of the situation here, and it is very important that we consider this matter and take it up in executive session later on.

The SPEAKER: The Chair will state that to re-commit the matter to the committee, it must be re-committed not only in the House but in the Senate as well. The matter would, therefore, not reach the committee until tomorrow. Probably if the matter could be taken up by the committee informally, and the gentleman (Mr. Frost) perhaps appears before the committee and agree with the committee on an amendment to be offered tomorrow, the same purpose could be accomplished more speedily.

Mr. FROST: Mr. Speaker, I imagine that this matter can be straightened out very nicely if it is agreeable to the House to re-table it, and I will take it up with the committee, and be ready either this afternoon or tomorrow morning to dispose of it.

Thereupon the matter was re-tabled.

Mr. STITHAM of Pittsfield: Mr. Speaker, I wish to reconsider our vote of a few moments ago whereby the House voted to indefinitely postpone a resolve amending the Constitution referring to education, for the purpose of addressing the House a few moments upon the question.

The SPEAKER: The gentleman has the floor.

Mr. STITHAM: Mr. Speaker and members of the House: It seems to me that the vote which was taken upon that particular matter, this bill of mine, was not very loud on either side. I hardly believe that this House wants to indefinitely postpone this measure at this time. The gentleman from Caribou, Mr. Hamilton, had the matter on the table, and I presumed, and understood him to say that that was his desire. I feel it was not a fair vote. I feel that this matter should have been left on the table until after the disposal of the Maher matter, and I ask this House to support me in that. It does not seem to me that that would be anything but fair, and, if in order, I would like a division of the House.

The SPEAKER: The gentleman from Pittsfield, Mr. Stitham, moves that we reconsider our action whereby a resolve to amend Article VIII of the Constitution of the State of Maine, referring to education, was indefinitely postponed.

Mr. HAMILTON of Caribou: Mr. Speaker, through the Chair, I would ask the gentleman if he would be willing to amend his motion and make his reconsideration tomorrow morning.

The SPEAKER: The gentleman may answer through the Chair if he wishes.

Mr. STITHAM: I would say, Mr. Speaker, that I do not understand the gentleman's question.

The SPEAKER: The gentleman (Mr. Hamilton) inquires whether you would be willing to make your motion for reconsideration for tomorrow morning.

Mr. STITHAM: Mr. Speaker, I will answer through the Chair that I would be, provided it can be assigned after action on the Maher bill.

The SPEAKER: Presumably it can be.

Mr. STITHAM: Then, Mr. Speaker, I am perfectly willing to do so.

The SPEAKER: Mr. Stitham of Pittsfield gives notice that tomorrow he will move a reconsideration of the vote whereby we indefinitely postponed the above resolve and the papers will remain in the possession of the House.

On motion by Mr. Flint of Monson, it was voted to take from the table, House Document 463, an act to regulate night hunting and fishing, tabled by that gentleman March 30, pending third reading.

Mr. FLINT: Mr. Speaker, I now move the indefinite postponement of the bill.

A viva voce vote being taken, the motion prevailed and the bill was indefinitely postponed.

On motion by Mr. Hale of Portland it was voted to take from the table an act providing for clerk hire for justices of the supreme judicial court, S. P. 228, tabled by that gentleman this morning; and on further motion by the same gentleman the report, ought not to pass, was accepted in concurrence.

On motion by Mr. Oakes of Portland, it was voted to take from the table majority report, ought to pass, and minority report, ought not to pass, of the committee on Judiciary

on bill an act relating to a bridge between Orr's and Bailey's Islands, House Paper 703, H. D. 168, tabled by that gentleman, March 27, pending acceptance of either report, and that gentleman moved the acceptance of the minority report ought not to pass.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Oakes.

Mr. OAKES of Portland: Mr. Speaker, there is a situation at Harpswell that has been in existence for quite a number of years which arises out of differences between two factions of the town relating to the building of a bridge between Orr's Island and Bailey's Island.

The town at its last meeting had about seven hundred present and was divided into two factions, about twenty odd votes apart. The faction in favor of building a bridge was successful. The other faction has carried this matter through the courts in various procedures, and I think the procedures have gotten to the point where it is undoubtedly a very regrettable situation.

The particular point in this bill which I oppose, and for which I signed the minority report, in effect stops further litigation by process of this House; and my feeling is that, if there is a right of litigation provided under the law—even if that right of litigation is to our practical minds inadvisable—it is not right for this body to interfere with the legal power of the court and eliminate that right of litigation. As I say, I have a great deal of sympathy for the people of Harpswell. I personally think that the bridge ought to be built; but I feel that the end does not justify the means, and for that reason I felt that I must sign this report, ought not to pass, on this bill which prevents the minority,—and, as you readily see, a minority is only twenty out of seven hundred,—from taking this matter further into the courts. The gentleman from Harpswell, Mr. Allen, represents the views of the people at Harpswell, and, as I say, I sympathize very heartily with him and I now yield the floor to Mr. Allen.

Mr. ALLEN of Harpswell: Mr. Speaker and members of the House: I shall not attempt to make any extended speech on this matter. I shall simply give a statement of the facts covering the situation.

First, I wish you to consider that the town of Harpswell has never come to this Legislature, or to the

Legislature of the sovereign state under which she was incorporated, and asked for any special legislation whatsoever.

Second, I wish you to consider just what she now asks. The town of Harpswell simply asks of her sovereign state protection. Two years ago the town of Harpswell voted to instruct the municipal officers to proceed and secure the necessary funds toward building a bridge between Orr's and Bailey's Islands after the regular routine of the Joint Board, which consisted of the Highway Commissioner, County Commissioners and Selectmen, had passed on the subject, the Highway Commissioner and the County Commissioners being unanimously in favor of it. At that meeting, as it has been so-called, the vote was not such an overwhelmingly majority but sufficient—somewhere twenty-seven majority in favor of building the bridge. Immediately after that, litigation was started to prevent the municipal officers from proceeding and hiring the money. Since that time we have fought the opposition to this bridge through the Supreme Court of Maine, and carried it to the law court twice on mere technicalities, on which we have been sustained in every instance and have been declared to be justified and in the right in our contention.

Now, then, we ask the State of Maine if it has not gone far enough. If they are not satisfied with the decision of the Supreme Court and the law court—and I want to call your attention to the fact that at that meeting of the Joint Board, the Board voted that it was a necessity and that the proposed site was on a public thoroughfare. In view of the fact that we did not have such a large majority at that time, we will admit it: but the litigation has gone so far that at the present time there is practically one man with a few henchmen who will always surround a man with a lot of money, who is determined that this bridge shall not be built. Now the majority of the people of Harpswell want to see this thing stopped and it would be an overwhelming majority at the present time that it should be stopped, and we are asking the State to simply authorize and ratify the doings of the Joint Board so that further litigation of this matter may be stopped; and I sincerely hope and trust that the motion of the gentle-

man from Portland (Mr. Oakes) will not prevail. (Applause).

The SPEAKER: Is the House ready for the question? The question is on the motion of the gentleman from Portland, Mr. Oakes, that the minority report, ought not to pass, be accepted.

A viva voce vote being taken, the motion to accept the minority report failed of passage.

On motion by Mr. Allen of Harpswell, the majority report ought to pass, was accepted.

Thereupon the rules were suspended, the bill had its two several readings at this time and tomorrow assigned for its third reading.

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

On motion by Mr. Thompson of Rockland, it was voted to take from the table Senate Document No. 48, an act to amend Section 31 of Chapter 7 of the Revised Statutes of 1916, relating to elections and permitting the use of ballot boxes with devices for registering and endorsing ballots deposited therein, tabled by that gentleman earlier in the day.

The SPEAKER: The pending question was reconsideration of the action whereby this bill was passed to be enacted.

Thereupon the House voted to reconsider its action whereby this bill was passed to be enacted and also to reconsider its action whereby the bill was passed to be engrossed.

On motion by Mr. Thompson Senate Amendment A was adopted in concurrence; and on further motion by the same gentleman the bill as amended by Senate Amendment A was passed to be engrossed in concurrence.

Mr. NICHOLS of Portland: Mr. Speaker, I move to take from the table Senate Paper 340, an act relating to the salary of the county attorney of Somerset county, tabled by me on March 30. I think the pending question was the acceptance of Senate Amendment A.

The SPEAKER: The report of the committee on salaries and fees was ought not to pass. In the Senate, the bill was substituted for the report, the bill subsequently amended was read and passed to be engrossed. The House has not acted on this matter as yet. Does the gentleman desire to concur with the Senate in its action?

Mr. NICHOLS: Yes, Mr. Speaker.

Thereupon it was voted to substitute the bill for the report, Senate Amendment A was read and adopted in concurrence; and on motion by Mr. Nichols of Portland the rules were suspended, the bill had its two several readings and tomorrow was assigned for its third reading.

Mr. HOLMES of Lewiston: Mr. Speaker, I should be glad to take up at this time the notice that I gave of intention to move to re-consider, yesterday, unless the Chair prefers that other routine work be done first.

The SPEAKER: This would be an excellent time. The gentleman gave notice yesterday of his intention to move a re-consideration of the action whereby the House accepted the majority report of the Committee on Labor, "Ought not to Pass" on the following resolve: Resolve ratifying proposed amendment to the Constitution of the United States granting Congress the power to limit, regulate and prohibit the labor of persons under eighteen years of age, and declaring that the power of the several states is unimpaired thereby except that the operation of the state laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

Mr. HOLMES: Mr. Speaker, I move to re-consider the action of the House taken yesterday, and I wish to say that although this matter, commonly called the Child Labor Amendment, was probably fully discussed in the public hearing before a Committee of this Legislature, and although it was probably discussed quite fully in the Senate the other day, yet it seemed to me that it ought not to pass the House and be rejected by the House and have it said by the public outside that there was none so poor to do it reverence, that it went down to an untimely grave, unwept, unhonored and unsung. And therefore I decided, members of the House, that even though I were the only one who would vote for it, I would vote for it alone, and that I wished to tell the House why I would vote for it.

I realize that there are doubtless an overwhelming number of members in the majority against me, and I realize that already a sufficient number of states have so far refused to ratify, to prevent its being ratified at this period, during this year when most of the states of the Union are holding sessions of their legislatures, but I realize, also, that it has been so far beaten by propagan-

da and that the public has been deceived and that deception has been reflected in the halls of legislation and that legislators, perhaps here, perhaps in other parts of the country, have been deceived by propaganda which has been addressed to the emotions rather than to the reason.

But let us remember that it took eighteen years to get the Sixteenth Amendment to the Constitution of the United States adopted. You will remember that the Sixteenth Amendment was the Income Tax Amendment. You will remember that in that case, just as in this case, the case of the Child Labor Amendment, for many years, at least from the Civil War on for years, it was believed and generally accepted by courts, by the bar and by the public, that the Congress had the power, under the sovereign powers granted to it by the several states under the Constitution of the United States, to tax incomes from whatever source derived. And you will remember that one of the nine Justices of the Supreme Court of the United States changed his mind over night, went to bed believing, so far as the public knew, that Congress had the right to tax incomes, and the next morning had decided that Congress did not have the right to tax incomes. And it made a five to four decision. Then began the battle to adopt into the Constitution of the United States what we now know as the Sixteenth Amendment, and which was carried after eighteen years of work. There have not yet been two years of work upon the Child Labor Amendment. We can wait for the future.

I wish now to read rapidly the Amendment as it is before this House: "Section 1. Congress shall have the power to limit, regulate and prohibit the labor of persons under eighteen years of age. Section 2. The power of the several states is unimpaired by this article except that the operation of the State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

That second section has been more misunderstood than any other matter of public moment that has come to my attention in the twenty or thirty years that I have been observing public affairs. Let me also read briefly to you a list of organizations that are for the Amendment and organizations that are against it; and the bare recital of the names

tells a story by itself. Who favor the amendment? The American Association of University Women; the American Federation of Labor; the American Federation of Teachers; the American Home Economics Association; the Commission on the Church and Social Service of the Federal Council of Churches of Christ in America; the Democratic National Committee; the General Federation of Women's Clubs; the Girls' Friendly Society in America; the National Child Labor Committee; the National Council of Catholic Women; the National Council of Jewish Women; the National Council of Mothers and Parent-Teacher Association; the National Council of Women; the National Education Association; the National Federation of Business and Professional Women's Clubs; the National League of Women Voters; the National Christian Temperance Union; the National Women's Trade Union League; the Republican National Committee; the Service Star Legion; the Young Women's Christian Association. Quite a list of Socialists, Communists and Bolsheviks!

Now, who oppose the ratification? The National Association of Manufacturers; the Pennsylvania Manufacturers' Association; the Southern Textile Bulletin; the Centinels of the Republic; the Moderation League of Pennsylvania; the Women's Constitutional League of Maryland—an organization with fifty active members, formed to oppose the Maternity and Infancy Act; the Women's Patriotic Publishing Company—first established as the organ of the Anti-Suffrage Association.

Now, what is the National Association of Manufacturers? Well, without going into a general description, I can make it clear by saying that it is represented in Maine by the Associated Industries of Maine. Now, I speak of the Associated Industries with the greatest of respect. I am not going to do a thing that I have heard spokesmen for the Associated Industries do, during the course of propaganda by lecturers and by various speeches at suppers and on other occasions before Rotary Clubs, Kiwanis, Lions and Chambers of Commerce, and all the rest, to malign the motives of those who are in favor of the Child Labor Law. I am not going to criticise the motives of the Associated Industries.

I am going to say what I believe, that the Associated Industries and even the great Manufacturers' Association, of which they are a part, are actuated by the most patriotic of motives.

You have received this propaganda through the mails before this Legislature came into session, and since it has been in session, at least up to the time when we got the news through the press that enough states had refused to ratify so that it was safe that the Amendment would not be ratified this year. You received propaganda through the mails from the Associated Industries, and surely you must have noticed the letter-head which they are now using, and on which they have printed across the top, in bright and attractive letters, "The Associated Industries is inalterably in favor of the open shop." It would be well that everybody should understand the meaning of that term. It is a euphonious expression for the non-union shop. That is to say, the Associated Industries announces to the world that it is ready to fight against organized labor entering into the manufacture of textiles, boots and shoes and the like, of the State.

Also across the top we see the announcement in words to this effect, "The Associated Industries proposes to become a partner of the State." Welcome, gentlemen of the Associated Industries! Will you have your desk moved into this room or would you prefer that it be moved into the room at the other end of the building? Because, surely, at least while the Legislature is in session, the Legislature is the voice of the State of Maine.

In 1916 the Congress, in its wisdom, decided that the necessity had arisen for the enactment of a child labor law. And, acting upon its powers as the Congress understood them, it passed the first child labor law, which applied to all the labor of children up to the age of sixteen years. And Congress intended to work, through its constitutional control over interstate commerce, and that law was in effect for two years, until 1918; and the skies did not fall, the country did not collapse; no young man rebelled against his parents and refused to work; no Federal agents came into the homes of the citizens of Maine or any other state to interfere with the home life!

Now that act was declared unconstitutional, and in 1919 the Congress, in its wisdom, decided that once again it would exercise its right, as it believed, to pass a child labor law, and it tried to arrive at it by its sovereign power of taxation, and passed a law which put a tax of ten per cent. upon all goods manufactured by child labor under certain conditions mentioned in the act, which are not necessary for me to go into. And again, the Supreme Court declared that it was beyond the powers of the Congress even to reach it through its sovereign power to tax.

Now, there was nothing left to do but to propose an amendment to the Constitution. It is interesting to note that when the first case arose under the act of 1916, to test the constitutionality of the right of Congress to enact a child labor law, the legal proceeding, the legal machinery, was started by a poor man in North Carolina, a poor man who claimed that he needed the labor of his child under sixteen years of age, to work in the textile factories of North Carolina. But it is curious to note that when that case got to the Supreme Court of the United States, that poor man was represented by Morgan J. O'Brien of New York, probably the greatest constitutional lawyer in the United States; Morgan J. O'Brien, former Justice of the Supreme Court of the State of New York, and associated with him was an array of the greatest constitutional and corporation lawyers of New York, Philadelphia and of Washington. And that case is to be found reported in the 247th United States Supreme Court Report, at page 251, and it is called: "Hammer, United States Attorney for the Western District of North Carolina, v. Dagenhart et al." And there was a dissenting opinion to which I wish to refer in a moment.

And again, in 1919, when the second case went to the Supreme Court of the United States under a different name, that time again Morgan J. O'Brien—and associated with him the greatest—and in part the same great constitutional and corporation lawyers of New York, Philadelphia and Washington—argued against the constitutionality of the act before that great tribunal, the Supreme Court of the United States.

There have been objections, but I shall answer two or three only, and

I pray you, of your courtesy, to hear me out, not that I expect to convince you but because of the magnitude of the subject, because of the great human interest that is involved, and therefore I ask your indulgence if I appear to be prolix in answering two or three of the objections raised and that have been raised so much by the Associated Industries of Maine.

One common objection gives too much power to Congress. The argument is that Congress cannot be trusted but that the states can be trusted. It is strange that so far, at least, as my knowledge goes back to public affairs during the past 20 or 30 years, I never before heard or read that argument that the Congress of the United States cannot be trusted, and it seems to me that it is a strange thing that a Congress which, under the Constitution of the United States, has the power of life and death over every man of us in the country, which can send us to the battlefield, which can declare war, which can declare peace, which can coin money, and do various other acts of sovereignty, and be trusted with all those powerful functions of sovereignty, cannot be trusted to care for the lives and the welfare and the health, mental, moral and physical, of the young generation now growing up, and that the states can be so trusted.

Can any one of you, members of the House, remember a single instance back in the history of our country, from the present time back to the presidency of George Washington, when the Congress ever passed a law which trampled upon the inalienable rights of the citizen granted by the first 10 amendments to the Constitution? No; I can answer it for you with safety. But you can all remember, and you can remember what has happened within a few weeks in this State, and in no less a great commonwealth than Tennessee, you can remember foolish, mad laws passed by legislatures over the lives and the property and the education of our citizens. You can remember of the Legislature of Tennessee passing, and the Governor of Tennessee signing, within a few weeks, a law which forbids the teaching of evolution in the public schools of the state of Tennessee. You can remember the great commonwealth of Oregon, a few years ago, passed and referred to the people in

referendum, a law which forbids the parent to educate his child in any school that he sees fit; he must send his child only to the public schools. And you have seen, within six or eight months, that two states—Washington and Michigan—tried the same thing through their legislatures, but the people, by referendum, overwhelmingly defeated it.

And, as indicating the sound or unsound knowledge of law behind such an act as that act, you will remember that three judges of the United States court declared that it was unconstitutional under the Constitution of the United States, and issued an injunction against the enforcement of it, and it is now pending in the Supreme Court of the United States, where it has been argued within a few days.

Laws passed by legislatures! Trust the legislatures! Far better to trust the Congress! It is a strange thing that we can elect such patriots and such statesmen to our legislatures but that we fall down so lamentably when we, the same electorate, try to elect men to Congress.

I wish to read a word or two from the opinion of Mr. Justice Holmes, my great namesake—and I have nothing in common with him but the name. He wrote the dissenting opinion in the case of *Hammer vs. Dagenhart*, decided in 1918, the first case which decided the unconstitutionality of the act of Congress regulating child labor. And he said: "The notion that prohibition is any less prohibition when applied to things now thought evil I do not understand. But if there is any matter upon which civilized countries have agreed—far more unanimously than they have with regard to intoxicants and some other matters over which this country is now emotionally aroused—it is the evil of premature and excessive child labor. I should have thought that if we were to introduce our own moral conceptions where in my opinion they do not belong, this was preeminently a case for upholding the exercise of all its powers by the United States.

"But I had thought that the propriety of the exercise of a power admitted to exist in some cases was for the consideration of Congress alone and that this court always had disavowed the right to intrude its judgment upon questions of policy or morals. It is not for this Court to pronounce when prohibition is necessary to regulation if it ever may be necessary—to say that it is

permissible as against strong drink but not as against the product of ruined lives."

In other words, the learned Justice says that when we ratify the Eighteenth Amendment to the Constitution, the prohibition amendment, and when we now refuse to ratify the Twentieth Amendment, the Child Labor Amendment, that in refusing to ratify the Child Labor Amendment, we strain at a gnat when we have swallowed a camel.

They have argued that the age of eighteen years is too high a limit. Well, the State of Maine has the eighteen years; we undertake to protect youth up to eighteen years. You may consult the Revised Statutes and you will find that it is unlawful for any minor under eighteen years of age to operate an elevator that runs faster than two hundred feet a minute, and I might say, for myself, that I never saw an elevator that ran at less speed than that.

They say that under this amendment Congress will have power to control the education of our youth, and I have read articles by people who have, at different times, advocated a law—if such a thing could be done under the Constitution of the United States—to compel every child in this country to go to one and one only school, the school that the state picks out; and people are now arguing against the Child Labor Amendment because they fear that Congress may do that very thing.

I do not believe in the sincerity of such people. The Supreme Court of the United States is still sitting in Washington, and the Court has time and again construed constitutional amendments as restricting the power of Congress strictly to the things contemplated by the amendment, and the Supreme Court can be depended upon to prevent Congress from reading into that amendment legislation which is not therein.

A great deal has been made of the argument to the conservative farmer, and I fear that many of the farmers have been taken in by that argument of conservatism. I have never believed, myself, that the farmer is really a conservative. What little I know of the history of the world leads me very strongly to the opposite opinion. If the farmer is such a conservative, who was it that fired the shot at Lexington and Concord that was heard around the

world? I do not know how you learned it, but I learned it in my school history in the grammar school, that it was the embattled farmers of New England. And again at Bunker Hill.

Who was it that started the great French Revolution? It was the farmers of France who till the soil, the peasants, as they are called. Who was it that started the Russian Revolution? It was the peasants, the serfs of Russia, the men of the soil. And as you go back through history, every real and every great revolution was started by the farmer. He is the man behind the gun and he knows how to use it. And you can go back through the history of the United States. Who was it that smashed the United States bank during the presidency of President Andrew Jackson? It was a farmer. And in my opinion the great farmer electorate of this day is consciously, or unconsciously, perhaps, getting ready to destroy the Federal Reserve Bank System for the same reason that they destroyed the United States Bank.

They tell us, and they tell the farmers—and I never could really believe that the farmer would believe it—they tell the farmer that if this amendment were ratified and Congress should begin to pass laws under it, that his own boy under the age of eighteen years would refuse to milk the cow, would refuse to bring in the wood, would refuse to do the chores. Well, it is foolish to waste time over that argument and I will only say this, that if I know the Yankee farmer of Maine—and he is typical of the East—I can imagine what would happen if his boy should come home some evening from the country store or the post office and his father should point to the woodbox and suggest to the boy that it needed replenishing, and the boy should say, "Well, father, I was just down to the corner store and the papers have just come in and I heard them saying that I have not got to do any more work, I have not got to fill any more woodboxes or do any more chores, because Congress has said that the youth of the land must not work, up to the age of eighteen." I can imagine what that farmer would say. He would probably say something like this, "My boy, I know that you are going to be a great statesman, the profundity of your reason proves that, but I want to say right now that whereas Congress is

an imbecile, you are an ass for believing that Congress has power to repeal a law of God, and if you will come out into the woodshed now, we will find out whether Congress or Almighty God is running this world." (Laughter.)

They have sneered at the spinster ladies who would be employed by the Government to interfere in the family and travel around and tell mothers how to take care of their children. It is not for me to define the good purpose and the good heart of the ladies whom Divine Providence has never blest with the sacred blessing of motherhood, but I do not believe that it is in good form nor in good taste to attack the motives of those women.

They have pointed to Victor Berger, one of the Congressmen from a western state, a Socialist; they have pointed to Mrs. Florence Kelly and told the outrageous and damnable falsehood that her real name was Wassinsky, when Mrs. Florence Kelly was the daughter of Congressman Kelly of Pennsylvania, now dead, and some of you in this hall can remember Congressman Kelly when he was living, and that he was one of the wheel horses of the Matthew Quay political machine of Pennsylvania, and Mrs. Florence Kelly was brought up in that atmosphere.

They tell us about the danger of the Federation of Labor and about the danger of organized labor, but they did not tell us that when some years ago, many now, a young boy with hardly any education, came from England, landed in New York with a very few cents in his pocket, went to work on a job, learned to be a cigar maker, rose in the ranks of labor, conceived the great and wonderful idea of a Federation of Labor which should join together all of the Unions and all of the Trades, which had been fighting in jealousy against each other, into the great American Federation of Labor; and before he died Presidents of the United States were proud to have him at their tables, crowned heads of Europe paid him honor, and when he died in New Mexico or Arizona, a few months ago, and was buried, during the hour of his funeral the whole industry of the United States came to a standstill in honor of the memory of Samuel Gompers.

One hundred years ago the first society for the prevention of cruelty

to animals was organized. It took fifty years before a society for the prevention of cruelty to children was organized. It took constant effort to obtain laws to protect the coming generation. Oh, we have plenty of time to wait. It does not trouble us that we cannot get that amendment ratified now, but the fight will go on, it will go on, and this amendment, which will be defeated in this Legislature, like the Phoenix, will rise again from its ashes.

Mr. Speaker and members of the House, I am not in opposition to organized capital nor to capital in any form. I realize the necessity of having it protected. I believe in the rights of capital. I believe in the rights of property. But I also believe in the right of the child to his childhood. (Applause).

Mr. CUMMINGS of Portland: Mr. Speaker and members of the House, I do not think that it is necessary at this time to take up a great deal of time in opposing this proposed amendment. For a moment, however, let us come down out of the clouds among which we have been sailing and consider good plain, human facts.

The gentleman from Lewiston, Mr. Holmes, has characterized this as petty propaganda. That is quite true, but the propaganda has by no means been all on one side. He has characterized this as an appeal to the emotions and this is quite true. But the appeals to the emotions have almost wholly been upon the side in favor of this amendment, in my judgment.

I will say that for a month before this legislature met I secured almost everything available on both sides of this question, and if I am capable of fairly considering anything, then I have fairly considered this question. And it seems to me that this is a matter that is being very well taken care of by the states themselves that the progress of child labor legislation throughout this country is quite rapid, that it has been—and I believe it is a matter that can be better taken care of by the states themselves than by the general government.

I am not in favor of bestowing powers upon the National Government to interfere with local affairs, except where it may be absolutely necessary, and this is a proposition to so interfere. The very greatest objection that I have to this amendment is that the result would be that a Federal Bureau in Washington

would send agents to enter every home in the United States of America to look after the children in those homes and to dictate to their parents when their children should work, whether they were fit to work, and so on, and conduct periodical examinations. Fancy for a moment an agent entering your home and telling you that this boy or this girl could not work. I will guarantee that ninety-nine parents out of a hundred are more competent to judge of when that child can work profitably to itself than any Bureau Agent that can be sent into that family. And if it was decided that the child was unfit to work, I ask you to consider how long it would be before you could get a reverse ruling from Washington in regard to that matter.

Talk about invasion of the rights of the home! I have never known anything that would approach in any degree what this would mean if it became a law of the land. Personally, I am very strongly opposed to it for that reason. Do not misunderstand me. I am not opposed to the proper protection of children; I am most heartily in favor of it, and I believe we will get it better through supervision of the states themselves than we will through such proposed legislation by amending the Constitution of the United States and placing it in the hands of Federal agents.

Mr. FROST of Belfast: Mr. Speaker and members of the House, I am not planning to make a long speech. There are two reasons for it. One is, that it is not my disposition at this time, and the other is that it would be impossible for me to do so were I so minded. My reasons are the same in number as are those the man gave one time when he was asked why he did not play golf. He was a very large man, very portly, and he said there were two good reasons: One was that when he placed the ball where he could see it, he could not hit it, and the other one was that when he placed it where he could hit it, he could not see it. Those were two very good reasons.

Now, I just want to join the Representative from Lewiston, Mr. Holmes, in being one of the mourners who will stand by while this measure is being buried, because deep down in my heart, going back into my early childhood, taking into consideration the difficulties under which I got my start in life, my sympathies are very

much with the young boys and girls of our land. I do not feel that I am standing alone, and I do not know why the Representative from Lewiston should feel at all unhappy in his situation because, looking back a few years, we find that we are standing where President Wilson stood only a few years ago; we find we are standing, in connection with this matter, exactly where President Coolidge stands today and I think any one of us would be perfectly willing to stand with him against a large majority of this world.

We are standing side by side with every Congressman and Senator from the State of Maine, and I think their judgment is working patterning after and listening to.

Now, just briefly, I want to consider one or two of the reasons why we are told this amendment should not prevail. We are told that we should vote against this amendment because some of the states like North and South Carolina, Georgia, Louisiana and Mississippi have already voted against it, but I want to ask you, Mr. Speaker and members of the House, how long since Maine began patterning her legislation after the states of North and South Carolina, Georgia, Louisiana and Mississippi? Maine has a right to lead those states. She earned that right in the years between '60 and '64. She paid the price with ten thousand or more of her native sons. The soil of those states is dyed red with the blood of the flower of American manhood, and I say to you, members of the House, that my heart beats no quicker, the life-blood courses through my veins no faster, when I am told that the banner of my state floats on a level with that of any state south of the Mason and Dixon Line.

We are also told that if this amendment should become a law, the Federal agents will enter our homes and that it will be impossible for us to control the lives and time of our children, yet I want to say to you—and in saying this I have consulted the best legal authority that I can find—that there is no law on the statute books of this State, or any other state in this nation, that prevents an individual from pursuing his own course within the law and working for himself; and I want to say to you, in addition to that—and in this I have consulted the best authorities that I can find—that when a man stands beside

the cradle and for the first time looks into the eyes of the new-born babe, whether it be boy or girl, he is looking into the face of his heir, his partner, so long as life permits the two to live together. The father becomes a part owner with the boy, or the girl, and when the boy goes out to milk the cow or the girl to wash the dishes, they are performing tasks which are theirs just as much as the father's or the mother's, therefore there is no law which can touch them.

I want to relate just one little incident and then I will close. A number of years ago, in the month of May, I drove down to the house, having an appointment with a man out in the country—a matter of about 12 or 15 miles—and I asked the mother to take the little girl and go along with me for the ride. The household cares were such on that particular morning that the mother could not go, but the little girl was anxious for the ride, and she went with me. We rode out into the country. The young child was between three and four years of age. As we rode along she looked up into my face, with the confidence that young children of that age usually have, and she said to me, "Papa, let me drive the car". And I said, "Bless your heart, you could not do it to save your life". And she said, "Yes, I could". "Well", I said, "if you feel so confident about it, you may". So I slid over as close to the side of the car as I possibly could, taking a firm hold on the wheel with my left hand and putting my right arm down around the little tot and pulling her over where, by stretching her arms as far as she could, she could get hold of the lower side of the wheel, I slowed the car down so it barely moved over the country road. Several times within the next half hour she looked up into my face and said, "Papa, I can steer the car, can't I?" And I said, "Bless your heart, of course you can, with papa to help you". It was a spring morning, the air was warm, the leaves and the grass were beginning to show green, the birds were singing in the air, and as we rode on, after a little more I felt an unusually heavy pressure against my side. I looked down and I saw that the eyes were closing, and so, slowing the car down to a pace where it barely moved over the ground, I waited, and within a few minutes the hand relaxed its hold on the wheel and the little one was sound asleep. We rode on, mile after mile, and after a

while, the car striking some obstacle in the road and making an unusual jolt, the little one opened her eyes and immediately, before she really became conscious of the fact that she was awake, the little hand reached again for the wheel, and looking into my face she said again, "I can drive the car, can't I?" And I said, "Yes, you surely can".

And members of the House, I want you to get this lesson. You and I come here and we tackle such problems as the one we are facing now. In our strength and the knowledge that is ours, with all the wisdom we can exercise, we decide these questions and we feel that we are driving the Ship of State, that we are determining the destiny of the boys and girls who are to come after us, but as truly as we are standing and living today, just so surely the hands of Almighty God are stretched out beyond ours, and it is His hand that is guiding the Ship of State, and not ours, and the time will come, and some of us will live to see that day, when this amendment will be a part of the Constitution of the United States, and the boys and girls of our land will have the protection of a uniform law that will give every one of them an equal chance to fight the battle of life. (Applause.)

Mr. STURGIS of Auburn: Mr. Speaker, and members of the House: I live in Maine. We fought battle, we fought a war before I can remember. That has gone by. As one of the members of this Legislature I do not feel that I have to vote as they do down south. I shall live as my conscience dictates. I further say that I believe that we should stand on solid ground. I do not believe at this time that it is our duty to vote to give any more power to Congress. My friend, Mr. Holmes, spoke about the farmer taking his boy out into the woodshed and straightening him out. When he read the remonstrances against this amendment he forgot to mention the Associated Agricultural Industries—he forgot to mention the National Grange, comprising over fifty thousand members, which came out solid against this amendment, and I can see in my mind's eye that boy. We do not have to give the boy of today much leeway today for him to take a great deal of advantage. I can see the boy sitting in an easy hammock and his mother is getting dinner, and she goes out and says, "Johnny, I have not got any

wood. Won't you get some for me to get dinner with?" He says, "I am busy; let the old man do it." And you will not have to go a great ways before you can see what would happen. We would have no authority over our children. If father took the boy out into the woodshed to straighten him out—which he might be justified in doing, and I think he would be—the Federal agent would come along and say, "Hands off; Johnny is under my care". And, of course, when the Federal agent comes along, we have got to do as he says.

I would say, at this time, that I am for the rejection of this amendment.

Mr. WINN of Lisbon: Mr. Speaker, as I was one of the members who signed the minority report that this ought to pass, I feel that I should at least state my position. I will say that this hearing was advertised, and it was intended to have it up in the State Assessors Department, but as the crowd gathered there, we found we did not have room in that Department to have the hearing, and they adjourned down into the Governor's Council Chamber, and in that Department we held the meeting and the room was crowded to the door.

I have always considered that it was the duty of any Committee to weigh the evidence that is given to it before advising that a bill ought to pass or ought not to pass, and certainly the evidence was in favor of that "Ought to pass" report.

I think the most of you probably have read the Governor's Inaugural Address. I have, at least, and certainly if I have, being in the minority of the House, the majority certainly should have read it. He devotes something like one-twelfth of his Inaugural Address to the Child Labor Amendment, and in this one particular instance his opponent, William R. Pattangall, agreed with him as he appeared before that Committee in favor of this amendment.

To my mind some of our largest industries sometimes are in error in their stand on certain positions, and I believe at the present time, and I may be wrong, but I believe I am right, that the Associated Industries are in error in taking this stand as opposed to this Child Labor Amendment.

In the years that have gone by I have been connected with the Labor Movement. I have had opportunities to hear the different questions

discussed, and the argument that the Associated Industries had against the Child Labor Laws was that they would not object if they had a National Labor Law.

Now, I do not see why they should object to this constitutional amendment at the present time because, to my mind, it would bring the laws of the entire Nation up to an equal, say, with the State of Maine. It would not change the laws, to my mind, practically any, as to what we already have in the State of Maine.

Now, there was a man appeared before that Committee from the southern states—I think he was from North Carolina—and this was one of the statements he made before that Committee: He said: "Gentlemen, in the State of North Carolina a child can go into a factory and work at the age of fourteen provided he does not know his A-B-C's."

Now, in this one instance, it certainly should be the duty of the United States Government to have authority to say whether that child should have an education or not, when the State does not provide for it. And he made this statement, that to his best judgment it would take at least twenty-five years to bring the southern states up to where the State of Maine was, if you left it to the states alone to do it.

I am opposed to a certain extent to much regulation, but in some instances, with the advance of time, we must have regulation. If a parent—and they are hopelessly in the minority, but there is occasionally a parent who will say they do not care whether their child is educated or not—but the majority of the people throughout the States believe that all children should have an education, and they have enacted laws that a child must have an education, and if the parents do not seem to take interest enough to send their children to school, the law says that they must go, and they are obliged to attend the schools.

A small matter came to my attention in regard to regulation since this session of the Legislature convened, in connection with the State Board of Charities and Corrections. One time I happened to be in that Department, and I was shown a picture of three little children that have been taken under the care of the State Board of Charities and Corrections because their parents neglected them or did not take care of them,

and you may be surprised to know that those children were taken in from within twelve miles of this State House, and if you take the time to go down there and see the pictures of those little children and their condition when they were taken away from their parents, as was right, and then could see the pictures taken of them after they were washed clean and clothed and made to look like human beings, you would all agree with me. Now, that is regulation that we have there, and would anybody hold their hand up against that regulation?

I believe that when this thing is properly understood, that motion which is in the minority today will probably have the applause, and probably within ten years of the present time. But, as the gentleman before me stated, it must come and it will come. And when we have such men as the great President of the United States today endorsing that, a President so wrapped up in the people, or the people wrapped up in him, as we probably will not have for a great many years—and although I did not vote for him, I am proud today of President Calvin Coolidge—and our Congressmen here in the State of Maine, as I am told, are all in favor of this amendment, is not their judgment worth something to us?

I believe that the law is right and just and should be enacted.

Mr. CYR of Waterville: Mr. Speaker, I move that we adjourn.

A viva voce vote being taken, the motion to adjourn failed of passage.

Mr. CUMMINGS of Portland: Mr. Speaker, I want to say just a word in reply to something stated by the last speaker, the gentleman from Lisbon, Mr. Winn, in relation to North Carolina and the gentleman who appeared before our Committee and spoke in behalf of this amendment. In regard to it being possible for children to work in the factories without knowing how to read or write, I have before me a circular which I procured from Washington, from the Department of the Interior, Bureau of Education; a circular of information, regarding provisions of compulsory attendance laws in force January 6th, 1924, which states that in North Carolina every child between the ages of seven and fourteen must attend school not less than six months during the

year. I think that is sufficient answer to that.

The gentleman from Belfast, Mr. Frost, in his statement that he had consulted legal authorities and that we have no such laws as the ones which he referred to, was correct. That is quite true, but this amendment proposes to give authority to Congress to pass such laws. Oh yes, it proposes to give authority to Congress to pass laws to limit, regulate and prohibit labor of ail persons up to eighteen years of age. That is precisely what it proposes to do, and it is no use to attempt to dodge it.

The SPEAKER: Is the House ready for the question?

Mr. THOMPSON of Rockland: Mr. Speaker, the proposition before this Legislature is to make a radical change in the Federal Constitution, and in consideration of that matter we have listened to eulogies and poetic allusions, all of which have no bearing, in my judgment, upon the question now under consideration.

To make a short cut of the proposition, it is to take from the parent the control of his own child and transfer it to the control of a Federal officer. It is only one of many moves in the same direction which have been made from year to year with the advancement of this Republic.

It seems to me, when we look into things as they are, it is time for us to take an account of stock and to consider where we are in making these Federal movements. This proposition would be the Twentieth Amendment to the Federal Constitution and its words, although not familiar to us all in the exact language, nevertheless are in substance. Now, if this change should be brought about, we should have to re-adjust ourselves strangely to fit the new conditions.

For instance, we should have to revise the Bible; we should have to revise the Ten Commandments, because they say, "Honor thy Father and thy Mother that thy days may be long in the land which the Lord thy God giveth thee." But, contrary to that Commandment of Moses, this proposition would take away from the parent the conduct or welfare of the child and turn it over to the supervision of the Federal official. The Commandment says, "Children, obey your parents in all things." for such conduct will

please the Lord, but how about the Federal Agent? If he should come a new revision of the Bible would necessarily be required, in such a situation. A child, up to eighteen years of age, under the proposed change in the Federal Constitution, would be subject, as I say, to the Federal Government. If a girl got married under the age of eighteen, she would still be subject to the jurisdiction of the Federal Government, and the promise to love, honor and obey here husband would be as nothing, compared to the things that might be required of her and her duties, at the hands of the Federal Agents.

We have heard of the illustration of the boy coming home from the country store and defying his father when he was requested to put some wood in the woodbox. I think we have arrived at that situation already, although no such amendment has been passed. (Laughter) I have heard of a boy who lived near a pond or river, and there had been a heavy rain one night, and he was told by his father that he must bail out the boat, and he rebelled on the ground that it was unconstitutional. "How is that?" said the father. "Why," the boy said, "the Constitution says that excessive bail shall not be required." And I apprehend that the reasoning of the boy was not unlike that of the young ladies who wear these sleeveless dresses and who claim as their right to do so the provision that the right to bear arms shall not be infringed. (Laughter)

I do not know how long these attempts on the part of the Federal Government to infringe upon the rights of the State are to be sustained by our people. It seems to me that the time has arrived when we should not submit to these things, or I believe the time is not far distant when we will not have the opportunity of meeting in our Town Meeting and discussing our town affairs.

It seems to me we already have Federal amendments enough. And as to the allusions to our boys who went down south and many of them still lying there, that is, as I understand it, the waving of the bloody shirt.

But, gentlemen, are the Fourteenth and Fifteenth Amendments still in full force in some parts of our coun-

try? Let us enforce some of the amendments already in the Constitution before we seek to adopt any new amendments. (Applause)

Mr. DUDLEY of Woodstock: Mr. Speaker and members of the Legislature: In regard to the statement of one gentleman that there was a lack of education in North Carolina, four million dollars were spent in North Carolina last year for the education of her children. This battle seems to have simmered down between Capital and Labor, and they are endeavoring to get the rural sections under their control so that they can control labor. The Secretary of Agriculture claims that if this amendment were passed it would withdraw from the labor field one million children, boys and girls. This amendment as proposed by the American Federation of Labor and fourteen or fifteen other organizations that came before the Judiciary Committee and threatened that if they did not pass the measure, ten million women voters would reject them at the next election.

The amendment was prepared by Mrs. Florence Kelly and was accepted in its entirety without the change of a word or the change of a period. It was rolled through Congress. The first man who discovered this amendment was a representative of the Farm Bureau, and immediately every organization in the country was warned and prepared to protect itself. And there was the first organization that started to annul this proposed Twentieth Amendment. Up to the time of the referendum in Massachusetts there was no organization against this proposed amendment, and the majority of the people believed it would pass two-thirds of the State easily. The proponents of the amendment made overtures to the textile people of Massachusetts and asked for their support on account of the abuse of child labor in the southern states that was interfering with the mills of New England.

As I understand it, the textile mills nearly swallowed the bait, but upon examination they came to the conclusion that the reason why the mills gravitated to the south was because they were nearer their resources, the cotton production, the soft coal mines and cheaper labor. They rejected and refused to sup-

port the amendment, and the proponents, in a campaign in Massachusetts, attacked the textile mills and asserted that they gave them financial backing.

The opponents of the measure raised their money by popular subscription. As I understand it, there was only three thousand dollars given by the textile manufacturers of Massachusetts. It shows by the vote that popular opinion is opposed to any legislation of the kind which is called class legislation because it protects a certain class of people. And in Congress I think it was Congressman Montigue of West Virginia who asked to have this amendment referred to a convention system, and Mr. Foster of Ohio, objected because he said that if it got before the people, the amendment would be defeated. And they did not dare to have this amendment go before the people for that reason but preferred to have it go before the legislatures where they thought they had a better chance of its passing.

I will not take up any more of your time because I know you are tired, but I will just say that it has been said by some one that the best government is the least government.

The SPEAKER: Is the House ready for the question? The question before the House is that of the motion of the gentleman from Lewiston, Mr. Holmes, to reconsider the action of the House taken yesterday. A vote of yes is with the gentleman from Lewiston and is for the so-called Child Labor Amendment. A vote of no would be against the Child Labor Amendment. Is the House ready for the question?

Mr. HOLMES of Lewiston: Mr. Speaker, I will ask that when the vote is taken, it be taken by a division of the House.

The SPEAKER: A division is called for.

A division of the House being had, Eighteen having voted in the affirmative and 104 in the negative, the motion to reconsider failed of passage.

The SPEAKER: We are proceeding under Orders of the Day.

On motion by Mr. Leland of Sangerville it was voted to take from the table a matter tabled by that gentleman this morning relating to the State of Maine Building at West Springfield, Massachusetts; and on further motion by the same gentle-

man the House voted to reconsider its action whereby this bill was passed to be engrossed for the purpose of offering an amendment.

Thereupon Mr. Leland offered House Amendment A as follows:

"Amend said act by striking out in the first and second lines thereof the following words: 'nominate and by and with the advice of the council shall,' and inserting in place thereof the following words 'nominate and with the advice and consent of the council,' so that said amendment shall read as follows:

The SPEAKER: This seems to be a verbal correction, and is it the pleasure of the House that this amendment be adopted?

Thereupon the amendment was adopted and the bill as amended by House Amendment A was passed to be engrossed.

On motion by Mr. Leland of Sangerville it was voted to take from the table an act tabled by that gentleman earlier in the day providing for the appointment of one or more persons to represent the State in certain proposed changes in freight rates affecting the people of the State; and on further motion by the same gentleman, the House voted to reconsider its action whereby this bill was passed to be engrossed.

Thereupon, Mr. Leland offered House Amendment A as follows:

"Amend by striking out the words 'and council' in the first line of the second paragraph and inserting in place thereof the words 'with the advice and consent of the council'; and by striking out the last clause of said paragraph, being the following words: 'and that the governor and council is authorized to provide such reasonable compensation and expenses of such representatives as they deem just and proper.'"

The SPEAKER: Is it the pleasure of the House that House Amendment A be adopted?

Mr. WING of Auburn: Do I understand, Mr. Speaker, that the amendment strikes out compensation?

The SPEAKER: It strikes out the last clause of the paragraph which reads as follows: "and that the governor and council is authorized to provide such reasonable compensation and expenses of such representatives as they deem just and proper." Will the gentleman from Sangerville (Mr. Leland) explain the amendment?

Mr. LELAND of Sangerville: Mr. Speaker, as I understand the purpose of the amendment it was to strike out

the provision as to compensation. Does that answer the question of the gentleman from Auburn (Mr. Wing)?

Mr. WING: Mr. Speaker, may I ask the gentleman if that provides that the men who attend these hearings are to do so without compensation?

Mr. LELAND: It provides no compensation as I understand it; that is, as I understand the matter this was an agreement made between the proponents of the measure and some who object to some provision in it. It was an agreement, as I understand it, between those particularly interested.

Mr. WING: May I inquire who those "particularly interested" are? I should like to have it read into the record who they are that are particularly interested in this measure, and this agreement, if the gentleman will answer.

The SPEAKER: The gentleman may reply if he cares to.

Mr. LELAND: Mr. Speaker, I am unable to state who the particular proponents of the measure are, but I think it is a matter of record before the committee who appeared in favor of it.

Mr. WING: The gentleman has stated that this is by agreement, and I should like to know with whom the agreement was made. I move the matter lie on the table.

The motion to table prevailed.

On motion by Mr. Sturgis of Auburn, it was voted to take from the table bill an act relating to the pollution of certain waters by mill waste, that gentleman stating that he did so for the purpose of offering an amendment.

The SPEAKER: Does the gentleman recall the last action on this bill?

Mr. STURGIS of Auburn: I think it was passed to be engrossed.

On motion by Mr. Sturgis the House voted to reconsider its action whereby this bill was passed to be engrossed.

The SPEAKER: The Chair cannot make out the amendment. Will the gentleman see the Clerk about it during recess?

Thereupon the matter was temporarily re-tabled.

On motion by Mr. Stitham of Pittsfield, it was voted to take from the table a bill tabled by that gentleman yesterday, an act relating to the salary of the county attorney of York county, being House Document 229.

Mr. STITHAM of Pittsfield: Mr. Speaker, I now move its passage.

Mr. SEIDEL of Biddeford: Mr. Speaker, I understand that the Senate has reconsidered its action and substituted the bill for the report. If the gentleman from Pittsfield (Mr. Stitham) will withdraw his motion—

Mr. STITHAM: I yield to the gentleman from Biddeford.

On motion by Mr. Seidel of Biddeford, the House voted to reconsider its action whereby the report of the committee on salaries and fees, ought not to pass, was accepted. On further motion by the same gentleman the bill was substituted for the report; and on further motion by the same gentleman Senate Amendment was adopted in concurrence with the Senate.

On further motion by the same gentleman the bill as amended by Senate Amendment A received its first two readings at this time, and tomorrow was assigned for its third reading.

On motion by Mr. Piper of Jackman, the House recessed upon four o'clock this afternoon.

AFTER RECESS

4 P. M.

The House called to order by the Speaker.

Papers from the Senate received out of order, and disposed of in concurrence.

Reports of Committees (out of order)

Mr. Dunbar from the Committee on Ways and Bridges reported "Ought not to pass" on bill An Act to amend Section 107 of Chapter 24 of the Revised Statutes, relating to guide-posts (H. P. No. 1151) (H. Doc. No. 368).

Mr. Mills from the Committee on Sea and Shore Fisheries reported "Ought not to pass" on bill "An Act relating to the regulation of smelt fishing." (H. P. No. 1145).

Mr. Boman from same Committee, on Remonstrance of Luther Madocks and others against any change in the herring laws in Sheepscot River (H. P. No. 1019) reported that same be placed on file.

Mr. Moore of same Committee reported same on Remonstrance of H. L. Mansfield and others against the Lamson Bill, so-called, (H. P. No. 977).

Mr. Forhan from same Committee reported same on Remonstrance of C. B. Davis and others against any

change in the Sea and Shore Fisheries Commission Law.

Mr. Hale from the Committee on Judiciary on bill An Act relating to the notice given by the Assessors of Taxes before Assessment. (H. P. No. 1043). (H. Doc. No. 278) which was recommitted to the Committee on Judiciary, March 23, reported that the same ought not to pass.

Mr. Hamilton from same Committee reported same on bill An Act relating to the number of voting compartments." (H. P. No. 1150) (H. Doc. No. 376).

Reports read and accepted and sent up for concurrence.

Mr. Stitham from the Committee on Labor reported "Ought to pass" on Resolve in favor of an Amendment to the Constitution of the United States, prohibiting employment of women and children in industry more than 48 hours in a week (H. P. No. 624).

Mr. Flint from the Committee on Inland Fisheries and Game reported same on bill An Act relating to night fishing in certain waters in Franklin and Oxford Counties. (H. P. No. 313).

Mr. Morse from the Committee on Pensions reported same on Resolve in favor of Bertha M. Benit, of Portland, Me., for state aid. (H. P. No. 455).

Reports read and accepted and bill and resolves ordered printed under the Joint Rules.

Mr. Kinsman from the Committee on Inland Fisheries and Game on bill "An Act relating to the taking of white perch in Crawford Lake and all its tributaries, in Washington County. (H. P. No. 311), reported same in new draft (H. P. No. 1260) under title of "An Act regulating the taking of white perch in certain waters in Washington and Kennebec Counties." and that it "Ought to pass."

Mr. Bartlett from the Committee on Legal Affairs reported "Ought to pass" on bill "An Act relating to the care and support of paupers and other dependent persons having no settlement within the State". (H. P. No. 1135). (H. Doc. No. 353).

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

Mr. Curtis from the Committee on Taxation on Bill "An Act to Amend Section 27 of the Revised Statutes,

relating to the Excise Tax on Railroads" (H. P. No. 211) (H. Doc. No. 47) reported same in new draft (H. P. No. 1261) under same title and that it "Ought to pass."

Report was read and accepted and the new draft ordered printed under the Joint Rules.

The following resolves were received, out of order, and upon recommendation of the committee on reference of bills were referred to the committee on

Appropriations and Financial Affairs

By Mr. Morse of Oakland: Resolve in favor of Julian Croxford. (1262).

By the same gentleman: Resolve in favor of Marjorie L. Lee. (1263).

By the same gentleman: Resolve in favor of Bernice Parker. (1264).

By Mr. Bishop of Boothbay Harbor: Resolve in favor of J. Henry Morse. (1265).

The SPEAKER: The House may proceed under Orders of the Day.

Mr. HOLMES of Lewiston: Mr. Speaker, I wish to take from the table a matter that I tabled this morning, assigned for Orders of the Day today and not found on the calendar, the matter of the disagreeing action of the Senate upon House order calling for an investigation by the Legal Affairs Committee of alleged false affidavits presented at a public hearing before that committee about two weeks ago, and I move that that be taken from the table.

The motion prevailed.

Mr. HOLMES: Mr. Speaker, I wish to make a motion and to say a few words of explanation because I anticipate that there may be opposition. I move that the House insist and ask for a committee of conference. My reason therefor is this:

I wish to state as briefly as possible the facts which led up to the introduction of this order calling for an investigation, which passed the House. At the time it was introduced nobody, including myself, made any explanation whatever. If any of the members had any particular knowledge, it must have come from reading the accounts in the press.

In explaining the matter, I wish now to advise the members, and the Chair, that I shall refrain carefully from arguing the merits of any measure which is in the Legislature and which will be before the House later, particularly a measure intro-

duced by my colleague, Mr. Gagne, out of which this order grows. I mention that because, in explaining the history of this order, how it came about, I might appear at first to be arguing the matter of what I will call, for lack of a better term now, the Gagne Finance Commission Bill.

At the public hearing before the Legal Affairs Committee, there was a large gathering of the public—mostly from Lewiston,—as the matter attracted a great deal of interest. The hearing was held in the hall of the House before the Legal Affairs Committee, and it had been, I may say, touted in the press for some time before, especially in the newspapers of Lewiston, that affidavits would be introduced and offered to the committee, and, through them, to the Legislature, to show that certain conditions in the city of Lewiston were very bad. In the course of the hearing the counsel for the proponents produced several pieces of paper which were announced then as affidavits—the number I could not tell at the time—and handed them, or was going to hand them, to the clerk of the committee, when I, as one of the public, asked that the affidavits be read as this was a public hearing. The affidavits were made public by being given to the press.

Now I am coming down to the matter of false affidavits. The affidavits were one by Patrolmen Colwell and Davis in the matter of one of the janitors of City Hall, a man by the name of Verrault, and also an affidavit by Patrolman Voyer in regard to Janitor Verrault, and also one by a certain man by the name of George F. Hill of Lewiston, in regard to his treatment at the City Farm. Now these affidavits are brief, and I will read those in regard to Janitor Verrault for I think it is necessary in order that the House may understand. It is as follows:

"We, William H. Colwell and Malcolm Davis, officers of the Lewiston Police Department, on oath depose and say, that on the night Jan. 18, 1925, at about 11 P. M., Hubert Verrault, a night janitor and fireman at the city building, used the police telephone in the machine room. He was very drunk, that he had difficulty in making the operator understand the number he wanted. That after he finished the telephone conversation, he attempted to sweep

the corridors, he was staggering drunk and was obliged, to steady himself several times to keep from falling. Later he went to his room and was sleeping in his chair."

That is the whole of the affidavit of Patrolmen Colwell and Malcolm Davis. The Voyer affidavit I will read in a moment. After those affidavits were produced and were read by the Mayor of Lewiston, who was present, the Mayor of Lewiston announced that he would, as soon as he returned to Lewiston, hold an investigation before the Committee on Public Property as that would be the committee having jurisdiction of the actions of Janitor Verrault. This hearing, I think, occurred on a Thursday and the investigation before the Mayor and the Committee on Public Property was held, I believe, Saturday afternoon. The court stenographer of the Superior Court in Auburn was present and took the notes of the testimony, and I have here her transcript of the evidence, and the affidavit that I just read. Of course I will not take the time to read to you all of this long transcript of testimony. I will only read very short excerpts though, of course, if anybody wants to read all of it, I will file it with the Clerk. Officer Colwell was then asked by the Mayor and Committee on Public Property these questions, among others:

"Q. Do you know who prepared the affidavit? A. I do not.

Q. In whose presence did you sign the affidavit? A. I refuse to answer.

Q. On what grounds? A. The affidavit, I think, will speak for itself.

Q. Is the affidavit under oath? A. It is.

Q. And I suppose it was signed in the presence of some justice? A. I swore to a justice, yes.

Q. Was the affidavit brought to you by the justice? A. It wasn't.

Q. Brought to you by some member of the police department? A. I don't answer.

Q. Will you tell me where the affidavit was signed? A. On the line that was left there for my name.

Q. Sure it was signed on the line? A. It certainly was.

Q. Will you tell me in what room you signed it? A. I will not.

Q. You will not? A. No, sir.

Q. Was it in the City Building? A. It was.

Q. I don't suppose it was a great ways from the police department. A. I can't help what you suppose."

Now quoting from Davis, patrolman, who among other things testified as follows:

"Q. By whose instructions was the liquor taken to Verrault?"

I should explain before I go further that the testimony as a whole showed that Mr. Verrault, the janitor, is a man about seventy years old, who has lived in Lewiston many years and who has lived a sober life and was an industrious man. He had the job of night janitor and for many years had done the work and had always been sober. Now this testimony shows that the police officers used to play tricks on him because he was nervous, and that very night I will say somebody put a mud turtle in his janitor's room where he rests. Once they put a dead skunk in and at night they gathered in front of the door, or near the door of his room, and fired off revolvers. Well, it scared the old man out of his wits. He claimed that he had a weak heart, he had a collapse, and went to the machine room and asked them to telephone for a doctor as he thought he was dying. Instead of telephoning for a doctor, under the orders of one of the captains, they gave him a drink of whiskey, and led him back to his room. He stayed there resting, and after a while one of the officers was sent with another drink of whiskey. He swallowed a mouthful but refused to swallow any more of it, and upon that state of facts they made affidavits that he was drunk.

Now officer Malcolm Davis testified:

"Q. By whose instructions was the liquor taken to Verrault? A. I rather not say.

Q. You don't care to say? All right. Do you care to tell me who took the liquor to him or hadn't you? A. I had rather not say.

Q. You know where Verrault was when the liquor was taken to him?

A. Lying on his couch.

Q. In his room. A. Yes.

Q. Do you know whether or not Verrault drank the liquor? A. Part of it.

Q. Did you see him? A. I did.

Q. How much did he drink? A. Oh, I should say there was that

much in the glass. Possibly took half of it.

Q. Will you tell me why they took liquor to Verrault? A. I don't know.

Q. Have any idea? A. I didn't take it to him.

Q. Have you any idea why they were insistent that Verrault take the liquor at that time? A. I don't."

Also patrolman Davis testified:

"Q. Did you at any time after this occurrence ask Verrault not to report this to the Police Commission or to the Chief? A. I rather think he said something about telling the Chief.

Q. Said he was going to tell the Chief. In other words he did not take very kindly to the joke, did he? A. Not at the time.

Q. He said he would tell the Chief. Who asked him not to? A. I told him it would only make trouble."

At the same time, before the Legal Affairs committee, one of the affidavits offered was that of officer Voyer as follows:

"I, Antonio Voyer, a Lewiston police officer, on oath depose and say, that on the night of Jan. 18, 1925, at about 7.30 P. M., I was called into the station for special duty. That at about 11 P. M., Hubert Verrault, a night janitor and fireman at the City Building, came into the machine room and used the telephone. He was drunk, that he had considerable trouble in making the operator understand the telephone number that he wanted. Later I saw him in the corridor attempting to sweep the floor, he was staggering drunk, very talkative, he steadied himself with the broom several times, later he went to his room and to sleep.

"At about 12.15 P. M., Verrault again came to the machine room and asked to have a doctor called as he was sick. I attempted to call Dr. Giguere, the city doctor, but he was on a confinement case and could not be reached. Verrault had reached the crying stage at this time.

"At about 12.45 P. M., I went to the freroom and found Verrault shoveling coal, at that time he said he was feeling better but started to cry again while I was talking with him."

Antonio Voyer, among other things, testified as follows at this investigation by the Mayor and Committee on

Public Property, two days after the hearing before the Legal Affairs committee:

"Q. So that when you signed this affidavit it states this, 'Later I saw him in the corridor attempting to sweep the floor. He was staggering drunk. That isn't true is it? A. Why, the drunk part I wouldn't say is, but I saw him in the entryway which is a part of the corridor in front of the machine room. That is the corridor itself.

Q. I will read this again. 'Later I saw him in the corridor attempting to sweep the floor. He was staggering drunk.' Is that true or not? A. He was staggering but I wouldn't make the word as strong as drunk.

Q. So that if you had read the affidavit, Mr. Voyer, and found it in the terms, in the words used, you would not have signed it, would you? A. Not with the word drunk.

Q. So if you will look that affidavit over and tell me if it is true that that affidavit isn't correct. A. All but the words drunk.

Q. That isn't right, is it? A. Some people use the word drunk for under the influence of liquor. Others will use under the influence of liquor for drunk. For myself I would not say drunk.

Q. If your testimony is right that you didn't see him in the corridor, then all the opportunity you had to see him was in the machine room? A. I saw him in the corridor exactly in front of the machine room.

Q. Was he walking then? A. Yes sir.

Q. Your affidavit says that you saw him sweeping the floor staggering drunk. That isn't true, is it? A. Not drunk. He was unsteady on his feet.

Q. The words staggering drunk isn't correct, is it? A. Not staggering drunk, no sir.

Q. That is incorrect? How do you suppose those incorrect words got into that affidavit? A. I didn't draft it.

Q. You didn't tell anybody to put the words staggering drunk in there did you? A. I didn't use that expression.

Q. If you had known they were in that affidavit you wouldn't have signed it? A. No sir."

Mr. Voyer also testified: A. If I recollect right I came in but a very few minutes after the shots had been fired, and shortly afterwards

Mr. Verrault came to the door of the machine room inquiring as to who had fired the shots.

Q. Next thing that you heard him inquire as to who fired the shots. A. Yes.

Q. Whom was he inquiring of? A. I was in the Captain's office with Capt. Picard and officer Colwell was at the desk. I didn't pay particular attention as I wasn't connected with the case.

Q. What was his condition then? A. He appeared very excited and nervous.

Q. Was he able to walk? A. I suppose so.

Q. You saw him walk? A. Well, he walked from his room, evidently, to the door and stood there in the door.

Q. He wasn't staggering then? A. I didn't see him.

Q. Did he talk rational or excited? A. Very excited.

Q. It was rational? He knew what he was talking about? A. Appeared so."

The other affidavit I will deal with in a word. A man by the name of George F. Hill, who had lived at the City Poor Farm, gave an affidavit that he was mistreated out there; that profane language was used to him and he did not get enough to eat. Afterwards it appeared that a reporter from the Lewiston Sun, after that affidavit was offered at this Legal Affairs hearing, had an interview with him in the presence of another man, and it was published in the Sun that Mr. Hill denied the truth of the affidavit which he had signed and practically intimated that he was coerced. Now then one thing more! Afterwards somebody else on the other side got to Mr. Hill and he retracted the second statement and went back to his last previous statement or somewhere near it. Now that is about as reliable testimony as was offered, and the Hill affidavit is of course worthless.

The Chief of Police of Lewiston gave a statement to one of the papers—perhaps to both of the papers of Lewiston that when the Verrault matter was reported to him he instructed the police officers to make these affidavits and the reason why—perhaps I am not telling it fair—I am stating it from recollection—I want to try to state it fairly—but the impression left on my mind was this that if the Chief had had any

idea that these affidavits would have been made public, he never would have had them drafted, or drafted them, and he never would have had these officers sign them; but he evidently had an idea that they could be slid into the hearing and passed from hand to hand among the committee and not become public. Now if there is anything to that, there is a man higher up.

The Senate has disagreed with the House and has indefinitely postponed this, and you heard my motion. What I think is this, Mr. Speaker and members: It is true, as has been said somewhere, either in the Legislative Record or in the press quoting some senator,—it is true that it is a case for the grand jury, absolutely a false affidavit; and if I were county attorney it would go to the next grand jury in Androscoggin county. But I say it is also a case for the Legislature of Maine. I do not mean to say that I have followed up the affairs of the Maine Legislature all my life, and perhaps something similar may have happened before; but at least I will say that from my knowledge and recollection no such insult has ever before been offered to the Legislature of the State, and the Legislature of the State has never before been treated so contemptuously; and my contention is that, if the Legislature lets the matter go by, which involves or appears to involve a proposition of deceiving the Legislature upon a public matter, either by affidavits or in any other way, that a precedent is established that may come back to haunt future legislatures of the State. Under the immemorial custom of legislatures in this country, and abroad I think, the legislature has the inherent power to punish for contempt. We have the Constitution of Maine which gives the Legislature the same power without using the word "contempt." It uses in place thereof the words, "Obstructing its proceedings." The Legislature having, that power the Constitution says may punish by imprisonment in jail, not to last longer than the period of the final adjournment.

To my mind, I know that from what I say it may be argued that I have taken sides and that I am partisan in this matter and that my judgment is no good; but to my mind there is a very serious principle involved in it, and, Mr. Speaker, I renew my motion that the House in-

sist on its action and ask for a committee of conference.

Mr. GAGNE of Lewiston: Mr. Speaker, I will not be able to entertain you as has my colleague from Lewiston, Mr. Holmes, because I am not a learned lawyer; but I can assure every member of this House that I was very willing and am still willing to have those affidavits brought here before you members of the House, and I can assure you that the affidavits are true. I saw some of the members of the police force, and even the Chief, not later than yesterday morning, and they wished it were possible to come before either the Legal Affairs committee or before the members of the House and produce the facts as they are; and you may rest assured that we just wish that could be done.

My colleague from Lewiston (Mr. Holmes) knows that one affidavit has failed, but the other two he knows cannot be refuted in any way, shape or manner. One was heard by the mayor and a few men together of their same caliber who were there to make an investigation. The Commissioner of Police was in there and it was not right that they should have been there to hear what was going on. I am very sorry that that order did not go through the Senate, and I hope that the motion of my colleague, Mr. Holmes, will pass, and thus have it before the House.

Mr. BECKETT of Calais: Mr. Speaker and members of the House: As House Chairman of the Legal Affairs committee, I wish to state my position. While I am not authorized to talk for the other members, I believe I am stating their position. I think you will be convinced that the Legal Affairs committee will investigate this matter to the best of its ability; but I want you to seriously consider before you shall vote whether it is proper, whether it is just, for you to vote for such an investigation. I am glad that the gentleman from Lewiston, Mr. Holmes, has read you these affidavits, has read you the evidence that was taken at the hearing upon them; and, members of the House, I want to ask each one of you if you were a member of the Legal Affairs committee, if there is anything in those affidavits, or in the evidence taken upon those affidavits, that would influence you as a member of the Legal Affairs committee in giving a fair and just report upon the bills or resolves that were before them; in other words,

whether those bills, those affidavits, are false or not. Do they contain anything that would influence our decision? That is one question. I do not mind stating that I think there is nothing in any one of these affidavits which would have any bearing upon the decision which we as the committee on Legal Affairs may eventually arrive at.

The next is that this Legislature, we hope, is drawing to a close. The committee on Legal Affairs has not finished its work. Its last public hearing is advertised for Thursday afternoon. A little inkling has been given to you as to what such an investigation as this may mean and how long it may take and what would come of it. If the dignity of this Legislature has been assailed, let the matter go to the Attorney General's office; but, Mr. Speaker and members, if any false affidavits have been made, certainly those responsible for them should be punished, and the proper place for that punishment is in the courts where the gentleman from Lewiston has indicated that they have recourse. So, I trust when these matters will be sifted out that you will not expect your Legal Affairs committee to attend to them, and that you will not support this motion, but that later we will recede and concur with the Senate:

Mr. SPEAR of Portland: Mr. Speaker, I would like to ask through the Chair, a question of the gentleman from Lewiston, Mr. Holmes, and that is if the men involved in this controversy have not all had a hearing before the proper authorities and all been acquitted?

The SPEAKER: The gentleman may reply through the Chair if he desires.

Mr. HOLMES: Replying to the question of the gentleman (Mr. Spear) I will say that if he means by "all the men" those who were accused in the affidavits, the answer is yes. In reply further I want to say that the purpose of the order is not to investigate the character of one Hubert Verrault, janitor; I am not interested in that or the overseer of the poor farm, but I am interested in the question of whether or not the Legislature will pass unnoticed an attempt to deceive it by means of a proceeding that I believe is perjury.

Replying further to the suggestion of my colleague from Lewiston (Mr.

Gagne) that I referred to only one affidavit and said nothing about the others, on the contrary I referred to all the affidavits but one and said nothing about one and gave the name of one Lambert at the electric street lighting department which I understand was not a flagrant case, and no question of the falseness of affidavits was involved in that case that I know of.

Replying to the House chairman of the legal affairs committee, I will say that I defer with great respect to his legal learning. I am, however, unable at the present moment to recall any authority that the attorney general has to act on his own motion as an investigating agent on a matter involving the honor and good name of a Legislature.

Replying further to the gentleman in regard to the question of time, I realize, Mr. Speaker, that we are anxious to finish the business of the Legislature and get away. I realize also that it is public business and not our own business. I realize that the men of the soil are anxious to attend to their crops, but I want to say that perhaps we might make a mistake in this and other matters of being so much concerned about the planting and the growing of a crop of grain and vegetables that we might overlook the fact that by our neglect, by our omission on this or other matters, we might plant and grow a crop of ill-feeling in this State that would outlast all the vegetables and grain that might be grown this year.

The SPEAKER: The question is on the motion of the gentleman from Lewiston, Mr. Holmes, that the House insist on its former action whereby this order received passage and ask for a committee of conference.

Mr. CUMMINGS of Portland: Mr. Speaker, I would like to get one thing clear in my mind in regard to this affidavit. If I am not correct in the inference that I have drawn and the statement made, I would like to ask that the gentleman from Lewiston (Mr. Holmes) correct me; but from the statement he has made this is what I understand. The statement he made was that no man was staggering drunk; that later he denies that the man was staggering drunk but admits that he had taken liquor and that he staggered, but he declines to say that he was staggering drunk. I understand that he staggered from drinking liquor but not because he was drunk. Now is that correct? (Laughter.)

The SPEAKER: If the gentleman from Lewiston cares to reply he may do so.

Mr. HOLMES: Mr. Speaker, I fear that the gentleman from Portland (Mr. Cummings) did not pay strict attention to the reading of the testimony. I do not blame him because it was rather long; but the idea that he has is not the correct idea. The point is by the testimony of the officers who signed the affidavits that a certain man was staggering drunk, a janitor in charge of a boiler heating a large building. The officers who signed the affidavits afterwards, at least two of them, admitted that the affidavits not only in their letter but in their spirit, in the intent and motive behind them, were false and fraudulent. That is the real point.

The SPEAKER: Is the House ready for the question? As many as are in favor that the House insist on its former action and ask for a committee of conference will say aye.

Mr. HOLMES: Mr. Speaker, I ask for a division of the House.

A division being had, Twelve voting in the affirmative and 32 in the negative, the motion that the House insist on its former action whereby this order received passage and request a committee of conference failed of passage.

On motion by Mr. Beckett of Calais, the House voted to recede and concur with the Senate in the indefinite postponement of the order.

Further papers from the Senate, out of order.

Senate Bills in First Reading

S. P. 593: An act relating to the attorney general.

S. P. 411: An act to amend Sections 9, 10 and 11 of Chapter 5 of the Revised Statutes relating to lists of persons made by the assessors of cities and transmitted to boards of registration.

S. P. 591: An Act to provide for the completion of the vital records of the State.

From the Senate: Report of the committee on state lands and forest preservation on bill an act relating to certain State parks, S. P. 513, S. D. 213, reporting that the same ought to pass.

Comes from the Senate, report read and accepted and the bill passed to be engrossed as amended by Senate Amendment A.

In the House, the report was accepted in concurrence and Senate Amendment A read by the Clerk.

Thereupon the bill had its two several readings.

On motion by Mr. Nichols of Portland, the bill and amendment tabled, pending the adoption of the amendment in concurrence.

From the Senate: Senate Paper 388, Senate Document 161, resolve in favor of the Augusta State Hospital for maintenance for the fiscal years 1926 and 1927 which was finally passed in the House, March 18.

Comes from the Senate, the engrossing reconsidered and passed to be engrossed as amended by Senate Amendment A.

In the House, Senate Amendment A read by the Clerk.

On motion by Mr. McDonald of East Machias, the House voted to reconsider its action whereby this resolve was finally passed. On further motion by the same gentleman the House voted to reconsider its action whereby this resolve was passed to be engrossed; on further motion by the same gentleman, the House adopted Senate Amendment A in concurrence; and on further motion by the same gentleman, the resolve, as amended by Senate Amendment A, was passed to be engrossed in concurrence.

From the Senate: Senate Paper 387, S. D. 160, resolve in favor of the Bangor State Hospital for maintenance and other purposes, which was finally passed in the House on March 18.

Comes from the Senate, the engrossing reconsidered, Senate Amendment A read and adopted, and the resolve as thus amended passed to be engrossed.

In the House: Senate Amendment A read by the Clerk.

The House voted to reconsider its action whereby this resolve was finally passed. It also voted to reconsider its action whereby this resolve was passed to be engrossed.

On motion by Mr. Davitt of Millinocket it was voted to adopt Senate Amendment A in concurrence, and on further motion by the same gentleman the resolve as amended by Senate Amendment A was passed to be engrossed in concurrence.

The SPEAKER: The House will resume business under Orders of the Day.

On motion by Mr. Sargent of Sedgwick, it was voted to take from the table bill, an Act to incorporate the Old Town Water District tabled by that gentleman this morning, the pending question being third reading.

Mr. SARGENT of Sedgwick: Mr. Speaker, I offer House Amendment A and move its adoption.

The SPEAKER: The Chair notices that the representative from Old Town, Mr. Lait, is not in his seat and would inquire whether he is interested in this matter.

Mr. SARGENT: Mr. Speaker, this merely amends the bill to preclude any misunderstanding as to the Public Utilities Commission.

House Amendment A to House Document 485

"Amend House Document 485 by adding thereto Section 20 reading as follows:

"Nothing herein contained is intended to repeal, or shall be construed as repealing, the whole or any part of any existing Statute; and all the rights and duties herein mentioned shall be exercised and performed in accordance with all the applicable provisions of Chapter 55 of the Revised Statutes, and all acts amendatory thereof or additional thereto."

On motion by Mr. Spruce of Milford, the bill and amendment were tabled and especially assigned for tomorrow morning.

On motion by Mr. Hammond of Van Buren, it was voted to take from the table House Amendment A to House Paper 943, tabled by that gentleman on March 27.

Mr. HAMMOND of Van Buren: Mr. Speaker, I move the indefinite postponement of the amendment, and I now yield the floor to the gentleman from Calais, Mr. Beckett.

Mr. BECKETT of Calais: Mr. Speaker, may we have the amendment read?

The SPEAKER: It appears that Amendment A was offered March 27 and the bill was tabled pending the adoption of the amendment. The amendment was offered subsequent to the second reading.

House Amendment A

"Amend House Document 244 by adding the following words:

"Sect. 5. Any and all grants and powers herein given shall be limited to a period of ten years from the time this act takes effect."

The SPEAKER: The pending motion now is the indefinite postponement of this amendment, and the Chair recognizes the gentleman from Calais, Mr. Beckett.

Mr. BECKETT of Calais: Mr. Speaker and members, I wish you would refer to House Document 244, reported ought to pass by the committee on Legal Affairs; and in speaking of this bill, in connection with the amendment, I might say that this is a bill desired by the Governor and by the Departments, because it seemed to be one that was needed to complete the law upon the subject and give the Departments and the Governor and Council the necessary powers. You will see that under the supervision of the State Highway Commission with respect to international and interstate bridges, "the Governor and Council shall have the power to authorize and permit persons, firms or corporations to construct on, or affix to," such State highway bridges or to that part of any international or interstate bridges lying within the boundaries of the State of Maine, and which are under the supervision of the State Highway Commission, such pole and wire lines, cable lines or pipe lines, as the said Governor and Council shall determine will not interfere with public safety or with the convenient use of such bridge by the public." Then the provision "that wire or cable lines so constructed or affixed shall not be used for transmitting electricity without the borders of the State". Then the bill provided that applications to the governor and council shall be made in duplicate and shall be referred to the highway department who shall investigate and report their findings to the governor, and then after such findings are made the governor and council shall give a hearing to all interested, which date shall be not more than sixty days after the filing of the application, "shall give notice by publication in such newspapers as the governor and council shall designate," and so on. It is simply a bill in regard to affixing pipe lines and other lines to those bridges and it seemed to sufficiently hedge the bill around with investigations so that it seemed to be unnecessary to limit it to ten years. It is a matter that should simply await the pleasure of

the Legislature, and I second the motion to indefinitely postpone the amendment.

Mr. DAIGLE of Madawaska: Mr. Speaker and members of the House: This matter is presented before you, and although it appears to be dealing with things in general, it deals at the present time with only one particular place, and that is the bridge at Madawaska-Edmundston.

I realize the position of the gentleman who addressed the House a little while ago in regard to the bill that has been prepared and heard before the legal affairs committee. That is, that the governor and council will have to take some part in it and then the matter would be referred to the highway commission. That is all very nice. We have no objection to that whatever, and I would go one step further and say, as proof, that there is no intention whatever to object to this measure because probably there is not a person in the town of Madawaska who is interested in pushing back an industry that is going to be established in our town. We may have, of course, our failings but I do not think we are foolish to that extent.

Now to come to the point, I will just say that last fall, when the matter was discussed about this industry, or manufacture of paper that is going to be started there, we held a meeting in our town and the Bangor & Aroostook Railroad Company, who were the instigators of this bill, wanted some land. It was an old road that we had, and they wanted to buy it or make some arrangement about it with the town, and we voted unanimously in that town to give them that land free. It was worth, probably, at current prices, three or four thousand dollars. I had the honor of being the moderator of that meeting and that was passed without a dissenting vote.

Furthermore, I think that if we were to hold a meeting today in the town of Madawaska, which is not a very rich town, and the proposition were to be put to the people, "Are you willing to banish this industry that is on the verge of coming into this town or else are you willing to have it and do you wish to have it enough to pay out of your pockets ten thousand dollars?" I think we would pay it.

But there is another side to this proposition which may not be dangerous. I do not want to magnify things here and say, "This is the most important thing that is appearing before

you' and so on. That would not be true, but in years to come—and we do not know when, but conditions may change as they have in other places and may in Madawaska—we might be in a position where the burden of proof and the burden of failure would be on us, and we would have to make a pilgrimage from the town of Madawaska down here to Augusta in order to intercede before the governor and council, and perhaps the highway commission, in regard to things that we probably would think then were not running exactly right.

Now, in putting this small amendment to the bill and asking that permission be given for ten years; very well, we are all right on that proposition on both sides. Then if the thing moves along nicely, I think that the people of the corporation, whoever they are, would not do anything more complicated, but if another measure passes in both branches, then it would be for us, probably, to come back and have something that would be very objectionable and take it away from the statute.

Now, I fail to see any great danger and I fail to see anything unjust in this amendment. But if the members of the House here fear that it is so dangerous, they may do as they please in regard to it. I thank you.

The SPEAKER: The question is on the motion of the gentleman from Van Buren, Mr. Hammond, that this amendment be indefinitely postponed.

A viva voce vote being taken, the motion to indefinitely postpone the amendment prevailed.

Mr. BECKETT of Calais: Mr. Speaker, is it in order now to move for the third reading or should it go to the Committee first?

The SPEAKER: The gentleman from Calais, Mr. Beckett, moves that the bill have its second reading at this time.

Thereupon the bill received its second reading.

Mr. DAIGLE of Madawaska: Mr. Speaker, may I inquire what the situation is now and what has become of the amendment.

The SPEAKER: The amendment was indefinitely postponed. The bill has had its second reading.

Mr. DAIGLE: Mr. Speaker, then I ask for a division. I do not believe that the vote really showed that, without criticising the Chair.

The SPEAKER: The gentleman might well have requested a divi-

sion earlier in the proceedings. The gentleman may now move that we reconsider the vote whereby this amendment was indefinitely postponed.

Mr. DAIGLE: Then, Mr. Speaker, I make that motion.

The SPEAKER: The gentleman from Madawaska, Mr. Daigle, moves that the House reconsider its action whereby this amendment was indefinitely postponed and requests a division.

A division of the House being had, Fifteen having voted in the affirmative and 37 in the negative, the motion to reconsider failed of passage.

Mr. WING of Auburn: Mr. Speaker, may I inquire what is now the pending question?

The SPEAKER: The pending question now is assignment for third reading.

Mr. WING: I should like to call the attention of the House to House Document 244, which to my reading seems to create an irrevocable license to be attached to this bill for the use of pipes, wires and conduits. If this Legislature wants to grant this, all well and good. If they do not wish to grant a license which they cannot revoke, I think it would be well to pay heed to the amendment which has been offered by the gentleman from Madawaska (Mr. Daigle.) I move that the bill lie on the table pending assignment for third reading.

The motion prevailed.

The SPEAKER: The House is still proceeding under Orders of the Day.

Mr. FROST of Belfast: Mr. Speaker, I would like to take from the table at this time House Paper 561, House Document 461, tabled by me this morning, an act for the better protection of smelts in the Passagassawaukeag river.

The SPEAKER: The gentleman from Belfast, Mr. Frost, moves to take from the table an act for the better protection of smelts in the Passagassawaukeag River.

Mr. FROST: Mr. Speaker, this morning I moved that this matter be referred to the Committee on Inland Fisheries and Game, and it was suggested that it would be a much better way to confer with the Committee and get some sort of a solution, and I would suggest this; that this matter be changed to read as

follows—this is very short: “No smelts shall be taken or fished for in the Passagassawaukeag River in any other way than by hook and line above a line two thousand feet below and parallel with the present location of the so-called Memorial Bridge at Belfast to a point known as Holmes’ Mill at Belfast, under a penalty of one hundred dollars for each offense.” I have consulted with the House Chairman of the Committee on Inland Fisheries and Game and he says that this would be entirely satisfactory.

The SPEAKER. Will the gentleman reduce the amendment to writing and submit it and then move its adoption?

Mr. FROST: It is already in writing, Mr. Speaker.

The SPEAKER: The gentleman from Belfast, Mr. Frost, offers House Amendment A to House Document 461, and moves its passage. “House Amendment A to House Document 461. Amend said Docu-

ment by striking out all after the enacting clause in Section 1 and inserting in place thereof the following words: ‘Section 1. No smelts shall be taken or fished for in the Passagassawaukeag river in any other way than by hook and line above a line two thousand feet below and parallel with the present location of the so-called Memorial Bridge at Belfast to a point known as Holmes’ Mill at Belfast, under a penalty of one hundred dollars for each offense.’ Is it the pleasure of the House that House Amendment A be adopted?.

Thereupon the House voted to adopt House Amendment A to House Document 461, and the bill as amended was passed to be engrossed.

On motion by Mr. Dudley of Woodstock,

Adjourned until 9.30 o'clock tomorrow morning.