

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Second Legislature

OF THE

STATE OF MAINE

1925

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AUGUSTA, MAINE

**HOUSE**

Monday, April 6, 1925

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

Prayer by the Rev. Mr. Dunnack of Augusta.

Journal of the previous session read and approved.

**Senate Bill in First Reading**

S. P. 152: Resolve in favor of the National Conference of Commissioners on Uniform State Laws and of the Commissioners from Maine for the promotion of uniformity of legislation in the United States.

From the Senate: Resolve in favor of Western Maine Sanatorium for additional facilities, S. P. 549, S. D. 276, which was passed to be engrossed in the House April 4th.

The House reconsidered its action of April 4th whereby the resolve was passed to be engrossed, Senate Amendment A was read and adopted in concurrence, and the resolve as so amended passed to be engrossed in concurrence.

From the Senate: Bill an act relating to a bridge between Orr's Island and Bailey's Island, H. P. 703, H. D. 168, which was passed to be engrossed in the House April 1st.

Comes from the Senate that body accepting the minority report of the committee ought not to pass in non-concurrence.

In the House, on motion by Mr. Allen of Harpswell that body voted to insist on its former action and ask for a committee of conference.

The SPEAKER: The Chair will later announce the conferees.

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

**Appropriations and Financial Affairs**

By Mr. Piper of Jackman: Resolve in favor of Lillian J. Coleman for services as clerk of the Committee on State Lands and Forest Preservation. (H. P. No. 1289)

By Mr. Drake of Bath: Resolve on the payroll of the House of Representatives of the Eighty-second Legislature. (H. P. No. 1290)

By Mr. Nichols of Portland: Resolve in favor of the chaplains of the House of the Eighty-second Legislature. (H. P. No. 1291)

**First Reading of Printed Bills**

H. P. No. 1282: An Act to enable cities of over 35,000 to regulate and restrict the construction of buildings and the use of land by zoning ordinances

H. P. No. 1285: An Act relative to inmates of Reformatory for Women when incorrigible.

H. P. No. 1286: An Act to amend Chapter 20 of the Revised Statutes relating to apothecaries and the sale of poisons.

H. P. No. 1287: An Act relating to a tax upon gasoline.

**Passed to be Engrossed**

S. P. 632: An Act relative to convicts sentenced to the State Reformatory for Men.

S. P. 637: An Act making it unlawful for any person to have intoxicating liquors in his possession in any public place.

(Temporarily tabled by Mr. Oakes of Portland pending third reading.)

S. P. 642: An Act relating to aircraft.

H. P. 1273: An Act prohibiting advertising signs upon public highways.

H. P. 1279: An Act giving additional powers to the Public Utilities Commission.

H. P. 1280: An Act to authorize the City of Lewiston to issue bonds for school purposes.

S. P. 602: Resolve in favor of the Bangor State Hospital for new construction and permanent improvements.

S. P. 619: Resolve in favor of the University of Maine.

S. P. 631: Resolve appropriating money for the construction of a sewer main for the Bangor State Hospital.

S. P. 640: Resolve in favor of the Maine School for the Deaf.

S. P. 641: Resolve in favor of the State Park Commission.

H. P. 579: Resolve in favor of International Bridge, Van Buren, Me., St. Leonards, N. B., combined immigration and customs office.

H. P. 1281: Resolve in favor of Bath Military and Naval Orphan Asylum.

Mr. OAKES of Portland: Mr. Speaker, I take from the table S. P.

637, an act making it unlawful for any person to have intoxicating liquors in his possession in any public place, and I move that it be indefinitely postponed.

The act is very short and I will read it:

(Mr. Oakes reads Senate Paper 637.)

Mr. Speaker, I am a prohibitionist and am heartily in favor of the prohibition law. On the other hand, this bill goes so far that it seems to be an entirely unwarranted piece of legislation. There are plenty of laws at the present time to treat the situation called for by this bill. It was before the House last session, and was known by reason of certain incidents that occurred as the "sock it to 'em" bill, and it was thoroughly killed last season. I yield the floor to Mr. Winn of Lisbon.

Mr. WINN of Lisbon: Mr. Speaker, I have not much to say as the gentleman has practically covered it. This bill was before the last session of the Legislature, as you all know. It does not seem to me at the present time, and I do not think the average citizens throughout the State are in need of any more prohibition laws. We have a sufficient number of laws, more than we can enforce, and I feel that we should not go on record for the enactment of any more such until such time as there is more demand for them. I sincerely hope that the gentleman's motion will prevail.

Mr. GREENLEAF of Auburn: Mr. Speaker, I would like to say that under the provisions of this bill, if a man's wife should telephone to him that she needed for him to bring home a bottle of vanilla for cooking purposes that the minute he steps on the street after buying it, and even in the store, he is liable to arrest.

Mr. STURGIS: Mr. Speaker, I would run the chance of getting arrested. This bill was so well killed last year that it has come up again, and I am glad of it. I am a prohibitionist from the top of my head to the sole of my feet. Of course these men do not go around to these cheap dance halls, and, by the way, neither do I. I think there is no danger of having too strict laws in regard to pocket peddlers.

The SPEAKER: Is the House ready for the question? The question is on the motion to indefinitely postpone an act making it unlaw-

ful for any person to have intoxicating liquors in his possession in any public place.

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

The SPEAKER: As conferees in the matter of an act relating to a bridge between Orr's Island and Bailey's Island on the part of the House, the Chair appoints Messrs. Allen of Harpswell, Hamilton of Caribou and Piper of Jackman.

#### Passed to Be Enacted

The SPEAKER: It might give greater expedition to business if those who desire to discuss any bill would speak up when the title of the bill is read, and the Chair would suggest that the matters be laid on the table until Orders of the Day today, so that when the Clerk reads a title of a bill which you wish to hold up, will the member then rise in his place and so state?

An Act relating to the salary of Stenographer of Kennebec Superior Court.

An Act to increase the salary of the Stenographer of the Androscoggin Superior Court.

An Act relating to the fees payable to Registers of Deeds.

An Act to amend the law relating to Municipal aid for Public Libraries.

An Act to reimburse towns for supplies furnished certain Indians.

An Act relating to the taking of smelts.

An Act to divide the town of Jonesport and incorporate the town of Beals.

An Act relating to the supervision, regulation and conduct of the transportation of persons over the public highways of the State of Maine by automobiles, jitney busses and auto stages by the Public Utilities Commission.

An Act relating to the salary of county attorney of Somerset county.

An Act to amend Section 7 of Chapter 51 of the Revised Statutes, relating to purposes for which corporations may be organized.

An Act relating to lists of persons to be made by the assessors of cities, and transmitted to boards of registration.

An Act to establish a State contingent fund and a surplus revenue account and regulating the same.

An Act relating to certain State parks.

An Act to ratify transfers of certain real estate to the State of Maine.

An Act to prohibit pollution with mill waste of the lakes and ponds and certain specified rivers, brooks and streams of the State.

An Act to enlarge the powers of the State highway police and to confer upon the secretary of State jurisdiction to suspend or revoke registration of motor vehicles and operators' licenses.

An Act to define certain grades of milk offered for sale within the State.

(Temporarily tabled by Mr. Littlefield of Kennebunk.)

An Act amendatory of and additional to Chapter 148 of the Revised Statutes relating to State pensions, creating a field agent for the blind, and guide; and defining the duties and compensation of such field agent and guide.

Mr. FLINT of Monson: I move to table this bill.

Mr. LAMSON of So. Portland: I call for a division.

The SPEAKER: The question is on the motion of the gentleman from Monson, Mr. Flint, that this matter lie on the table. Under the arrangement as announced by the Chair, it was suggested that if matters are to be debated that they be laid on the table momentarily until Orders of the Day. The gentleman now moves that this bill be tabled with the understanding that it be taken therefrom under Orders of the Day. Is the House now ready for the question?

A division being had,

Eighty-one voting in the affirmative and none in the negative, the matter was temporarily tabled.

An Act relating to the attorney general.

An Act relating to driving motor vehicles while under the influence of intoxicating liquor or drugs and the penalty therefor.

An Act to incorporate the Sandy River and Rangeley Lakes Railway Company and to authorize certain towns to grant assistance thereto.

An Act to incorporate the Piney Heights Beach and Country Club Village Corporation.

An Act relating to recording of instruments of conveyance.

An Act to authorize the treasurer of State to negotiate a temporary loan.

An Act to provide for an assistant county attorney for the county of androscoggin.

(Tabled temporarily by Mr. Winn of Lisbon.)

An Act relating to the care and treatment of certain infectious diseases.

An Act relating to Annual Statements of conditions of Insurance Companies and providing a penalty for neglect to file such statements.

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

An Act to authorize the employment of stenographers by Justices of the Supreme Judicial and Superior Courts.

An Act to re-enact Section 24 of Chapter 69 of the Revised Statutes relating to when no succession tax shall be assessed on the stock, bonds, and evidences of debt of Maine corporations.

An Act relating to the fees of Clerks of Cities and Towns.

An Act relating to fishing for smelts in Eastern River.

An Act for the better protection of smelts in the Passagassawauggeag River.

An Act relating to provision for upkeep, equipment and extensions for the several Normal Schools and the Madawaska Training School.

(Tabled temporarily by Mr. Pierce of Sanford.)

An Act to give certain powers to the Governor and Council with respect to State Highway, Interstate and International Bridges.

(Tabled temporarily by Mr. Pierce of Sanford.)

An Act to regulate the sale of Oleomargarine or any other substitute for butter.

An Act relating to the care and support of paupers and other dependent persons having no settlement within the State.

An Act relating to the taking of additional land by railroad corporations; proceedings before Public Utilities Commission.

An Act to prohibit the catching of smelts in the Calthance River except by hook and line.

An Act to regulate the manufacture and sale of soft drinks, syrups and non-alcoholic beverages.

An Act to incorporate the Old Town Water District.

An Act to authorize the State auditor to carry forward to the succeeding year construction accounts and to constitute them continuous carrying accounts for the purposes designated by the Legislature.

An Act relating to the taking of

white perch in certain waters in Washington and Kennebec Counties.

An Act relating to the payment of excise taxes.

An Act relating to the State Pier.

An Act relating to a lien for repair and storage of vehicles.

An Act relating to apportionment of moneys for highways.

An Act relating to motions for new trials.

An Act relating to warning signs at grade crossings.

An Act relating to third-class roads.

### Finally Passed

Resolve in favor of Western Maine Sanatorium for maintenance, personal services, repairs and equipment.

Resolve in favor of Northern Maine Sanatorium.

(Tabled temporarily by Mr. Spear of Portland).

Resolve authorizing the State Librarian to purchase copies of "The History of Winthrop".

(Tabled by Mr. Towle of Winthrop temporarily).

Resolve authorizing the State Librarian to purchase copies of "The History of Aroostook."

Resolve to appropriate money to aid in the screening of certain lakes and ponds.

Resolve in favor of rebuilding Mattawamkeag Bridge over Mattawamkeag River in town of Mattawamkeag, Penobscot County.

Resolve providing for the purchase of "Music and Musicians of Maine."

Resolve providing for the purchase of selections from the autobiography of Elizabeth Oakes Smith, edited by Mary Alice Wyman.

Resolve in favor of State School for Boys.

Resolve in favor of Bertha M. Benit, of Portland, Maine, for State aid.

Resolve for the purchase of 150 copies of the "History of the Town of Lee."

Resolve for the purchase of 75 copies of the "History of the town of Dresden."

Resolve in favor of State School for Girls.

Resolve for the better preservation, protection and perpetuation of certain old forts situated in this State.

The SPEAKER: Before proceeding under Orders of the Day, the House might well take up the enactments which are tabled. First, an act to define certain grades of milk offered for sale within the State.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I understand that there is to be an amendment to that bill tomorrow morning. Now the amendment to that bill is simply to make milk cleaner milk, not more butterfat. That is the way I understand it; but I will yield the floor to Mr. Sturgis of Auburn and he can explain it.

Mr. STURGIS of Auburn: Mr. Speaker, I had rather wait until tomorrow morning.

A viva voce vote being taken, the bill was re-tabled until tomorrow morning, and specially assigned.

The SPEAKER: The next one is an act amendatory of and additional to Chapter 148 of the Revised Statutes, relating to State pensions, creating a Field Agent for the Blind and Guide; and defining the duties and compensation of such Field Agent and Guide.

Mr. FLINT of Monson: Mr. Speaker, it is just as well to take that up now as any time. Mr. Speaker and members, I feel that I would be neglectful of my duty if I did not try to kill this bill in the interests of the blind of the State. It does not seem to me that this bill would help the majority of the blind at all. It simply gives a pension, you might call it, to one man or two—a man and a woman. There are 175 applicants for pensions for the blind now lying in the Governor's office for which there is no money to pay,—all worthy and unfortunate.

The average age of the blind in Piscataquis county is 72 years, and it does not seem to me that this bill would help them any. In the other counties the average is from 75 years down to 64, and I am referring to the average age of the blind asking for pension at the present time.

I have a letter here written by the blind man I spoke about the other day. He wrote me this letter under date of February 5th. It is a kind of a friendly letter and I will only read what relates to this bill. In it he says: "In regards to that amendatory to the pension for the needy

blind. Mr. William Bissett, otherwise known as Bill is the blind fellow who is very much desirous of becoming the blind agent; undoubtedly he had more or less to do with the drawing up of this bill; perhaps you have already had the pleasure of meeting this gentleman as he was scheduled to be in Augusta last week. I question if this bill will go through in its full capacity, and yet realizing that the Portland delegation has a strong influence; for this reason only it may go through. Mr. Bissett will be a strong candidate and it will take some mighty tough opposition to beat him out not that this gentleman is anything more wonderful than the ordinary blind; but rather the push from the district in which he lives."

Now this man typed this letter himself, and, as I said the other day, he bottoms chairs and makes a living and gets \$96 a year pension from the State and he wants to have that \$96. He thinks it far better that they should have this \$4,000 a year divided among these 175 than to make an office for this one man. Therefore, I move the indefinite postponement of this bill.

Mr. LAMSON of So. Portland: Mr. Speaker, I just would like to ask a bit of information. When that bill was asked to be tabled I called for a division of the House. Did that not preclude any further discussion?

The SPEAKER: The matter was tabled until Orders of the Day purely to facilitate the passage of the enactors.

Mr. LAMSON continuing: Then I was mistaken, Mr. Speaker, and I apologize.

Concerning this field agent for the blind, I cannot really see why there is so much opposition to it, coming as it evidently does from one blind man somewhere up the State. This committee was composed of ten people from various parts of the State, and they were very careful, I assure you, gentlemen, in looking this thing over, and we took all the care that it was possible to take in every direction and viewed it from every angle, and it was the unanimous consent of the committee that this should be brought about. I do not think I care to take very much more of your time. You know the conditions and have heard it discussed pro and con. I am very sure that the members of the committee on

pensions here can tell you more perhaps than I can. We not only considered the blind people themselves and their interested friends, but we had letters from Massachusetts and other places where this thing had already been in existence and had proved to be a wonderful help to the blind. I am not going to argue this any more. It has gotten to this stage and here I leave it. I sincerely hope that the motion of the gentleman will not prevail.

The SPEAKER: Is the House ready for the question? The question is on the motion of the gentleman from Monson, Mr. Flint, who asks that this bill be indefinitely postponed.

A division being had,  
Fifty-eight in the affirmative and 40 in the negative, the motion to indefinitely postpone prevailed.

The SPEAKER: The next matter temporarily tabled is act to provide for an assistant county attorney for the county of Androscoggin.

On motion by Mr. Winn of Lisbon, a viva voce vote being taken, the bill was re-tabled and especially assigned for tomorrow morning.

The SPEAKER: The next bill tabled was an act relating to provision for upkeep, equipment and extensions for the several normal schools and the Madawaska Training School.

On motion by Mr. Pierce of Sanford this bill was re-tabled for the reason that there will probably be a bill in tomorrow covering it.

The SPEAKER: Does the gentleman wish to assign it for tomorrow?

Mr. PIERCE: I had rather leave it unassigned until the other bill comes in.

The SPEAKER: The next is an act to give certain powers to the governor and council with respect to State highway, interstate and international bridges.

Mr. PIERCE of Sanford: Mr. Speaker, I wish to offer an amendment to this. I will state that this amendment goes on the end of the bill and was drawn by the attorney general because he felt that the bill as drawn would be a perpetual power to the governor and council, and he felt that it ought to be limited to a certain time. Therefore, the amendment.

On motion by Mr. Pierce of Sanford, the House voted to reconsider its action whereby this bill was passed to be engrossed, this being done for the purpose of offering an amendment.

Mr. Pierce then offered House Amendment C as follows:

"Amend by adding at the end of said act the following:

Any authorization made or permit granted under the provisions of this act shall be limited to a term not exceeding fifty years from the date of such authorization or grant."

Thereupon on motion by Mr. Wing of Auburn, a viva voce vote being taken, the bill and amendment were tabled.

The SPEAKER: Next a resolve in favor of Northern Maine Sanatorium.

On motion by Mr. Spear of Portland this matter was re-tabled.

The SPEAKER: Resolve authorizing the State librarian to purchase copies of "The History of Winthrop."

On motion by Mr. Towle of Winthrop the House voted to reconsider its action whereby this resolve was passed to be engrossed; and that gentleman offered House Amendment A and moved its adoption as follows:

"Amend Senate Document 263 by adding to said Senate document the following words: 'and be it further resolved that the State librarian shall purchase seventy additional volumes of the history of Winthrop, the same to be paid for from the appropriation for State historian.'"

Mr. WING of Auburn: Mr. Speaker, I am opposed to this amendment. There are several books that members of the House have noticed that the committee on library has authorized the purchase of. That committee gave hearings, and gentlemen interested in historical matters there attended. Various reports for purchases were made. These reports were accepted in the House and in the Senate. Afterwards it was discovered that purchases could not be made fully in accordance with the reports of the committee and these several resolves were reduced in number. There is one resolve carrying an appropriation to purchase a book written by my colleague, Mr. Houghton of Lee. If you will look at Senate Document 263, you will see that the State librarian is empowered and directed to purchase 150 copies of "The History of Winthrop," and now the gentleman amends that by adding thereto that they shall purchase 70

copies more, and all from the appropriation which goes to the State historian. Now I am aware of the power of the chairman of the committee on appropriations and financial affairs, the distinguished senator from Kennebec—

The SPEAKER: Would the gentleman suspend a moment? The Chair observes that there was a Senate Amendment A adopted in the Senate and in the House; so that up to this point as amended Senate Document 263 reads as follows:

(Amended document read.)

Mr. WING resuming: Mr. Speaker, that is just the point. This Winthrop resolve was reduced in accordance with other resolves. Now the gentleman offers this amendment to bring his resolve back again to its original condition. I am in favor of the purchase of books of history; I am in favor of town histories and their writings; but I am not in favor of the town of Winthrop having the advantage over every other town and I oppose this amendment. I am not afraid to oppose it just because the chairman of the committee on appropriations and financial affairs is a resident of the town of Winthrop. I want every town treated alike and fairly in regard to its history. I oppose this amendment and I hope the House will sustain me.

The SPEAKER: Is the House ready for the question?

Mr. NICHOLS of Portland: Mr. Speaker, as I understand the amendment it is to purchase 70 additional histories, but no price is named in the amendment to be paid for them. I think it is customary when the State purchases books that an established price shall be named that the State is to pay for them. I just call the attention of the House to the fact that no price is named in the amendment for the purchase of these seventy books.

The SPEAKER: Is the House ready for the question? The question is on the motion to adopt House Amendment A to Senate Document 263. As many as are in favor of the adoption of amendment will say aye.

(Thereupon Mr. Wing of Auburn voted aye amid the laughter and applause of the House.)

Mr. WING: Mr. Speaker, I reserve my right to a reconsideration.

The SPEAKER: The Chair will put the question again on the ground that the House was not



ready for the question. (Laughter.)

Thereupon a viva voce vote being taken the motion to adopt House Amendment A failed of passage, and the resolve in its original engrossed form was passed to be engrossed and finally passed.

#### Orders of the Day

The SPEAKER: The Chair now presents matters tabled and especially assigned for today.

The Chair presents, especially assigned for today, report of the committee on Banks and Banking, reporting ought to pass on bill, an act requiring supervision of brokers selling securities on marginal accounts, S. P. 155, S. D. 65, tabled on April 3rd by Mr. Lausier of Biddeford, pending acceptance of the report.

On motion by Mr. Lausier of Biddeford, the report of the committee was accepted and the bill received its two several readings.

The SPEAKER: This bill has been amended by Senate Amendment A, which is printed as Senate Document 253, and also by Senate Amendment B, which is printed as Senate Document 283—the Chair was in error. Senate Amendment B was read and adopted and subsequently the Senate indefinitely postponed Senate Amendment B.

Mr. LAUSIER of Biddeford: Mr. Speaker, I move the indefinite postponement of Senate Amendment A.

The SPEAKER: The first matter before the House will be Senate Amendment B.

Mr. LAUSIER: Then, Mr. Speaker, I will withdraw that motion and move that Senate Amendment B be adopted by the House.

The SPEAKER: The question is on the motion of the gentleman from Biddeford, Mr. Lausier, that Senate Amendment B—which is Senate Document 283—be adopted. Is the House ready for the question?

Mr. LAUSIER of Biddeford: Mr. Speaker, before the vote is taken, if the members of the House will turn to Senate Document No. 65, they will find that Section 2 provides that, "all persons, not members of the New York or Boston Stock Exchanges, now engaged or hereafter engaging in the business of selling stocks, bonds or other securities, listed on any stock exchange, or marginal account, or

on the partial payment plan, as brokers, shall be subject to examination by the bank commissioner as hereinafter provided."

Now, in connection with what I have just read I would like to have you consider Senate Amendment A, Section 2, which says: "All persons, not members of the New York or Boston Stock Exchanges, or of some recognized stock exchange having a constitution and by-laws similar to those of the New York Stock Exchange, now engaged or hereafter engaging in the business of selling stocks, bonds or other securities," and so forth, "shall be subject to the same examination by the bank commissioner as hereinafter provided."

When this bill was heard before the Committee on Banks and Banking, there was not a single person before that committee who, at that time, could give any reasonable reason why this bill should be enacted into law. The bill was reported from the committee unanimously and the gentleman who was the chairman of the Committee on Banks and Banking filed, in the Senate, Senate Amendment A. Now, in discussing this feature of the bill, which is now before the House, I wish to call to the attention of the members of the House what the Law Court has said concerning cases of this sort, and after I have read to you excerpts of that decision I want to take up with you the facts as to just what is intended, and what can be accomplished by this act and this amendment. I am now referring to 115th Maine, in the case of State of Maine against Howard M. Latham, and so that you may follow me with some degree of intelligence I want to read to you the enactment passed some few years ago, and this is it: "Every person, firm or corporation purchasing cream or milk for the purpose of re-selling or manufacturing the same into other products, shall pay the producer, unless otherwise provided for by written contract, semi-monthly; payment to be made on the first day of each and every month," and so forth, "prior to the fifteenth day of the preceding month, and payment to be made on the fifteenth day of each and every month," and so forth, "prior to the first day of the same month. Whoever violates the provisions of this act shall be punished by a fine," and so forth.

Now, Mr. Latham, who bought milk for the purpose of re-selling, did not pay his bill according to this law and therefore he was indicted and it went to the Law Court. And I will read now to you the decision of the Court of Law. I will take only certain excerpts from it. Discussing the statute which I have just read to you the Law Court says, "The statute in question, when analyzed appears to be designed to compel purchasers of a particular product, intended for a particular use, to pay their purchase debt at particular times on pain of criminal prosecution, punishment by fine, and, of course, imprisonment for thirty days, if the fine is not paid. Whether such a statute, designed to aid in the collection of mere civil obligations by the use of the strong arm of the criminal law is within the proper exercise of the police power is at least questionable. Certainly it is not unless the regulation intended be for the promotion of the public health, safety, morals, comfort or welfare."

I might pause here and say that from my viewpoint it comes within the Fourteenth Amendment—class legislation.

Then the Court goes on to say, "The amendment"—that is, the Fourteenth Amendment — "forbids the State to 'deny to any person within its jurisdiction the equal protection of the laws.' It forbids what is called class legislation." "In a word, discrimination as to legal rights and duties is forbidden."

Now, if you have gone over this act you will find that they want the State of Maine to adopt, as the statute law of the State of Maine, the constitution of the New York Stock Exchange or the constitution of the Boston Stock Exchange or the constitution of some other exchange which has a similar constitution or similar by-laws. Now, I do not believe that there is a member of this House who can tell us just what the constitution of the New York Stock Exchange is or what the constitution of the Boston Stock Exchange is.

Let us assume, for the purpose of the argument, that we do know the constitutions of the New York and Boston Stock Exchanges. Now, there are other stock exchanges in this country; you have the Detroit Stock Exchange and the Chicago Stock Exchange; and shall we, at

this time, adopt as the law of this State, some constitution unknown to us, which can be changed from day to day, so that they can come down and tell you men of the State of Maine that unless you buy a seat in some stock exchange, such as the New York Stock Exchange, which would cost you a hundred thousand dollars, and unless you go to Boston and buy another seat there, you shall not do business in Maine unless you come under the supervision of the Bank Commissioner.

Now, what can be the purpose of this bill? It has only one purpose. They come to you and say that the New York Stock Exchange and the Boston Stock Exchange should be exempted from the operation of this law, and I would like to ask you all why they should be so exempted. It was only last week that certain delegations from Aroostook County asked this House to allow them to kill two deer during the hunting season; and they gave you good reasons for it. And yet, they say, equal laws for everybody and the same protection for everybody.

Now, what will happen if this law is enacted? I do not speak for anyone but myself. I represent no one except the people of the State of Maine. Now, what is going to be the result, gentlemen? I am going to assume that you all buy some stock in the New York or Boston Stock Exchange. If you are not a member, or if your broker is not a member, of that Exchange, the Bank Commissioner can come in every year and inspect your business, and that very right that the Commissioner has will have a tendency to take away from you men the fair deal that you have, because, although the Bank Commissioner is supposed to keep silent concerning that which he learns from the examination, you men will be subject to the information which he has.

Now, if we enact laws in the State of Maine to exempt the Boston or New York Exchanges from the operation of this law, it will be possible for a corporation to be formed and to come down to this Legislature, or some other Legislature, and say that any one of you does not belong to their association and that you cannot do business. That is just what it means.

Can we so far forget ourselves, when we ought to be the first of all

in this State to jealously guard the Constitution of this State, shall we put the people in such a position by adopting Senate Amendment A so that we disregard the Constitution and let the Law Court decide what is constitutional?

What about the other young man who is not in any corporation or firm; what about that young man who goes from house to house, from store to store, selling bonds? Must that young man join the New York Stock Exchange, must he join the Boston Stock Exchange?

And what is meant by "institutions which have a similar constitution or by-laws?" If the one who put in the amendment was sincere as to what he wanted done, would it not have been just as well for him to have said the Consolidated Stock Exchange or the Curb Stock Exchange? But he did not see fit.

As I understand, the purpose of legislation, it is to pass laws which are not in themselves vague, so that everyone may understand; so that each law may be understood by the enactment itself and people may learn from the enactment just what the law is.

I hope, gentlemen, that the decision which I have just cited—there are several members of the Bar in this Legislature and I would ask nothing better than that they should dissect this decision and tell us in what way it will benefit the moral welfare of the State of Maine.

At least, gentlemen, do not finally pass this law. Give the brokers in the State of Maine, give our own people some fair chance, give them some chance to live.

I was told last week that the New York Stock Exchange was not a corporation and that they submit to no law. I, for one, gentlemen, say that when any exchange or firm or corporation or person goes so far as to defy the law enacted by the State of Maine, it is quite the proper time for us to bring them within the purport of that law and make it binding.

Now, if you do indefinitely postpone Senate Amendment A, I intend to offer for adoption House Amendment A, which will read as follows: "All persons now engaged or hereafter engaged in the business of selling stocks, bonds or other securities on marginal account or otherwise shall be subject to examination by

the Bank Commissioner as herein-after provided." And I shall ask you, gentlemen, if you intend to be fair, if you intend to be good citizens, I shall ask you to adopt House Amendment A and bring all strangers in under our own law, governed by our own people and not four or five hundred miles away in the Boston Stock Exchange or the New York Stock Exchange.

Would you not rather do business, gentlemen, with people whom you know, where there is that human touch, people who understand you and whom you understand, with people who do not bother you by calling you up over the telephone and asking you to invest in stocks or bonds, but people with whom you acquainted, whose customs you know and with whose ways of doing business you are familiar?

The biggest brokerage houses in Boston and New York have gone to the wall; the New York Stock Exchange, the Boston Stock Exchange, are now practically obsolete and doing nothing, and yet they want us, members of this Legislature, to adopt an amendment which simply humiliates the people of Maine; and they do not even go so far as to tell you what the constitution of the New York Stock Exchange is or what the constitution of the Boston Stock Exchange is.

If you will indefinitely postpone Senate Amendment A, I will offer and move the adoption of House Amendment A, which I believe gives to our people in the State of Maine the same fair chance for everybody, and the same protection of the law.

The SPEAKER: Does the gentleman move the adoption of Senate Amendment B? The Chair understood the gentleman to make that motion.

Mr. LAUSIER: That is right, Mr. Speaker, I make that motion. If I may be permitted, Mr. Speaker, I will say that Senate Amendment B is substantially the same as this one except that I have the words "or otherwise" instead of the words "partial payment."

The SPEAKER: The amendment of the gentleman from Biddeford, Mr. Lausier, will not be before us until we have taken a vote on Senate Amendment B, and the Chair understands that the gentleman

moves the adoption of Senate Amendment B.

Mr. LAUSIER: That is right, Mr. Speaker.

Mr. OAKES of Portland: I rise, Mr. Speaker, to ask the parliamentary situation. My thought would be that if we adopt House Amendment A, which Mr. Lausier offers, we should not wish to adopt Senate Amendment B; and whether or not his motion would rather be to indefinitely postpone Senate Amendment A, as I think that Senate Amendment B is already killed, and that will leave the coast clear for his amendment. Is that correct?

The SPEAKER: That would seem to be the case. Senate Amendment B was rejected in the Senate.

Mr. LAUSIER: Mr. Speaker, if I understand the situation, I would believe that the adoption of Senate Amendment B would automatically kill Senate Amendment A because they are inconsistent. If I am wrong in that, I would like to be corrected.

The SPEAKER: They appear to be inconsistent but some action would need to be taken by the House. The gentleman from Portland (Mr. Oakes) suggested that the purpose of the gentleman from Biddeford (Mr. Lausier) might be accomplished by rejecting both Senate Amendments and adopting the House Amendment which the gentleman from Biddeford (Mr. Lausier) prepared.

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

The SPEAKER: The gentleman from Biddeford, Mr. Lausier, withdraws his motion to adopt Senate Amendment B and moves the rejection of Senate Amendment B, and will subsequently move the rejection of Senate Amendment A, and will subsequently move the adoption of House Amendment A. Is the House ready for the question? The question before the House is the motion of the gentleman from Biddeford, Mr. Lausier, that Senate Amendment B be rejected.

The motion to reject Senate Amendment B prevailed.

The SPEAKER: The same gentleman moves the rejection of Senate Amendment A.

The motion to reject Senate Amendment A prevailed.

The SPEAKER: The same gentleman now offers House Amendment A and moves its adoption.

House Amendment A to Senate Document 65. Strike out Section 2 and substitute the following for Section 2: "All persons now engaged or hereafter engaged in the business of selling stocks, bonds or other securities on marginal account or otherwise shall be subjected to examination by the Bank Commissioner as hereinafter provided."

The SPEAKER: Is the House ready for the question? The question is on the motion of the gentleman from Biddeford, Mr. Lausier, that House Amendment A be adopted.

The motion to adopt House Amendment A prevailed; and the bill as amended by House Amendment A was assigned for third reading tomorrow.

The SPEAKER: The Chair presents, tabled and assigned for today, report of the Committee on Education, ought not to pass, on bill, an act providing for the use of the English language, tabled on April 3rd by Mr. Sturgis, of Auburn, pending reconsideration of the vote whereby this bill was adopted.

Mr. STURGIS of Auburn: Mr. Speaker, I move that we recede and concur with the Senate.

The SPEAKER: The gentleman from Auburn (Mr. Sturgis) moves that the House recede and concur with the Senate. That would be a step toward the passage of this bill. The gentleman has the floor.

Mr. STURGIS: Mr. Speaker, I will read the bill; it is very short. (Thereupon Mr. Sturgis read the bill)

Mr. STURGIS (continuing) Mr. Speaker and members of the House, language is a bond of unity. In the erection of the tower of Babel the confusion of tongues made it impossible for the continuation of their work. In the structure of the State and Nation there must be a co-operation and a bond of fellowship in order that the builders may understand each other for the erection of a permanent building. We welcome every honest emigrant, no matter from what country he comes, provided only that he leaves off his former nationality and remains neither Celt, nor Saxon, German, nor Pole, Frenchman nor Jew, but becomes an American, desirous of ful-

filling in good faith the duties of American citizenship.

Ex-President Roosevelt said, "We have but one flag, the American flag; we have room but for one language, and that is the English language."

One flag, one language and one united country!

Mr. EUSTIS of Strong: Mr. Speaker, I wish to say a word in behalf of the Committee which un-animously reported this bill "ought to pass." In order that the House may not think that the Senate, on Friday last week, favored this bill, I will read an extract from the Legislative Record of last Friday: "Mr. Allen: I have been asked by the Senator from Cumberland, Senator Cram, to have this bill given its second reading and then passed to be engrossed, so that it might then go back to the other branch because of some member who was absent when the bill went through that branch." \* \* \* "not wishing to be discourteous to any member of either the Senate or House intentionally, and I am willing that this measure should be sent back to the House just to see what that member wishes to say for or against this measure."

That is the reason we have this measure before us today. I also wish to read Section 1 of this act, House Document No. 122, "No person shall be eligible to hold any elective or appointive office in this State unless such person is able to read and write the English language."

I will now read part of Article XXIX of the Constitution of Maine: "No person shall have the right to vote or be eligible to office under the Constitution of this State who shall not be able to read the Constitution in the English language."

I can see nothing additional to the Constitution in the proposed clause. The committee feels that it is an unnecessary law and is needless, and I therefore move the indefinite postponement of this bill.

Mr. GAGNE of Lewiston: Mr. Speaker, I would like to have you listen while I read also Section 2 of the same act: "All judicial and legislative business in the State and all public business of every subdivision of the State shall be conducted in the English language."

Now, Mr. Speaker and members, take for example the city of Lewiston. The city clerk, in doing busi-

ness with the citizens of Lewiston, speaks in English, but some of the Franco-Americans cannot go into his office and speak to him in French because he speaks only English, and he would have to say, "Comprend pas," and they could not talk together. I understand that this bill is made so that when you go to Court, you cannot have an interpreter to talk French or any other foreign language. Also, I believe, as the gentleman who preceded me said, that the Constitution takes care of this matter already and that there is no need of enacting any further law.

The SPEAKER: The motion before the House is to recede and concur with the Senate which takes precedence over the motion to indefinitely postpone.

Mr. HOLMES of Lewiston: Mr. Speaker, do I understand that we are addressing ourselves to the question of receding and concurring?

The SPEAKER: That is the question before the House.

Mr. HOLMES: Mr. Speaker, at the risk of tiring the House and being also aware of the lateness of the hour, I will, nevertheless, say just a word in regard to this matter. I think that the thought which is in the mind of the gentleman from Auburn (Mr. Sturgis) is a good thought, if he had only expressed it.

If I remember correctly what I read about what he said at the public hearing before the committee, then what he really wants is a bill entitled, "An Act to Restrain Discourtesy." Now, such an act as that, if it would be constitutional, I think we would all enjoy passing. But as to this, although I feel sure that the membership agrees with the gentleman from Strong, Mr. Eustis, that the Constitution already covers the point, nevertheless I would like, again, to call to your minds some of the queer things that might happen if such a law were actually taken seriously and Section 2 were passed and enforced literally.

Having that in mind, the other day I took advantage of what might be my last opportunity to quote a Latin expression in a legislative meeting, but imagine what a fix a defendant in equity would be in when, not answering to a bill in equity served on him, the plaintiff's solicitor files a motion to have the

plea taken "pro confesso"—"as confess' I presume—and a decree is signed by the Judge finally that the plea be taken "pro confesso."

Now, I do not know but what a lawyer might possibly be disbarred, even though there is no penalty attached to this law, because if a lawyer breaks the law, he is a subject for disbarment. There might also be, in the Probate Court, an administrator "de bonis non," or if we turn to the French language, a man might be barred as an executor "de son tort" because he interfered where he should not interfere. Or what would become of some of our learned Judges when they displayed their learning by quoting from various authorities in Latin? Supposing one of them wanted to indulge himself to the extent of saying "Ignorantia legis neminem excusat."

And what would happen to the honorable Senator who, a few days ago, according to the legislative record, wanted to describe what a beautiful thought it is to die for one's country, and instead of using the English word, said in the flowing Latin language, "Dulce et decorum es pro patria mori." What would happen to him?

I presume, gentlemen and members of the House, that this bill is aimed at the French language, and if it is, it is aimed at some twenty-thousand of my constituents in the city of Lewiston. I can remember, and you can all remember, in history, when the hopes of the Colonists were reduced to their lowest point and the French speaking soldiers under Lafayette and Rochambeau came over, and the tide of war turned. And you know that long since, their remains have mingled with the dust and their identity has been lost in American soil. And if I may quote the words of an ancient poet:

"Their bones are dust, their good sword rust,  
Their soul is with the Saints, we trust."

Their language was good enough to fight in, good enough to die in, and it is good enough to listen to in the State of Maine. (Applause.)

The SPEAKER: Is the House ready for the question? The question is on the motion of the gentleman from Auburn, Mr. Sturgis, that we recede and concur with the Senate.

A viva voce vote being taken, the motion to recede and concur failed of passage.

The SPEAKER: The House might recess until 7.30.

On motion by Mr. Winn of Lisbon,

Recessed until 7.30 o'clock this evening.

#### After Recess

At 7.30 P. M.

The House called to order by the Speaker.

Mrs. ALLEN of Hampden: Mr. Speaker, I move that the rules be suspended that my good fellow members be allowed to smoke. (Applause.)

The SPEAKER: The motion is carried.

Papers from the Senate, out of order and under suspension of the rules, disposed of in concurrence.

#### Senate Bills in First Reading

S. P. 646: Resolve in favor of several academies, institutes, seminaries and colleges for maintenance, repairs and improvements.

S. P. 649: An act to amend Chapter 238 of the Public Laws of 1919, as amended, relating to Workmen's Compensation.

S. P. 645: An act to create a State broadcasting station.

S. P. 644: An act relating to intoxicating liquors.

S. P. 372: An act to repeal Chapter 217 of the Public Laws of 1919, relative to appropriations for the several normal schools and the Madawaska Training School.

From the Senate: Report of the committee on Ways and Bridges on resolve amending Section 17 of Article 9 of the Constitution of the State of Maine, relating to bonds, S. P. 519, S. D. 196, reporting same in a new draft, S. P. 650, S. D. 314, under same title and that it ought to pass.

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

In the House:

Mr. WING of Auburn: May I inquire through the Chair of the House Chairman of the committee on Ways and Bridges if that is the so-called bond issue for roads?

The SPEAKER: The gentleman may reply if he cares to. The gentleman from Auburn (Mr. Wing) can ascertain the nature of it by examining it in his folder.

Mr. WING: Do I understand, Mr. Speaker, that the Chairman of the House Committee on Ways and Bridges declines to answer?

The SPEAKER: The gentleman may inquire if he cares to, but the gentleman from Auburn can inform himself by examination of the bill.

Mr. WING: I wish it confirmed by the House Chairman, Mr. Speaker.

Mr. DRAKE of Bath: It is, Mr. Speaker.

On motion by Mr. Wing of Auburn, a viva voce vote being taken, the House voted to table the matter.

From the Senate: Report of the committee on Insane Hospitals reporting ought to pass on resolve in favor of the Augusta State Hospital for appropriations for the construction of a new building for fifty women nurses and attendants during the fiscal years 1926 and 1927, S. P. 71, S. D. 311.

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

In the House:

Mr. WING of Auburn: Mr. Speaker, I move that the resolve be tabled pending acceptance of the report.

A viva voce vote being doubted, A division was had,

Forty-three voting in the affirmative and 53 in the negative, the motion to table failed of passage.

Thereupon the report of the committee, ought to pass, was accepted.

Mr. WING of Auburn: Mr. Speaker, is the bill printed?

The SPEAKER: It is Senate Document 311.

Mr. WING: Mr. Speaker, I move we indefinitely postpone the resolve. If the members of the House will take Senate Document 311 they will note by reading it that this is in favor of the Augusta State Hospital for an appropriation for the construction of a new building for fifty women nurses and attendants during the fiscal years 1926 and 1927. The very title of the resolve should defeat it. I am informed that the conditions in the Bangor State Hospital are deplorable so far as the accommodations for the unfortunate people who are there confined; that

the same condition exists in the hospital across the river, the Augusta State Hospital. I am talking about the conditions and accommodations for the inmates of the hospital and not the accommodations of the more fortunate people who are in good health and who care for them.

I think the first consideration of the State is to remedy the conditions for the unfortunate people who are confined in these great institutions, people who are bereft of reason and of their minds; and I call your attention that you are appropriating money to build a nurses' home at the same time that you have refused to provide proper accommodations at the Bangor State Hospital for the unfortunate people who are there, and you have refused to provide proper accommodations for the unfortunate people who are confined yonder (referring to hospital across the river). I think we should spend the State's money for the unfortunates before we spend money for nurses' homes for the people who are to watch and take care of them.

That is the entire proposition so far as I am concerned, in a nutshell. I have no interest in it one way or another except to call your attention to this particular situation.

Mr. FORHAN of Canton: Mr. Speaker and members: I do not think the gentleman from Auburn, Mr. Wing, understands the situation. This is simply to build a home for the nurses. The nurses at the present time are occupying space that the patients should have. That is the whole thing in a nutshell.

Mr. CUMMINGS of Portland: Mr. Speaker, the gentleman from Auburn, Mr. Wing, and I apparently agree upon the principal features of this case. In regard to the congested condition and the need of a change in the Augusta Hospital, he labors, however, under a misapprehension; and it is the title of the bill that probably led him astray. It is true that this is proposed as the Nurses' Home, but it is for the express purpose of relieving the congested condition in the hospital itself. At the present time these nurses are all quartered in the hospital, in one of the wings, where the room is very badly needed for the patients, and this is to provide that room, that the female nurses may

be put in a building outside and in that way relieve the overcrowded condition within the institution itself.

We are so much in accord in regard to the general condition over there that perhaps I do not need to make any further statements. The condition is very bad indeed in both hospitals, and I would be ashamed if I did not do all that I could to have it remedied, and that is one of the things that the committee on Insane Hospitals is endeavoring to do. The doctors in either institution will tell you that under present conditions they are so crowded that there is much less prospect of the recovery of patients. They will also tell you that patients are kept at home longer than they ought to be because of lack of accommodations in these institutions, and that they are often kept at home until their recovery is rendered impossible after they do come to the hospital.

I am sorry that this came up in this way today. Dr. McDonald, a member of the committee, would have been very glad to have been heard on this occasion, and I yield the floor to one of our other doctors, Dr. Peaslee, who is on the committee.

Mr. PEASLEE of Bath: Mr Speaker, being a member of the Insane Hospital committee and having visited both institutions, I feel that I am just a little above those places. We first went to Bangor, and what the gentleman from Auburn (Mr. Wing) says about Bangor is true. The place is overcrowded; there are cots in the corridors. There are very many more beds in every room than ought to be there. They cannot have good air, they cannot have sanitary conditions; that is impossible. They asked for a great deal more than the committee reported they ought to have. We came back to Augusta and visited the next day the institution across the river. We found a similar condition. It is possible that the Augusta institution is not quite so crowded but I question that. I was over there today and Dr. Tyson told me that he had accepted, I think, three or four within the last few days and that occasioned more cots in the corridor.

Now, members, we do not know how soon one of us may be sent across the river or to Bangor. Would I be overstating it if I said that out

of the 151 members here, at least one would lose control of his mind within the next two years? I say no. I am looking in the faces of men who perhaps would laugh at that idea, and yet, members, more strange cases have occurred than this would be. They are crowded to death and Dr. Tyson furthermore told me today that they were about at the point where they had got to refuse any more patients. Think of that! From your town, from your city, you are sending every little while some one to the insane hospital, some one perhaps who needs the treatment and the care that will be given in one of these institutions. You are told that it is full and overcrowded, that there is no admission for that patient, and yet will you say, like the minister who preached the sermon yesterday, that we have not done one bit of constructive legislation this winter? How does that set on our crops, members of the House? We have talked and talked over a few bills and finally passed the Maher bill. Does that help our State institutions any? We appropriated money to advertise Maine—\$50,000—without a dissenting voice, but when it comes to building a wing on a hospital to take care of our poor unfortunates, that is a different matter. Think of it a minute! There was a bill just read for a broadcasting station in Maine. Do you realize how much that is going to cost? Don't do anything for our institutions, for Heaven's sake! Give them all the discomfort you can, refuse to do anything for them, but go ahead and advertise the beauties of Maine and what a wonderful State we have and how much we do for our institutions, but what reason have we for pride if we cannot take care of the poor and unfortunate insane? Think of it just for a minute!

This home across the river was a compromise. They asked for a new wing, and the Lord knows they need it. We compromised with them. We had session after session and talked it over with them and said that we must keep within a seven mill tax. We would all die if it was a quarter of a mill more, yet we all praise the good old State of Maine! Well, they compromised on the nurses' home and said perhaps they might get along. Why? Because that would take out of the institution fifty nurses and attend-



ants and leave room for fifty more people to come in. Now don't you see the point? This is the nurses' home to take care of those who are not unfortunate. How would you people like to sleep in there with crazy people? Think of it for a minute and for Heaven's sake let's take care of our Maine institutions if we do not do anything else. (Applause.)

Mr. FOSTER of Ellsworth: Mr. Speaker, I very much agree that we ought to take care of our insane people in the asylums; but the gentleman from Portland (Mr. Cummings) will recall the meeting that we had before the Governor and Council of the Appropriations Committee and the chairmen of the several committees who had any money to raise. It was voted at that meeting that we have a seven mill tax rate, and no discussion, and a seven mill tax rate will take care of just the amount of appropriations that had been made by this Legislature last Friday, with a very small overlay. Now if we are going to reconsider the seven mill vote it is to take care of just such conditions as we are talking about now.

I have not agreed with the gentleman from Auburn, Mr. Wing, but just once this winter, but this time I think he is right. I believe we should lay this on the table until tomorrow when we can take this up with the Governor and see if he will stand for it, because he will put the knife into it just as sure as you live if the tax rate runs over seven mills. I hope the matter may be tabled until tomorrow morning.

Mr. CUMMINGS of Portland: Mr. Speaker, I am very well aware of the meeting to which the gentleman refers, and he will bear me out that I never voted for any seven mill tax rate and every time it came up I told them why. When they asked me what tax rate I was in favor of, I said that I am in favor of as low a tax rate as we can have and make reasonable provisions for the necessities of the State of Maine. (Applause.) Never at these meetings have I said anything to the contrary, and the committee stands by that and has stood by it despite all the pressure that has been brought to bear upon it. It makes no difference to me whether the Governor wants it or not. We have a Gov-

ernor but not a king and we have a Legislature. The Legislature has the right and the power to act and make appropriations; and I have said all along, and the members of the committee will agree with me, that if proper provision is not made for these unfortunate people then those who prevent it are going to take the responsibility; the committee will not.

I have no objections to having this laid on the table until tomorrow, but, when you vote, I want you to vote to take care of these people. Why, in some of our meetings they talked about being afraid to go home. I said "I am not afraid to go home, but there is one thing that I do want. I want to be so that I shall not be ashamed to go home." (Applause.)

Mr. FOSTER of Ellsworth: Mr. Speaker, I want to corroborate the statement of the gentleman from Portland (Mr. Cummings); it is a fact. I think there were thirty men present at that meeting, and Mr. Cummings, Mr. Curtis and myself were against voting for the seven mill tax rate. Now I would like to ask what the motion of the gentleman from Auburn (Mr. Wing) was?

Mr. WING: To indefinitely postpone.

Mr. FOSTER: I thought it was to lay on the table until tomorrow morning.

The SPEAKER: Does the gentleman desire to make a motion to table it?

Mr. FOSTER: I do.

The SPEAKER: The gentleman from Ellsworth, Mr. Foster, moves that this matter lie on the table.

A viva voce vote was doubted.

The SPEAKER: As many as are in favor of having this matter tabled will rise and stand in their places until counted, and the monitors will return the count.

Thereupon so many arose that the Chair declared that the motion prevailed; so the matter was tabled pending first reading and especially assigned for tomorrow morning.

From the Senate: Majority Report of the Committee on Legal Affairs on Bill "An act relating to boxing contests" (S. P. 410) (S. D. 149), reporting same in a new draft (S. P. 648) (S. D. 312), under title of "An act relating to amateur boxing con-

tests," and that it "ought to pass."

Report was signed by the following members:

Messrs. POWERS of Aroostook,  
MORRISON of Franklin,  
CLARKE of Hancock,  
—of the Senate.

BECKETT of Calais,  
ATWOOD of Portland,  
FULLER of Southwest  
Harbor,

DWINAL of Camden,  
SEIDEL of Biddeford,  
BARTLETT of Bangor,  
—of the House.

Minority Report of same committee reporting "ought not to pass" on same bill.

Report was signed by the following member:

Mr. THOMPSON of Rockland,  
—of the House.

Comes from the Senate Majority Report read and accepted and the bill passed to be engrossed.

In the House:

Mr. ATWOOD of Portland: Mr. Speaker, I move that we accept the majority report in concurrence.

Mr. OAKES of Portland: Mr. Speaker, I wonder if it would be agreeable to Mr. Atwood, pending the other bill that will come off the table shortly, to lay this on the table?

The SPEAKER: The gentleman may reply if he wishes.

Mr. OAKES: I so move.

The SPEAKER: Which bill is on the table.

Mr. OAKES: The bill on the table, the last bill on the calendar today includes the provisions of this bill; and if that bill is passed, perhaps this bill will be taken care of as well.

Thereupon a viva voce vote being taken, the reports were tabled pending acceptance of either.

Additional Senate Paper disposed of in concurrence, out of order, and under suspension of the rules.

#### Additional Senate Paper in First Reading

S. P. 470: Resolve in favor of the Maine School for Feeble Minded for additions and improvements.

From the Senate: Report of the committee on Judiciary reporting

ought not to pass on bill an act to amend Chapter 485 of the Private and Special Laws of 1901, as amended by Chapter 331 of the Private and Special Laws of 1909, relating to an act to establish the municipal court of the town of Skowhegan, S. P. 275, S. D. 102.

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

In the House, on motion by Mr. Piper of Jackman tabled pending acceptance of report and specially assigned for tomorrow morning.

From the Senate: Report "A" of the Committee on Taxation reporting "ought to pass" on bill "An Act amending the powers of the Board of State Assessors in relation to the equalization and adjustment of assessment of the several municipalities" (S. P. 390) (S. Doc. 138).

Report was signed by the following:

Messrs. HOLLEY of Somerset,  
—of the Senate.

LELAND of Sangerville,  
DAVIS of Portland,  
WHEELER of So. Paris,  
PAGE of Skowhegan,  
—of the House.

Report "B" of same committee reporting "ought not to pass" on same bill.

Report was signed by the following:

Messrs. ALLEN of York,  
MAHER of Kennebec,  
—of the Senate.

HAMMOND of Van Buren,  
CURTIS of Brewer,  
MITCHELL of Newfield,  
—of the House.

Comes from the Senate the bill indefinitely postponed.

In the House:

Mr. LELAND of Sangerville: Mr. Speaker, I would like to inquire if both reports were postponed.

The SPEAKER: The whole matter was indefinitely postponed, the bill and accompanying reports.

Mr. LELAND: Mr. Speaker, I would move that this matter lie on the table until tomorrow.

A viva voce vote being doubted, A division was had.

Thirty-four voting in the affirmative and 41 in the negative, the motion to table failed of passage.

Mr. HOLMES of Lewiston: Mr. Speaker, I move that the House concur with the Senate in the indefinite postponement of this bill.

Mr. LELAND of Sangerville: Mr. Speaker, I hoped that this matter might lie on the table until tomorrow until we should have an opportunity to consider somewhat this proposition. This, it seems to me, is a matter of considerable importance to the people of the State in relation to matters of taxation and equalization of tax upon all kinds of property. This proposition, while it has been considered at various times by many Legislatures, has never received very favorable consideration I am aware. This particular proposition at this time has the support and the commendation of the Governor; it is substantially his proposition that intangible property should be made by some means to bear its fair share of the burden of taxation.

His suggestion as to the method of collection of course you will all recognize was embodied in the Governor's message to this Legislature, and it seems to me that that might be worth very careful consideration. While there might be some question as to the method of collection of such a tax, it seems to me there can be no question as to the need and the justice of some sort of a tax upon intangible property. While it is, as we all recognize, now taxable under the present law, no specific, workable method has as yet been devised by which such property can be fairly and equitably taxed. It is my own opinion that this method might not be entirely successful, but it has seemed to me that, under all the circumstances it at least might be worth a trial. With this thought in mind, I hope that the motion of the gentleman from Lewiston (Mr. Holmes) will not prevail, but that this matter may be further considered. It seems to me that we should have an opportunity to further confer with the Senate before acceding to the indefinite postponement of this matter.

Mr. CUMMINGS of Portland: Mr. Speaker, I desire to second the motion of the gentleman who moved to concur with the Senate in the indefinite postponement of this bill.

Mr. STURGIS of Auburn: Mr.

Speaker, I too desire to second the motion.

Mr. HOLMES of Lewiston: Mr. Speaker, my impression is that if the little towns in this State want to have a law like that fastened upon them, they may as well say good-bye to home rule. (Applause.)

Mr. BOODY of Windham: Mr. Speaker, this is the bill that the Governor and I originally disagreed on. This bill is going to be very injurious. The rural sections and the small investors will face the music but the larger ones will escape. There is no way whatever in which you can penalize or bring to account the great investor and this will be a matter between the assessors dooming towns, your towns and cities who are in a political way of assisting those who want to escape. Therefore I am totally opposed to the enactment of a law of this kind.

Mr. CURTIS of Brewer: Mr. Speaker, I am glad there is one bill on which I can agree with the gentleman from Windham (Mr. Boody). It is putting altogether too much power in the hands of State Assessors. They can go into your town or my town and say, "You have got intangible property there, now come up and place a valuation on it." If they do not find it, it is going into general taxation.

Mr. LELAND of Sangerville: Mr. Speaker, one virtue that it seems to me that this matter might have would be that it would demonstrate very clearly whether a tax could be collected under the tax method and by the same method as other classes of property. From that standpoint it seems well worth trying where there is actual need of some different method of taxing intangible property as against other classes of property. If that need may be more clearly emphasized and more clearly brought out, I think at least this proposition would have done some good.

The SPEAKER: The question before the House is on the motion of the gentleman from Lewiston, Mr. Holmes, that we concur with the Senate in the indefinite postponement of this bill.

The question being called for, and a viva voce vote being taken, the motion to indefinitely postpone in

concurrence with the Senate prevailed.

From the Senate: Resolve in favor of an amendment to the Constitution of the United States prohibiting employment of women and children in industries more than 48 hours in a week, H. D. 497, which was indefinitely postponed in the House, April 2nd.

Comes from the Senate passed to be engrossed in non-concurrence.

In the House:

Mr. HOLMES of Lewiston: Mr. Spaker, I move that the House insist and ask for a committee of conference.

A viva voce vote being doubted, A division was had.

Forty-two voting in the affirmative and 52 in the negative, the motion to insist and ask for a committee of conference failed of passage.

Mr. BECKETT of Calais: Mr. Speaker, I move that we recede and concur with the Senate.

Mr. HALE of Portland: Mr. Speaker, I am of the impression that a motion to adhere is in order and is the proper motion. Is that correct?

The SPEAKER: The motion of the gentleman from Calais (Mr. Beckett) would take precedence.

Mr. BECKETT: Perhaps, Mr. Speaker, I misunderstand the situation. The Chair might state it.

The SPEAKER: This resolve was indefinitely postponed in the House. Thereafter it went to the Senate, where it was passed to be engrossed in non-concurrence with the House.

Mr. BECKETT: I withdraw my motion.

Mr. HALE: Mr. Speaker, I move we adhere.

Mr. FOSTER of Ellsworth: I second that motion.

The SPEAKER: The effect of the motion is to indefinitely postpone the bill so far as the House is concerned. Is the House ready for the question?

A viva voce vote being taken, the motion that the House adhere prevailed.

From the Senate: "An Act to authorize the payment of retirement compensation to treasurers and assistant treasurers of savings banks (S. P. No. 601) (S. Doc. No. 272)

which was indefinitely postponed in the House April 3rd.

Comes from the Senate that body insisting on its former action whereby the bill was passed to be engrossed and asking for a Committee of Conference with the following Conferees appointed on its part:

Messrs. FOSTER of Kennebec  
CARTER of Androscoggin  
SPEIRS of Cumberland

In the House:

Mr. WING of Auburn: Mr. Speaker, I move that the House adhere.

Mr. HOLMES of Lewiston: Mr. Speaker, I wish to offer a motion that has precedence. I move that the House insist and join in the committee of conference.

Mr. WING: Mr. Speaker, speaking to the gentleman's motion, it seems to consist of two parts. If the House insists without joining in the committee of conference progress is made. If it joins in the committee of conference, it may be that this matter will have to be discussed and debated again. I rise to the question of whether he can join the two.

Mr. HOLMES: Mr. Speaker, I ask for a ruling from the Chair.

The SPEAKER: The Chair will rule that the gentleman's motion is in order to insist and join in the committee of conference, and the motion takes precedence over that of the gentleman from Auburn (Mr. Wing).

Mr. CUMMINGS of Portland: Mr. Speaker, that motion is debatable, is it?

The SPEAKER: It is.

Mr. CUMMINGS: Mr. Speaker, it seems to me that the position we took upon that bill is absolutely correct. That bill in my opinion violates a constitutional provision if there was nothing else about it that was wrong. We are aware that one can take public property for public use. We are also aware that one can take private property for a public use when the public exigency requires it and you pay fair compensation; but there is no constitutional provision by which you can take private property for private use, and that is exactly what this Legislature would undertake to authorize if they enacted that bill and it became a law. The bill is to take from the depositors money of their earning and turn it over to the treasurer or

assistant treasurer of that institution. It is not only inequitable, but I believe it would be held to be illegal; and I hope the House will not permit itself to take part in any such proceeding.

Mr. PAGE of Skowhegan: Mr. Speaker, I really think, and I made the statement the other day, that this bill should have passage here. So far as the pensioning of treasurers and assistant treasurers are concerned, it is very easy for a bank to get around that. It is very easy for a bank to create a new office any time and make him a vice-president, or something like that, and pension him in that way. This bill merely gives them the right to make it a pension and call it such. That cannot make new offices and do it legally. I cannot see why this bill should not be passed.

Mr. OAKES of Portland: Mr. Speaker, I would like to ask a question, hardly a parliamentary one; but when the Senate asks for a committee of conference is it not the courteous thing for us to join, and is it not the courteous thing for us to do? Will we not thus be making progress rather than possibly incurring any unpleasant feelings?

The SPEAKER: Courtesy is a matter for the good judgment of the members. Courtesy does not always prevail by rule. The motion before the House is on that of the gentleman from Lewiston, Mr. Holmes, that the House insist and join in the committee of conference. Is the House ready for the question?

A viva voce vote being taken,

The motion failed of passage.

The SPEAKER: The motion of the gentleman from Auburn, Mr. Wing, is now in order that the House adhere. Is the House ready for the question?

A viva voce vote being taken, the motion to adhere prevailed.

From the Senate: Bill "An Act making it unlawful for any person to have intoxicating liquors in his possession in any public place" (S. P. No. 637) (S. Doc. No. 301) which was indefinitely postponed in the House earlier in the day, in non-concurrence.

Comes from the Senate that body insisting on its former action whereby the bill was passed to be engrossed and asking for a Committee

of Conference with the following Conferees appointed on its part:

Messrs. HINCKLEY of Cumberland  
ALLEN of York  
BOND of Lincoln

In the House, on motion by Mr. Oakes of Portland, a viva voce vote being taken, that body voted to adhere.

From the Senate: 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 (H. P. No. 1218) (H. Doc. No. 439) on which the House voted to insist on its former action of indefinite postponement April 3rd.

Comes from the Senate that body insisting on its former action and asking for a Committee of Conference with the following Conferees appointed on its part:

Messrs. WADSWORTH of Kennebec  
HINCKLEY of Cumberland  
BOND of Lincoln

In the House:

Mr. HARRIMAN of Readfield: Mr. Speaker, I move that we concur with the Senate and appoint a committee of conference. I feel that this bill has been misunderstood in the House, or has not been understood, and that we should appoint a committee of conference to take the matter up.

The SPEAKER: The gentleman moves that we join in the committee of conference.

Mr. WING of Auburn: I rise to a parliamentary question. I thought this bill had been refused reconsideration.

The SPEAKER: A conference has been twice refused, but the motion is in order to now grant the same.

Mr. HAMILTON of Caribou: Mr. Speaker, I second the motion.

Mr. LELAND of Sangerville: Mr. Speaker, I also would be glad to second the motion. It seems to me that if anything can be done to safeguard and protect the interests of our shippers in the eastern section of the State, it might well receive our careful attention; and I hope that the motion to join in the committee of Conference will prevail.

The SPEAKER: Is the House ready for the question? The question is on the motion of the gentleman from Readfield, Mr. Harriman,

that the House join in the committee of conference.

A viva voce vote being doubted, A division was had,

Seventy-four voted in the affirmative and 22 in the negative, the motion prevailed.

The SPEAKER: The Chair will later announce the conferees on the part of the House.

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From the Senate: "An Act to prohibit boating and fishing from boats on Lake Auburn in the city of Auburn in the county of Androscoggin" (H. P. No. 1272) (H. Doc. No. 498) which was passed to be engrossed in the House April 3rd.

Comes from the Senate Report "B" of the Committee, "Ought not to pass," accepted in non-concurrence.

In the House:

Mr. WING of Auburn: I move that the House insist, Mr. Speaker.

A viva voce vote was doubted by the Chair.

The SPEAKER: As many as are in favor of the motion that the House insist—Does the gentleman care to address himself to that motion?

Mr. WING: I shall further make a motion that we join in the committee of conference.

A division being had on the motion to insist,

Seventy voting in the affirmative and four in the negative, the motion prevailed.

On further motion by Mr. Wing, the House voted to join in the committee of conference.

The SPEAKER: The Chair will later announce the conferees on the part of the House.

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From the Senate: H. P. 703, H. D. 168, bill An Act relating to a bridge between Orr's Island and Bailey's island on which the House earlier in the day asked for a committee of conference.

Comes from the Senate, that body joining in the committee of conference with the following conferees appointed on its part: Senators Powers of Aroostook, Clarke of Hancock and Morrison of Franklin.

The SPEAKER: The House hears the announcement.

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The SPEAKER: The House now reaches unfinished business of this

morning and tabled and today assigned, bill an act to provide policemen's pensions, the pending question being passage to be engrossed.

Mr. GAGNE of Lewiston: Mr. Speaker, I move that we reconsider the action whereby we accepted amendment A to Senate Document 93; and Mr. Speaker, I do not see any reason for that amendment at all on either of those bills. I see no need of sending those bills back to Lewiston for the people to vote on. We do not send bills for raising salaries in any other county or other town, but Lewiston has to send her bills back here. I suppose Lewiston sent representatives here whom she can trust. At any rate some of them received a good majority; yet some think that these members of the Legislature cannot act on those bills without the sanction of the people of Lewiston. Therefore, Mr. Speaker, I move that we reconsider our action whereby that amendment was put on Senate Document No. 93.

The SPEAKER: The Chair will state that this amendment was adopted April 3rd and therefore the motion to reconsider is too late unless the rules were suspended. The gentleman might make his motion that the rules be suspended if he cares to.

Mr. GAGNE: I make that motion, Mr. Speaker, that the rules be suspended.

The SPEAKER: Does the gentleman care to debate that further?

Mr. GAGNE: Yes, Mr. Speaker. These two bills are pretty well related and can be handled together. One is for the pensioning of the police department. As you see, "any member of the Lewiston police department who shall arrive at the age of 65 years in active service, or any member in active service who has become permanently disabled or any police officer of the city of Lewiston who was a member of such police department at the time of the enactment of Chapter 27 of the Private and Special Laws of 1917 and who was appointed by the Police Commission created by said act and who thereafterwards, but prior to the enactment of this act, arrived at the age of 65 years, while in active service, shall be entitled to one-half of the pay which such member received at the time of his retirement or permanent disability."

Members of the House, you know

the police of Lewiston do not receive very high salaries. The highest for the first five years is \$28.00 a week, and after five years, \$32.60, if I remember, and when that man has worked up to the age of 65 years defending property and risking his life in a good many places, you know that that salary is not enough so that they can save any money; and when they get to that age of 65, of course they cannot work at anything else. I hope that my motion will prevail.

Mr. HOLMES of Lewiston: Mr. Speaker, the motion made by my colleague, Mr. Gagne, is a new one to me. I do not doubt that it is parliamentary, as the Chair has so ruled, but it amounts to a very serious proposition. I think it has been the experience of this House throughout this session,—and I would like to leave it to the recollection of older members of the House who have been here a number of sessions in the past, whether or not they can remember of such a motion being made to suspend the operation of a printed rule, which is not only the rule of this House, and a similar one in the Senate, but it is also a part of the organic body of parliamentary law and it will be found in Cushing, in Roberts and in Reed. It always was the parliamentary law, and it is a wise provision because otherwise when a vote is passed, no one is safe. If this rule can be suspended, one must stay on guard after a bill has passed through some or more of its stages, must watch not for 24 hours as the rule presupposes, but watch day after day until a bill has safely finally become enacted and out of the House, and, better still, until it is out of the Senate and signed by the Governor. There would be no protection to any member of this House if such a solemn, serious and important rule as that could be suspended and a reconsideration brought about at any time.

My colleague, Mr. Gagne, sat in his seat Friday last when this bill went through its parliamentary stages—both of these bills because they go together. We might as well consider them together, as, indeed, I understood my colleague to do, the pensioning bill and the salary increase bill. My colleague sat in his seat on Friday when the bill had

its first two readings, and then, in accordance with parliamentary custom I offered an amendment to each in identical terms, which was nothing but a referendum, to which now my colleague objects. My colleague sat there and he heard that and raised no voice in opposition; nor did a soul in this House. The amendment, being a referendum, was short and when the Chair or the Clerk—I don't remember which—read it, no one could have misunderstood it. The next day, Saturday, we sat here, not a full house but a quorum to do business with, the bill came up in third reading and there was time then to move to reconsider. My colleague did not so move, but he then moved to table and no one objected to its being tabled. It frequently happens to bills in the third reading that they will be tabled a day or two before they are finally passed to be engrossed. We will assume that by chance I depended upon Rule 41. I think it is fair to state that I have that right; that I did not come here Monday afternoon, as so many do not—see the vacant seats around here—because I thought I was protected by Rule 41. The time had gone by for reconsideration and no advantage had been taken by my colleague because he sat here Friday and Saturday. Assume that, and then suppose this motion to suspend the rules and suspend the ancient safeguard to all of us, and the motion to reconsider after the lapse of twenty-four hours had been made, and I had not been here! I do not know, perhaps somebody would have come forward and defended me. That I believe to be right and just. Now my colleague has opened up the subject by asking to have the rules suspended so that he can now make a motion to reconsider the vote of Friday last whereby the House unanimously—I presume unanimously—there was no voice raised in opposition—unanimously added a referendum to the people of Lewiston. Since my colleague has combined these two matters, I would like in a few words to tell you what the bills are.

One is a pension bill for the police force of Lewiston. You understand, of course, that the police force of Lewiston is the only police department in the State where the local sentiment has nothing to do with it.

It is under a commission appointed by the Governor. That law was created in 1917. Now I said before the committee at the public hearing, and I say now, that in principle I am not opposed to pensions. In principle I am in favor of pensions for public servants, and yet I can remind the House that the word "pension" has been an unpleasant word and has had an unpleasant ring in your ears during this session, because I have seen you vote down pension bills in one form and another; and I know and you know that the thing that has handicapped the old age assistance law is that the word "pension" has been popularly stuck on to it and it is called the old age pension law. You know what that handicap has been; and yet I say personally I am in favor of pensions. There is no way that I have to figure out how much extra this is going to cost the taxpayers of the city of Lewiston. Now I say it is only fair to give the people of Lewiston a chance to vote upon it.

My colleague, Mr. Gagne, will not face this House and say that the people who elected him to this Legislature are not intelligent enough, not honest enough and not patriotic enough to vote intelligently upon that pension bill and vote to give pensions to police officers if they think they deserve them and if they think that the taxpayers and the people of Lewiston can afford to pay them.

Now I would like some time, and so would the people of Lewiston, I am sure, to have it figured out how much extra that is going to cost. I think my colleague said that various matters had been passed through this House affecting municipalities without referendum. I say no. I have not looked them up but there will come a day within a few days when I can look them up because it is my recollection, after service on the Judiciary Committee, that before that committee there were bills came in affecting municipalities where the committee added referenda on to them except in cases like for bonds or something of that sort where there was no opposition. That has been the practice of this House, of this Senate, and of this Legislature, session after session. It is the ancient principle of home rule.

I am going to refer to these bills together as I think it will save time

because one vote on this will indicate as to both. The other bill is the increases of pay to the Chief of Police, two captains, and creates a new office of Clerk, and gives the Police Commission authority to add on as many patrolmen as they want, one for every nine hundred population in Lewiston. We figured that out to mean eleven new patrolmen and that is what that bill will cost the people of Lewiston; and my colleague, Mr. Gagne, does not want them to vote on it. For instance, it increases the Chief of Police from \$2100 to \$3000 and I cannot think of any other official in Lewiston who gets more than \$2700 with one exception, and that is the Superintendent of Schools. It creates two inspectors permanently and gives them a salary of \$2200 and one police clerk at \$1600 also 11 new patrolmen. Now if you want to take your pencils and a piece of paper and check up with me, I will give you the figures of what this is going to cost the city of Lewiston. My colleague does not want the people of Lewiston to have any voice in deciding whether or not they will pay it. Eleven new patrolmen at \$1800 per year, total \$19,800 per year; raise of the Chief, \$900; raise of captains, two, \$400 each \$800 two inspectors at \$2200 each \$4400; a police clerk at \$1600; total \$27,500. Now, in addition, it increases the pay of special patrolmen that are put on in summer from three dollars to four dollars a day; and I do not know, and nobody knows, how many extra ones will be put on; but I say that it can safely be said that it will mean in addition enough more than the \$27,500 to make it \$30,000. And \$30,000, members of this House, represents one mill additional tax on our present valuation in Lewiston and we are to have no voice in it, if Mr. Gagne can have his way. Is that fair? Is that just? Is that the way you would want your town used?

Now all in the world I am asking for is to give the people some voice in saying whether they want to add an extra mill on to their taxes to increase the expenses of a police force which is already costing about \$45,000 a year,—to increase that by \$30,000 more. Now I have seen this House object to raises in salaries, I have heard members get up and protest. I have heard them say that



the committee on Salaries and Fees had set their faces against increases in salaries; but now is the city of Lewiston to have no protection. Mr. Speaker and members, I hope that this extraordinary procedure of suspending this rule 41 and permitting a motion to reconsider to be made two, three or four days after and under these circumstances will not prevail.

Mr. GAGNE of Lewiston: Mr. Speaker, my colleague from Lewiston at the beginning said that the House was frowning on pensions. I do not think so because I have seen about half a dozen pension bills brought in for Lewiston by my colleague and they were reported in ought to pass. Then he says that they would make two police inspectors. There have been two police inspectors for the last four or five years. It is not creating new jobs, only that way from day to day. He says it is going to raise eleven more patrolmen, I cannot see it. We are asking for one patrolman more for every nine hundred in population, and the population today is about 36,000. We already have 35 patrolmen, so it cannot be more than five or six. Our police department last year, I remember well, spent \$69,000 for thirty-five members, not quite \$2,000 for each member which includes the chief of police, the inspector, and all the expenses of the department. You can see, members of the House, this is not so much, not quite \$2,000 for each man, there are no expenditures more necessary. There are some parts of Lewiston which my colleague knows very well has no protection at all because we are short of men on our police force. There is one part, West Rose Hill, so-called, which has about 350 to 400 families and they never see a sign of a policeman. I do not know as they need it very much. It is the part that my colleague wiped out by his bill; yet at the same time there is no protection. Then on the main street toward the fair grounds there is a big area which has no protection, and it is badly needed around Bates College. They certainly need more protection around there. So I think we are not asking too much.

Again, members of the House, he tells you that we raised the Chief from \$2100 to \$3000. That is true,

but under the old system as it is today the Chief gets \$3000 a year just the same. He gets \$2100 salary and the fees of the court which brings him up to \$3000. He got about \$900 in fees last year. Likewise the captain. It brings them up to almost \$2400, so we are not paying any more because the fees will be returned to the treasury as you will see by looking at Section 19 of Bill 94. "All fees paid to the police matron or any patrolman in their said capacities from cases of the Lewiston municipal court, shall be accounted for by such officer, and turned into the treasury of the city of Lewiston when received by them. All witness fees and all other fees paid to the Chief of Police, captains and inspectors in their said capacities, from cases in said Lewiston municipal court and in the Superior Court of the county of Androscoggin shall be accounted for by them, and turned into the treasury of the city of Lewiston when received by them."

So, you see, members of the House, that we are not taking any money from Lewiston. We are paying the chief approximately the same salary as he is getting now only we are making it so that the fees will all be turned into the treasury. I am not in favor of spending Lewiston's money any more than is my colleague, but I would like to see justice done to these men.

They are asking for a clerk. Today they have a clerk, one of the police department, a man getting four dollars every day to be the clerk in that department. Now we are only asking \$1600 for the clerk, which will save the city of Lewiston some money. So, Mr. Speaker and members of the House, I hope that my motion will prevail.

The SPEAKER: It will take a two-thirds vote to suspend the rules.

Mr. HALE of Portland: Mr. Speaker, I do not know how many patrolmen are needed in the city of Lewiston, but I do know that Reed's Rules enable us to transact business. If we do not follow the rules, we will be here indefinitely.

I also respectfully call attention to House rule No. 59 as follows: "No rule or order of the House shall be altered or repealed, nor shall any new standing rule or order be adopted, unless one day's previous notice

thereof be given in each case; and such notice shall be entered on the journal."

It would seem to me that that rule would apply.

The SPEAKER: That provision would not apply to the pending question. It will take a two-thirds vote to suspend.

Mr. ROY of Lewiston: Mr. Speaker, I suppose the question that we are discussing is not so much what Lewiston is to pay as it is that they should have a voice in the matter. Indeed this amount of money, as I see, without referendum will be forced on our people. It seems to me that that is hardly right without their having anything to say about it.

In reference to these bills there has been extensive lobbying as well as on another bill that will come up by and by. A lobbyist who has been paid here has heretofore himself represented the people of Lewiston and that gentleman is Mr. Parent. Now he says they are good people but they do not understand. I do not know what he means by "do not understand." There is one thing I will agree with Mr. Parent that they do not understand and that is beyond the power of human brain to understand,—I refer to his statement, and I hope if everything is voted on here that it will be for a referendum so that the Lewiston people may have something to say in this matter.

Mr. HALE of Portland: Mr. Speaker, I fear lest the enthusiasm of the gentleman from Lewiston is going to divert our minds from the real issue, which is whether we are going to suspend these rules. I say that anybody who votes to suspend the rules is voting for something which is going to be a boomerang.

The SPEAKER: The question is on the motion of the gentleman from Lewiston, Mr. Gagne, that the rules be suspended in order that he may propose a motion to reconsider a vote of the House. Is the House ready for the question? In order that such a motion may have passage, it will be necessary for two-thirds of the House to vote in the affirmative. Is the House ready for the question?

The question being called for, an insufficient number having arisen the

motion to suspend the rules failed of passage.

On motion by Mr. Holmes of Lewiston, the bill was passed to be engrossed.

The SPEAKER: The Chair presents, especially assigned for today, bill, an act relating to organization of Lewiston Police Commission, S. P. 237, S. D. 94, tabled on April 4th by Mr. Gagne of Lewiston, pending passage to be engrossed.

Mr. GAGNE of Lewiston: Mr. Speaker, I move that we re-table this matter and especially assign it for tomorrow morning.

A viva voce vote being doubted,

A division of the House was had,

A sufficient number having failed to rise, the motion failed of passage.

On motion by Mr. Holmes of Lewiston, the bill was passed to be engrossed.

The SPEAKER: As conferees on the part of the House, in the matter of the act relative to boating and fishing in Lake Auburn, the Chair appoints the gentleman from Auburn, Mr. Wing; the gentleman from Lewiston, Mr. Holmes, and the gentleman from Augusta, Mr. Martin.

The SPEAKER: As conferees in the matter regarding railroad rates, the Chair appoints the gentleman from Readfield, Mr. Harriman; the gentleman from Sangerville, Mr. Leland; and the gentleman from Benton, Mr. Pillsbury.

The SPEAKER: The House now reaches Orders of the Day.

On motion by Mr. Piper of Jackman, the House voted to take from the table, bill, an act to amend chapter 485 of the private and special laws of 1901, as amended by chapter 331 of the private and special laws of 1909, relating to an act to establish a municipal court in the town of Skowhegan, S. D. 102, tabled by that gentleman earlier in the day; and on motion by the same gentleman, the House voted to reconsider its action whereby this matter was specially assigned for tomorrow; and the same gentleman yielded the floor to Mr. Stitham of Pittsfield:

Mr. STITHAM: Mr. Speaker, I think, perhaps, we are a little confused on this measure and I would like to say to the members of the

House that this calls for a raise in salary of the Municipal Court Judge in Skowhegan. The Somerset delegation agreed that there should be no raise in salary, and that there was no necessity for a raise in salary of this Municipal Court Judge; and I want the House to understand that the delegation is behind the killing of this measure. May I ask the parliamentary situation at the present time?

The SPEAKER: This bill was reported "ought not to pass" by the Committee on Judiciary. In the Senate the bill was substituted for the report. The bill was amended by Senate Amendment A and passed to be engrossed as amended. In the House the pending question is the acceptance of the report of the Committee "ought not to pass."

Mr. STITHAM: Mr. Speaker, I move that the House accept the report of the Committee "ought not to pass."

A viva voce vote being taken, the motion prevailed.

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On motion by Mr. Nichols of Portland, the House voted to take from the table bill, an act to amend certain acts relating to corporations, S. P. 595, S. D. 261, tabled on April 3rd by that gentleman, pending enactment; and on further motion by the same gentleman the bill was passed to be enacted.

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On motion by Mr. Wing of Auburn, the House voted to take from the table bill, an act to authorize promulgation of the rules and regulations of the commissioner of inland fisheries and game, S. P. 634, S. D. 295, tabled on April 4th by that gentleman, pending first reading.

Mr. WING of Auburn: Mr. Speaker, I am informed by the gentlemen of the Committee that this is a very necessary piece of legislation, looking to the preservation of fish and game, and on behalf of the millions of unborn fish that are dying to be born in Moosehead Lake, I move that the bill have its first reading.

The motion prevailed, the bill received its two several readings and tomorrow assigned for third reading.

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The SPEAKER: Are there furth-

er matters that may be dispatched tonight?

On motion by Mr. Thompson of Rockland, the House voted to take from the table bill, an act providing assistance for aged persons under certain conditions, S. P. 629, S. D. 293, tabled on April 4th by that gentleman, pending passage to be engrossed.

Mr. THOMPSON of Rockland: I now move, Mr. Speaker, that the bill be indefinitely postponed. It is what is known as the "old age pension bill." The bill in itself is perhaps a mild document. It is an innocent abroad, and it would seem of itself to be praiseworthy, and should, therefore, perhaps, have the support of the Legislature. I notice, however, one thing about it; it fails to provide for a stenographer. No bill which fails to provide for a stenographer is complete in itself.

In my judgment it is a bill that is drastic in its nature and is one which will doubtless discourage industry and thrift, two principles for which the State of Maine is well known to stand. This resolve is also a progressive bill. Section 11 appropriates twenty thousand dollars: five thousand for the first year and fifteen thousand dollars for 1924. And another Legislature will probably be asked to make it twenty thousand dollars the third year and forty thousand dollars the next, and so on; and so it might go on time after time.

I think this bill is not in accordance with the ideas of the people of Maine. I notice, also, that a referendum has been attached to it. I have understood that the committee reported unanimously on the bill, and as far as I am concerned, I am willing to vote for it without a referendum. I move, Mr. Speaker, that the bill be indefinitely postponed.

Mr. WING of Auburn: Mr. Speaker and gentlemen, the gentleman from Rockland (Mr. Thompson) has called attention to Section 11, and I wish the members of the House would read it. It strikes me that the gentleman who introduced this bill used the bill which appeared in the Legislature of 1923 and did not take pains to change it to meet the conditions under which we are now asked to legislate, and this House does not want to go on rec-

ord as making appropriations for the year 1923 and the year 1924.

Mr. HOLMES of Lewiston: Mr. Speaker, I would wish that the House would table this matter until tomorrow, but I am not going to make the motion because, presumably, the gentleman from Rockland (Mr. Thompson) would prefer—since he has discussed it at some length—that it should go to a vote now; and unless the gentleman from Rockland (Mr. Thompson) would say that he would agree to wait until tomorrow morning, I will go ahead. But, may I ask, through the Chair, if he will agree to that?

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

Mr. THOMPSON of Rockland: I have no objection, Mr. Speaker, to accommodating the gentleman from Lewiston (Mr. Holmes), but I think we are just as well able to vote on it tonight. However, I leave that to the House.

Mr. HOLMES: Then, Mr. Speaker, I will not make the motion.

Referring to the remarks of the gentleman from Auburn, Mr. Wing, I think that his criticism is just, that the bill was probably copied from one introduced two years ago in the Senate which bore the name of Senator Smith and was passed by the Senate but failed in the House.

However, it seems to me that the only real criticism that can be made today about that error is that it escaped the eagle eye of the Committee on Bills in the Third Reading, but later it will have to pass the double eagle eye of the Committee on Engrossed Bills.

I will try, Mr. Speaker, to be very brief. I am in favor of this bill and opposed to the motion of the gentleman from Rockland (Mr. Thompson), not merely because I am an admirer of that progressive statesman, Senator Smith of Skowhegan, not merely because having followed his course for many years and having seen the good that he has accomplished by humane and liberal legislation, but also because there is merit in this in itself. It has been almost universally understood, and it has been given—if you will pardon me for using a slang expression—a black eye, because of having been commonly called a pension bill when it is not. It is no more a pension bill than the mothers' as-

sistance or mothers' aid is a pension.

I presume—although I cannot remember—that the same opposition was made to the mothers' aid bill when it was first introduced and that opposition is based always on a misunderstanding. This is not merely a humanitarian measure, but this is pre-eminently an economic measure, based upon economic ground and can be defended upon economic ground.

The appropriation is for twenty thousand dollars. It is not a new idea; it has been tried out in Pennsylvania. They started with a small appropriation. It has also been tried out in some other states, but in Pennsylvania they started with only twenty-five thousand dollars and a small appropriation for the reason of making investigations to see how it would work, and then they were stopped by a decree of the court in Dauphin County decided that the law was unconstitutional, not on its merits but because of a peculiar provision in the Constitution of Pennsylvania.

Now, I could not understand all that has been said on account of the confusion in the hall, and that is one reason why I think it is too bad to discuss and go to a vote on so important a measure at twenty-five minutes past nine. I could not make sure of all of the objections of the gentleman from Rockland (Mr. Thompson) and I did not hear him say, but perhaps he did, that he realized that one-half of the money spent on this appropriation must be reimbursed to the State by the town.

It is an old and true saying by a very great man—probably the greatest man in the world—the man whom most of us believe was more than a man—that the poor we will always have with us, but this bill looks to the question not of the poor only but of the poorhouse and it does not follow that the poorhouse will always be with us because we can get rid of the poorhouse and the poor farm; and when we do that, we have done one good thing.

That is one of the purposes of this bill. The poorhouse and the poor farm are institutions which cannot be defended upon economic grounds, and which are not public economy. It is a peculiar thing, al-

though not generally understood, I think, that the poorhouse and the poor farm are rather modern institutions. Up to about the time of Henry VIII and Henry VI in England, the Trade Guilds looked out for their poor, but they were almost destroyed and their funds confiscated in those two reigns, and in time there grew up the workhouse of England, which finally became similar to our poorhouse and poor farm.

I asked the State Board of Charities and Corrections today to give me what statistical information they had about the cost of maintaining poor houses and poor farms, and they did not have much. There is no system employed in this State whereby you can get a true figure of the cost to the municipalities and the costs to the State of supporting the poor under our present system, and yet this system that we have now is generations old. There has not been any material change in the law for generations. It is, in my opinion, a barbarous law that we live under.

Now, the State Board of Charities and Corrections in their figures show a valuation of almshouse property of \$1,114,948.34. Let us call it one million dollars. Paupers cared for—I presume they mean last year—numbered 996 at a per capita cost per week of \$7.02. I will refer to that figure again in a moment. The daily average of number present was 599. The expenses of almshouses was \$324,704.21; the income of almshouses was \$107,263.96; the net cost of almshouses, was \$217,440.25. That is the cost to the towns and cities—of course not to State; \$217,000.00 net cost. Net cost! They do not figure right. They figure nothing for interest on the money invested in those poor farms and poor houses; they figure nothing for depreciation; they figure nothing for what the labor of the paupers is worth.

Even with those low figures, they figure out an average per capita cost per week of \$7.02 to the cities and towns for maintaining paupers in poor farms and almshouses; \$7.00, we will say; and I say that if they figure that the way they would make out their income tax returns, as they should, figuring the interest on the investment, allowing depreciation and the other proper expenses which

they have left out, that it would be a per capita cost per week considerably more than \$7.00.

But assume that it is only \$7.00. Under this system it would cost the city and the state one-half of twenty-five dollars a month, which is less than seven dollars a week. There are at least four weeks in every month and four times seven would be \$28.00 or in round numbers \$30.00 a month; one-half to be paid by the State and one-half to be paid by the town. But now, figuring it incorrectly, they figure it costs the town \$7.00 a week and it probably actually costs \$10.00 or \$11.00 a week.

Therefore, money can be saved under the old age assistance bill, to say nothing of saving the self-respect of those old people. This bill carefully protects the public. The State and the municipality cannot be deceived under such a bill as this. A person to be eligible for the old age assistance must be sixty-five years old—or maybe sixty—I am not certain which—must have lived in the State fifteen years and in the town five, must be destitute, must have no relatives who can help him, must have a decent reputation, must not be an inmate of a jail or reformatory or something like that.

Other safeguards are taken. Every case will be investigated. You are not going to pension anyone; you are going to take care of the poor, the aged poor, in a different way from what you are doing now, at a less cost, probably—and in Pennsylvania they found it was a less cost, in the two years that they tried it. You are going to abolish poor farms and poor houses, in the course of a few years, and you are going to save the self-respect and the decency of aged people.

I have heard people argue — at least before Committees two years ago, and possibly for the few minutes that I was in the hearing this year—that the State would be holding out an inducement to become poor, to be poverty stricken. Oh, no, no! The economic conditions under which we live are what produce poverty. The investigations which they made in Pennsylvania show that the people who were eligible under their law, which is similar to this bill, were people who had devoted their lives in Pennsylvania to working in the industries, had

brought up large families and were unable to take care of the rainy day and the old age.

They argue, as if they believe it, that it is an inducement to accumulating money; that you hold the poor house, the almshouse, up in front of the eyes of every young man and young woman, scaring them with the threat that they will go to the poor farm in their old age if they do not work hard. If that theory is right, gentlemen, do not limit it to the poor farm and the poor house, but have it include the jail and the gallows. If that argument is logical, if that is the way to make them "hustle"—which is the word used nowadays in business—this law is a humane law and an economic law.

I hope that the motion of the gentleman from Rockland (Mr. Thompson) will not prevail.

Mr. DAVITT of Millinocket: Mr. Speaker and members, I am not going to make a speech. I want to say just a word in regard to this bill. This bill has been endorsed by many local and State organizations, and I think that, as my predecessor said, it is not a pension; it is to help take care of the poor who have toiled and labored during all their years up to the age of sixty-five. The Labor Unions of this State and other states also endorse the old age pension, so-called, and I hope, gentlemen, that it is not too much to ask you to help out the poor people. We are all growing old from day to day. Other municipalities pension their poor and I do not see why the State should not try to take care of their aged. I hope that the gentleman's motion will not prevail.

Mr. CUMMINGS of Portland: Mr. Speaker, as a member of the Committee on Labor, I want to state the position of the Committee in regard to this matter. I believe that we were about equally divided for and against the bill but we were all entirely willing to have this matter submitted to the people as we believed it to be a measure which eventually would be submitted to the people of the State. It is a question of great importance, and I have no doubt at all but that eventually it will be submitted to them. For that reason the Committee was unanimous in having the referendum provision attached to the bill, that it might be submitted next fall in the

regular referendum method; and I still believe that that is a good way to take care of it.

Mr. WINN of Lisbon: Mr. Speaker, I will say that I agree with the gentleman from Portland (Mr. Cummings), in regard to submitting this matter to the people. This is a proposition that has come up in a recent session of the Legislature, and if you can get a copy of the speech delivered in the Senate two years ago by Senator Smith, and read it, it will do you good.

I doubt if there is a man in the State of Maine who has had more experience in taking care of the poor than Senator Smith. He has been, I understand, from about the time he was twenty-one years of age, connected with the affairs of the town of Skowhegan; he has served several times in the House and in the Senate, and he is well versed in regard to this system of taking care of the old age. It is the system that undoubtedly will eventually come, and it should be submitted to the people now, and could be without any cost whatever because there are other amendments to be submitted. It is something that the tax payers know well how to vote on and know exactly whether they want it or not. It is a humane system. I can speak of several systems changed in the State of Maine. Over across the river we speak now of the State Hospital. Years ago it was called the Insane Institution, but they found out that people used to think years ago that if anyone went through the door of that institution, that was the end of them; but it is certainly conducted in a different system entirely now.

It may seem a little more expensive and you heard that defended here today. The compensation bill was a bill that met with a great deal of opposition years ago, but there is no question but what it is a proper system to be under, and this system, to my mind, is the proper system for taking care of the unfortunates of the State of Maine; and I hope the motion of the gentleman will not prevail and that this will be submitted to the people, as now is the proper time since other matters are going to be submitted.

Mr. STITHAM of Pittsfield: Mr. Speaker, I believe that I should support the Committee on Labor. My position is similar to that of the

Representative from Portland, Mr. Cummings. This was quite well talked over and the committee was about evenly divided, and when they were approached with the petition for the consent of the people, the committee was unanimously in favor of it, for this reason: the measure had been before the Senate two years ago, it was passed by that body, came into the House and received very good support at that time. This year it has been passed by the Senate, comes to the House, and if some action is not taken upon it at this time, it will come before future Legislatures again and again, if necessary, until it really is submitted to the people.

I take the stand that this Legislature should at this time submit it to the people and let them either accept it or reject it.

The SPEAKER: The question before the House is the motion of the gentleman from Rockland, Mr. Thompson, that this bill be indefinitely postponed. Is the House ready for the question?

Mr. DAVITT of Millinocket: Mr. Speaker, I ask for a division.

The SPEAKER: A division is requested. Is the House ready for the question?

A division of the House being had, Sixty-four having voted in the affirmative and 40 in the negative, the motion to indefinitely postpone prevailed.

Mr. OAKES of Portland: Mr. Speaker, I move to take from the table an act relating to amateur boxing contests, S. D. 312, tabled by me earlier in the day. I made that motion under a misapprehension, after the motion of Mr. Atwood to accept the majority report of the committee in concurrence with the Senate, and I now yield the floor to Mr. Atwood.

The motion to take from the table prevailed.

Mr. ATWOOD of Portland: Mr. Speaker, I renew my motion to accept the majority report of the committee "ought to pass" in concurrence with the Senate.

The motion to accept the report of the committee prevailed; the bill received its two several readings and tomorrow assigned for third reading.

Mr. THOMPSON of Rockland:

Mr. Speaker, I may as well make the motion now that I intended to make. I move the indefinite postponement of the bill. As I understand it, along with this bill there is another bill, Senate Document 125, which is now pending on the acceptance of either report of the committee—there is a divided report.

I want to say, Mr. Speaker, in this connection, that I have no personal interest in the bill either one way or the other, and if I free my mind and tell the reason why I think the bill should not pass, I shall then have the satisfaction, from my own point of view, of having discharged my legislative duty.

This bill, now under consideration by the House, is an amendment to Section 5 of the Revised Statutes, which is grouped among the criminal laws of our State. We have, as such, no criminal code of the State, but we do have a certain amount of criminal laws, and Chapter 125 of the Revised Statutes is one of those laws. Section 5 is the only section we have that relates to prize fights, and that is what such exhibitions are, and Senate Document 312 refers to that section of the Revised Statutes. It is designed to supplant that section.

Now, I think this is a provision of law that is not calculated to benefit the youth of our land. I realize that it is of value to anyone to be able to defend himself with his fists, but I think it is a diversion of the thought of the youth of our land and tends to turn their minds into channels which do not benefit them, and I think, Mr. Speaker and gentlemen, that our present law goes as far in that direction as it should. I think the State is perfectly safe under the present law.

As I said in the beginning, I have no personal interest, I have no enemies to spite, and no friends to reward. I am stating briefly the reasons for the belief that I have. I will say that there is another bill to which I have more objection than I have to this one, although I object to this one in its present form.

On motion by Mr. Hamilton of Caribou,

Adjourned until 9.30 o'clock tomorrow morning.