

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Second Legislature

OF THE

STATE OF MAINE

1925

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Wednesday, March 18, 1925.

Senate called to order by the President.

Prayer by Rev. H. L. Skillin of Gardiner.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: The Committee on Judiciary, on An Act to amend Section 1 of Chapter 62 of the Revised Statutes, as amended, relating to corporations for literary, charitable, educational and other purposes (H. D. 146) reported that the same ought to pass.

In the House: that branch reconsidered their action of March 16th whereby the report was accepted, and indefinitely postponed the bill.

In the Senate:

Mr. HINCKLEY of Cumberland: Mr. President, I move that this matter lie on the table. I have an impression that two bills have been consolidated and that this is the proper action, but I would like to have it tabled.

The motion was agreed to and the bill was tabled.

(At this point Senator Morrison assumed the Chair.)

House Bills In First Reading

(The bills were also given their second reading, under suspension of the rules, and passed to be engrossed.)

An Act relating to the taking of fish from Birch Harbor Pond in Winter Harbor, Hancock County. (H. D. 385)

An Act relating to the trapping of fur-bearing animals. (H. D. 386)

An Act to regulate the hunting of rabbits or wild hares (H. D. 387).

An Act to incorporate the South Portland Sewerage District. (H. D. 392)

An Act relating to fees for the registration of vehicles relating to the transportation of school children. (H. D. 74)

An Act relating to the Caribou Municipal Court (H. D. 106).

An Act to legalize and make valid the proceedings of the annual plantation meetings in Cary Plantation, held in March, 1913 (H. D. 391)

An Act to repeal act incorporating Pittsfield Village Corporation (H. D. 389)

Resolve, in favor of Emily F. Grotton of Washington, for State Pension (H. D. 383)

Resolve in favor of Mary Louise Rowe for State Pension (H. D. 384).

An Act to amend Chapter 18 of the Private and Special Laws of 1919, entitled An Act to Incorporate the Wesserunsett Stream Dam and Improvement Company (H. D. 390).

An Act to incorporate the Dixfield Water District (H. D. 393).

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

Towns

By Mr. Miner of Washington, petition of Lucy E. Beal and 26 other residents of Jonesport (S. P. 541); petition of Avery E. Beal and 69 other residents of Jonesport (S. P. 542); petition of Andrew Alley and 92 other residents of Jonesport (S. P. 543) in favor of the division of the town of Jonesport and the incorporation of the town of Beals.

Judiciary

By the same Senator, remonstrance of A. E. Kelley and 22 others of Danforth against any repeal of the primary law (S. P. 544).

State Prison

By Mr. Walker of Knox, remonstrance of Sherman J. Rokes and 7 others of Rockland against the passage of Senate Document No. 32, proposing payment to prisoners (S. P. 545).

Bills in First Reading

An Act to authorize The First Church and Parish of Falmouth to sell and convey certain lands and buildings (S. D. 223).

(On motions by Mr. Hinckley of Cumberland, under suspension of the rules, the bill was given its second reading and passed to be engrossed.)

An Act to correct a clerical error in Section 13 of Chapter 98 of the Private and Special Laws of 1923 (S. D. 224).

(On motions by Mr. Wadsworth of Kennebec, under suspension of the rules, the bill was given its second reading and passed to be engrossed.)

An Act to amend the charter and change the name of People's Realty

Association to People's Mutual Loan Association (S. D. 225).

(On motions by Mr. Allen of York, under suspension of the rules, the bill was given its second reading and passed to be engrossed.)

An Act to increase the salary of the Postmaster of the House (S. D. 226).
(On motion by Mr. Foster of Kennebec, the bill was tabled pending second reading.)

An Act to amend Chapter 20 of the Revised Statutes relating to Apothecaries and the sale of Poisons (S. D. 227).

(On motions by Mr. Holley of Somerset, under suspension of the rules, the bill was given its second reading and passed to be engrossed.)

The PRESIDENT pro tem: The Chair would suggest that Senate reports "ought to pass" be handled in the customary manner, that is, given their first reading and assigned for second reading, in order that they may pass through the hands of the committee on bills in second reading for the correction of possible errors. The House reports have usually been reported by the House committee on bills in the third reading, and a suspension of rules in that case gains time in the handling of the bills.

Reports of Committees

Mr. Wilson, from the Committee on Inland Fisheries and Game, on An Act to regulate fishing in the Aroostook River and tributaries, in Aroostook County (S. P. 271) reported same in a new draft, under the same title (S. P. 546) and that it ought to pass.

Mr. Phillips, from the Committee on Salaries and Fees, on An Act to amend Section 15 of Chapter 15 of the Public Laws in 1923, relating to the Kennebunk Municipal Court (S. P. 243) reported the same in a new draft, under the title of An Act relating to the salary of the Judge of the Kennebunk Municipal Court (S. P. 547) and that it ought to pass.

The reports were accepted and the bills tabled for printing under the joint rules.

Mr. Holley, from the Committee on State Sanatoriums, on Resolve, in favor of Northern Maine Sanatorium for new construction (S. P. 184) reported the same in a new draft, under the same title (S. P. 548) and that it ought to pass.

On motion by Mr. Wilson of Aroostook, tabled pending acceptance of the report.

The same Senator, from the same committee, on Resolve, in favor of Western Maine Sanatorium, for additional facilities (S. P. 182) reported the same in a new draft, under the same title (S. P. 549) and that it ought to pass.

On motion by Mr. Wilson of Aroostook, tabled pending acceptance of the report.

Passed To Be Enacted

An Act to change the name of the Maine School for Feeble Minded (S. D. 159).

An Act to repeal Section 21 of Chapter 34 of the Revised Statutes, relating to the use of the score card system by Agricultural Societies in the judging of Dairy Products (S. D. 135).

An Act to amend Sections 3 and 18 of Chapter 113 of the Private and Special Laws of 1921, relating to Western Washington Municipal Court (S. D. 140).

An Act to repeal Section 43 of Chapter 19 of the Revised Statutes as amended by Chapter 194 of the Public Laws of 1923 (S. D. 131).

An Act to change the name of the City of South Portland. (S. D. 86)

An Act relating to Clerk Hire in the Office of Registry of Deeds for Lincoln county. (H. D. 264)

An Act relating to the Salary of the Clerk of the Lewiston Municipal Court. (H. D. 266)

An Act to prohibit fishing in the Tributaries to St. Croix Lake, in Townships 7 and 8, Range 4, Aroostook county. (H. D. 248.)

An Act to ratify and make valid the Incorporation of Hammond Street Congregational Church in Bangor. (H. D. 252)

An Act relating to fishing in Stony Brook, in Newry and Hanover, in Oxford county. (H. D. 251)

An Act to authorize the Caribou Water, Light and Power Company to Lease and Assign to the Great Northern Paper Company for a period of Thirty Years its right to maintain piers and booms and to hold and sort logs and other lumber granted by Chapter 178 of the Private and Special Laws of Maine of 1907. (S. D. 61)

An Act to prohibit fishing in the Tributaries of Lake Anasagunticook, in Canton and Hartford, in the county of Oxford. (H. D. 247)

An Act to establish daily limit on Fish in C Pond, in Township C Surplus, Oxford county. (H. D. 250)

An Act relating to the Monson Maine Slate Company. (H. D. 236)

An Act relating to Salaries and Expenses of County Commissioners. (H. D. 272)

An Act relating to the Salary of the Judge of the Municipal Court of South Portland (H. D. 274)

An Act to amend Section 43 of Chapter 117 of the Revised Statutes, as amended by Chapter 219 of the Public Laws of 1921, increasing the Salary of the Register of Deeds of York county. (H. D. 275)

An Act relating to the Salary of the Sheriff of Waldo county. (H. D. 276)

An Act to authorize Harry M Stanley to construct and maintain a Wharf and Boathouse in Lake Maranacook in Winthrop. (H. D. 270)

An Act to amend Section 45 of Chapter 219 of the Public Laws of 1921, as amended by Chapter 19 of the Public Laws of 1923, relating to Clerk Hire in the Registry of Probate for York county (H. D. 295)

An Act to Increase the Salary of the Clerks in the Office of the Register of Probate for Oxford county (H. D. 294)

Finally Passed

Resolve, Authorizing the Forest Commissioner to sell and convey a certain interest of the State in Township One, Range Seven, Penobscot county. (S. D. 130)

Resolve, To appropriate money for Co-operative Agricultural Work between the College of Agriculture of the University of Maine and the United States Department of Agriculture (H. D. 33)

Orders of The Day

(At this point the President resumed the Chair).

On motion by Mr. Hinckley of Cumberland, the rules were suspended and that Senator introduced out of order the final report of the joint standing committee on salaries and fees, submitting their final report, that they have acted on all matters referred to them, being 66 in number.

The report was accepted.

The PRESIDENT: The Chair will now lay before the Senate all matters which are tabled and will take them up in the order in which they stand on the calendar. The first matter is H. D. 119, bill, An Act relating to the fees of clerks of cities and towns, tabled pending its second reading, and the Chair recog-

nizes the Senator from Aroostook, Senator Powers.

Mr. Powers then yielded to the Senator from Aroostook, Senator Hussey.

Mr. Hussey then offered Senate amendment A, which was read by the Secretary, as follows: "The second paragraph of said bill is hereby amended by striking out the words 'one dollar' in the third and fourth lines of said paragraph, and inserting in place thereof the words 'seventy-five cents', so that said second paragraph as amended shall read as follows: 'Clerks of cities and towns shall receive for recording mortgages of personal property and notices of foreclosure of same and description of family burying grounds seventy-five cents'."

The pending question being the adoption of Senate amendment A.

The amendment was adopted.

On motion by Mr. Hussey the bill then received its second reading, and on further motion by the same Senator the rules were suspended and the bill was passed to be engrossed as amended.

The PRESIDENT: The Chair lays before the Senate S. D. 156, bill, An Act to amend section 18 of chapter 118 of the Revised Statutes, relating to the fees payable to registers of deeds, tabled pending its second reading, and recognizes the Senator from Aroostook, Senator Hussey.

Mr. HUSSEY: Mr. President, I move that this bill be again laid upon the table as there is similar legislation before the committee on legal affairs to be heard and considered this afternoon.

The motion was agreed to, and the bill was again tabled pending its second reading.

The PRESIDENT: The Chair lays before the Senate S. P. 340, Senate report from the committee on salaries and fees, reporting "ought not to pass" on bill, An Act relating to the salary of the county attorney of Somerset County, tabled pending the acceptance of the report of the committee, and recognizes the Senator from Somerset, Senator Smith.

Mr. Smith then moved that the report be retabled, pending its acceptance, for the purpose of offering an amendment.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 169, bill,

An Act increasing the salary of the postmaster of the Senate, tabled pending its second reading, and recognizes the Senator from Cumberland, Senator Cram.

Mr. CRAM: Mr. President, there was an Act concerning the salary of the postmaster of the House before the Senate this morning and it is now on the table. It is my opinion that these matters should both be handled in the same manner, and I therefore move that this bill be re-tabled, pending its second reading.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 56, Senate reports from the committee on public health majority reporting "ought to pass" and the minority reporting "ought not to pass" on bill, An Act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes, tabled pending the acceptance of either report, and recognizes the Senator from Aroostook, Senator Powers.

Mr. Powers then moved the adoption of the minority report.

Mr. PHILLIPS of Hancock: Mr. President, this bill has been before this body before in similar form and was acted upon two years ago and passed by both branches of the legislature, and for that reason everybody ought to know what this Shepard-Towner bill is, and it seems to me it is now time for us to take some action upon this matter, and for that reason I would call for a vote on the acceptance of the minority report, "ought not to pass."

Mr. CRAM of Cumberland: Mr. President, I would like to make an inquiry through the Chair from the Senator from Hancock, Senator Phillips, as to the condition of this matter so far as the State of Maine is concerned, whether or not this state is making any contribution towards the Maternity Act, so called, and whether it is now getting any benefit therefrom.

The PRESIDENT: The Senator from Hancock, Senator Phillips, hears the question asked by the Senator from Cumberland, Senator Cram.

Mr. PHILLIPS: Mr. President, I will be very glad to answer so far as I can the question asked by the Senator from Cumberland, Senator Cram, and say that there is under the status of this bill the sum of \$15,000 which the Federal Government will match if we appropriate

the sum of \$10,000, or which is equivalent to \$5,000 more than we need to appropriate in order to receive the benefit of this Act. As you all well know, if we do not accept this Act some other state will receive this \$15,000. I think I am correct in saying that. Two years ago, if I recollect right, the Governor objected to this bill and had a measure put through the legislature appropriating the sum of \$15,000 which at that time was the amount that we would get. We now have \$5,000 more than we had at that time. If we pass this bill we will get altogether \$25,000, \$15,000 from the Federal Government and \$10,000 from the State of Maine. I hope that makes the matter clear to the Senator from Cumberland, Senator Cram.

Mr. POWERS: Mr. President, I should like to say just a few words in reply to the question asked by the Senator from Cumberland, Senator Cram. Of course there is no doubt but what the State of Maine is contributing to the Federal educational program just the same as she is contributing to every other expensive bureau that the Federal Government is running at the present time. It is also true that we do receive some money from Washington, should we adopt the provisions of this bill. But Mr. President, this is the Shepard-Towner bill, and its history is too well known for me at this time to take up the time of this Senate with a discussion of its provisions. The sum of \$15,000 looks well to some people—it looked well to me before I took time to study into the history of this bill and the motives behind it. It is very much like the angle worm that looks well to the trout, but inside of the angle worm is the hook, and the hook is attached to the line which in this case leads directly to a bureau in Washington. Mr. President, I hope that Maine will not sanction this program in Washington. I think it is just one more move to take away to Washington and put under a cold, unfeeling federal bureau those things which the State itself should look after.

Mr. PHILLIPS: Mr. President, I would like to add just a word to the remarks already made. That may be true, but if you do not accept the provisions of this Act then this money, as you understand, will go to some other state, and until the

federal government repeals that law I cannot see why the different states should not accept that proposition. If I am correct in my recollection, forty states have it already, and I can see no reason why the State of Maine should not accept it.

Mr. HINCKLEY of Cumberland: Mr. President, I don't understand why it is that it is such a cold, unfeeling bureau in Washington if all the organizations in the various states of the Union are in favor of its adoption. I am not so much disturbed as some about receiving federal aid. I recognize all the time that I am a citizen of the State of Maine; I also recognize all the time that I am a citizen of the United States of America, a group of 48 sovereign states operating independently, but every one of them working together for the good of all, and if this is for the good of all, and I believe it is, then for that reason I shall vote for the measure.

Mr. ALLEN of York: Mr. President, I would like to have read the names of the signers of the different reports

The PRESIDENT: The majority report, reporting "ought to pass", is signed by Messrs. Mitchell, McDonald, Harriman, Miner, Verrill, Powers and Peaslee; the minority report "ought not to pass", is signed by Greenleaf. The pending question before the Senate is on the motion of the Senator from Aroostook, Senator Powers, that the minority report be accepted.

A viva voce being doubted.

Mr. Barwise of Penobscot asked that the question now before the Senate be again stated.

The PRESIDENT: The Chair will again state the question. The pending question before the Senate is on the acceptance of the report of this committee, and on the motion of the Senator from Aroostook, Senator Powers, who moves that the minority report, reporting "ought not to pass", be accepted. All those in favor of the motion will rise and stand in their places until counted.

A rising vote being had, 13 voted to accept the minority report of the committee and 16 voted against.

So the motion was lost.

On motion by Mr. Phillips the majority report was then accepted.

The PRESIDENT: The Chair lays before the Senate S. D. 65, Senate report from the committee on banks and banking, reporting "ought to

pass" on bill, An Act requiring more efficient supervision of brokers selling securities on marginal accounts, tabled pending the acceptance of the report, and recognizes the Senator from Kennebec, Senator Maher.

Mr. MAHER: Mr. President, I understand there are some important amendments to be offered relative to this measure, and I yield to the chairman of the committee on banks and banking, Senator Foster.

On motion by Mr. Foster of Kennebec, the report was then tabled, pending its acceptance, for the purpose of offering an amendment.

The PRESIDENT: The Chair lays before the Senate S. D. 166, bill, An Act to change the personnel of the budget committee.

Tabled pending its passage to be engrossed, and recognizes the Senator from Kennebec, Senator Maher.

Mr. Maher then yielded to the Senator from Kennebec, Senator Wadsworth.

Mr. WADSWORTH: Mr. President, I have nothing in particular to say relative to this matter, but I believe the bill is all right. I am not particularly interested in it, and did not know I was to be asked to say anything about it; therefore, under the circumstances, I will move that the bill be passed to be engrossed.

The motion was agreed to, and the bill was passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate H. P. 536, H. D. 249, bill, An Act to regulate ice fishing in Long Pond, in the towns of Somerville and Jefferson, in the county of Lincoln, and in the town of Windsor, in the county of Kennebec, tabled pending its passage to be engrossed, and recognizes the Senator from Kennebec, Senator Maher.

On motion by Mr. Maher the bill was then passed to be engrossed.

The PRESIDENT: The Chair lays before the Senate H. D. 127, bill, An Act providing for the protection of moose, tabled pending its passage to be enacted, and recognizes the Senator from Kennebec, Senator Maher.

Mr. MAHER: Mr. President, in order that I may have something to talk about, I will now move that the vote be reconsidered whereby this bill was passed to be engrossed, and upon that motion I desire to say a few words. The status of this bill,

as it appears to be, is this, that it is an extremely deserving measure and is confronted with the automatic limitation by expiration of the time limit on July 7th in the law protecting moose. The purpose of the sponsors of the bill is most commendable, but there is a more important question involved than that, as I see it, and that is the attempt to reach the difficulty by the application of the emergency clause. I am one who is rather inclined to the necessity of the observance of the spirit of the constitution as well as its letter. The initiative and referendum amendment provides very definitely and very specifically that the legislature shall have this prohibition upon its power, that it cannot pass any Act that shall take effect until ninety days after the adjournment of the session, unless it is emergency legislation, and that constitutional provision defines an emergency measure as "anything that affects the peace, the health or the safety of the public."

Now by the very widest stretch of the imagination I cannot see anything that can be considered here as affecting the public peace, the public health or the public safety, from the fact that upon the 7th day of July the protecting statute with reference to moose expires; and the reason why I object to this emergency clause is that it is by the solemn act of the legislature an attempt to bring into virtual disrepute a proposition that the people of the State of Maine have passed upon when they put that limitation upon the powers of the legislature. That is to say, if it may be done in this instance for moose, it may be done for mice; if it may be done here for this thing, then it may be done for any one of the conceivable exigencies that a legislature should deem to be an emergency, and it is a deliberate and an unfortunate perversion of that clause.

I am quite aware that the court in this State has very carefully avoided judicial interpretation upon this point. There are courts that have held that the determination of the emergency is within the purview of the legislature itself. The courts of Oregon, and Arkansas and Oklahoma have so held. Upon the other hand that very competent authority, the state from which we almost literally borrowed our initiative and referendum provision, the State of Washington, has decided absolutely to the

contrary. Also a state of considerable authority and considerable weight in our courts in this jurisdiction, the state of Ohio, has decided to the contrary. The state of Michigan has also decided to the contrary. The state of South Dakota, has decided to the contrary, namely, that it is not within the power of the legislature to finally determine conclusively the question of emergency, and that it is susceptible of judicial review.

Our court had an opportunity, as many of the attorneys in this chamber appreciate, to pass upon that, but did not pass upon it inasmuch as they decided in the case then under consideration that the Act was invalid for other reasons, and that they would not decide that constitutional question. Whether it is a matter of judicial review or is not, does not affect my argument in this regard. If there is no review by the court of the emergency in this State, and if they should follow the states of Oregon, Arkansas and Oklahoma, then it puts all the higher responsibility upon the legislature to interpret what is an emergency.

My suggestion to this Senate is this, the Act is desirable but because of the desirability of the Act it is not meet that we should thwart here the plain intentment of the initiative and referendum amendment to our constitution. I would suggest that the proper thing for us to do is to reconsider the vote whereby this bill was passed to be engrossed, and then offer an amendment removing the emergency clause and give the Act its passage, and in that way we have not raised any serious question or set any precedent, and then let the matter go along quickly and adjourn so that the ninety days will have expired before the 7th day of July; and if we cannot do that, take a chance that the week or ten days that would be covered by this emergency act will be handled in some other way, rather than that the law itself shall have received unfortunate precedent through our proposed action.

However, Mr. President, having stated for my own benefit and not with any hope of any particular persuasion of my views hereon, as far as my own position is concerned, and entirely consistent with the record, I will now withdraw the motion which I made at the outset, with the permission of the Senate, that we reconsider the vote whereby this bill was passed to be engrossed, and I

will now yield to the Senator from Piscataquis, Senator Crafts.

Mr. Crafts then moved that the bill be retabled.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 180, resolve in favor of the Maine School for Feeble Minded, for additions and improvements, tabled pending its second reading, and recognizes the Senator from Somerset, Senator Holley.

Mr. HOLLEY: Mr. President, until we have had a meeting with the chairman of the various committees relative to appropriations, I will move that the matter be retabled.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. D. 229, House report from the committee on salaries and fees, reporting "ought not to pass" on bill, An Act relating to the salary of the county attorney for York county, tabled pending the acceptance of the report, and recognizes the Senator from York, Senator Allen.

On motion by Mr. Allen the report was again tabled for the purpose of offering an amendment.

The PRESIDENT: The Chair lays before the Senate H. D. 126, House reports from the committee on sea and shore fisheries, majority reporting "ought not to pass" and minority reporting "ought to pass", on bill, An Act relating to legal size of lobsters and method of measurement, tabled pending the acceptance of either report, and recognizes the Senator from York, Senator Lord.

On motion by Mr. Lord the majority report was accepted.

The PRESIDENT: The Chair lays before the Senate S. D. 22, bill, An Act relating to dogs found chasing moose, caribou or deer, tabled pending its second reading, and recognizes the Senator from Cumberland, Senator Hinckley.

On motion by Mr. Hinckley the bill was again tabled for the purpose of offering an amendment, pending its second reading.

The PRESIDENT: The Chair lays before the Senate S. D. 201, bill, An Act relating to appropriations of the State department of health, tabled pending its second reading,

and recognizes the Senator from Kennebec, Senator Wadsworth.

Mr. WADSWORTH: Mr. President, I will say that a little further conference is desired relative to this bill, and for that reason I move that it be retabled, pending its second reading.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 31, Senate report from the committee on judiciary, Majority report "ought to pass", Minority report "ought not to pass on Resolve, proposing an amendment to the Constitution prohibiting the use of public funds for other than public institutions and public purposes, tabled pending acceptance of either report, and recognizes the Senator from Kennebec, Senator Maher.

Mr. MAHER: Mr. President, after conference with one of the senatorial signers of the minority report and other Senators interested, I think it is the general view that on these matters it is preferable to have a major engagement, not preliminary skirmishes; and I would suggest, if it meets with the approval of the Senate, notwithstanding the perhaps rather individual efforts, and not organized, in the other branch, that we table this until next Wednesday, and so move.

Mr. BARWISE of Penobscot: Mr. President, that is perfectly agreeable to me that the matter lie on the table until next Wednesday.

The motion was agreed to, and the matter was tabled until next Wednesday, pending the acceptance of either report.

The PRESIDENT: The Chair lays before the Senate S. P. 183, Senate report from the committee on State sanatoriums "ought to pass" on Resolve in favor of the Northern Maine Sanatorium, tabled pending acceptance of report, and recognizes the Senator from Kennebec, Senator Wadsworth.

Mr. WADSWORTH: Mr. President, I yield to the Senator from Aroostook, Senator Wilson.

Mr. WILSON: Mr. President, until the heads of the committees appropriating money render their final decision, I move to have this retabled.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. P. 101, Senate

report "ought to pass" on Resolve in favor of Western Maine Sanatorium. for maintenance, personal services, repairs and equipment, tabled pending acceptance of report, and recognizes the Senator from Kennebec, Senator Wadsworth.

Mr. WADSWORTH: Mr. President, I yield to the Senator from Aroostook, Senator Wilson.

Mr. WILSON: Mr. President, for the same reasons, I move to have this tabled.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 220, An Act to prohibit the taking of firearms into unorganized townships between September 10 and December 10 of each year, tabled pending adoption of Senate amendment A, and recognizes the Senator from Aroostook, Senator Powers.

Mr. POWERS: Mr. President, I move that the Senate adopt Senate Amendment A.

Mr. HINCKLEY of Cumberland: Mr. President, may it be read?

(The Secretary read Senate Amendment A.)

Mr. HINCKLEY: Mr. President, it does not clarify it much in my mind. I move it be tabled and specially assigned for tomorrow morning.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate H. P. 717, House report from the committee on legal affairs "ought to pass" on a Act to establish ordinances for the town of Orono, tabled pending acceptance of report, and recognizes the Senator from Penobscot, Senator Perkins.

Mr. PERKINS: Mr. President, I move to have this matter retabled, pending acceptance of the report.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 83, Senate report from the committee on legal affairs "ought to pass" on an Act relating to absentee voting, tabled pending acceptance of report, and recognizes the Senator from Cumberland, Senator Speirs.

Mr. CRAM of Cumberland: Mr. President, at the request of the Senator from Cumberland, Senator Speirs, I move that this be retabled.

The motion was agreed to.

The PRESIDENT: The Chair lays before the Senate S. D. 77, Senate report from the committee on legal affairs "ought to pass" on an Act relating to the registration of voters, and providing method of registration by a person who is physically infirm or disabled, tabled pending acceptance of report, and recognizes the Senator from Cumberland, Senator Cram.

Mr. CRAM: Mr. President, I move that this be retabled.

Mr. HINCKLEY of Cumberland: Mr. President, may I ask the Senator from Cumberland if he will assign a special date for taking this matter from the table? It is getting to the time now, if we expect to adjourn in order to protect the moose, that we have got to get to work.

The PRESIDENT: It would have been a very timely suggestion to make at the head of the calendar. The Senator from Cumberland hears the inquiry of the Senator from Cumberland.

Mr. CRAM: I quite agree with the suggestion of the President, but this matter having been tabled by me only yesterday, and not having had time to make the investigation desired, I assume that like the others it should take its regular course and be retabled until the 24th, Wednesday next. I will further state that if it is possible for me to take the matter up before that time, I will very gladly do it.

Mr. HINCKLEY of Cumberland: Mr. President, in order to follow out my own suggestion—two matters, one especially assigned for tomorrow morning, and the other I will move to immediately take from the table, S. D. 220, An Act to prohibit the taking of firearms into unorganized townships between September 10 and December 10 of each year.

The motion was agreed to.

Mr. HINCKLEY: Now, Mr. President, I move the adoption of Senate Amendment A.

The motion was agreed to, and Senate Amendment A was adopted.

Mr. POWERS of Aroostook, Mr. President, I now wish to move the indefinite postponement of this bill, and I will state very briefly my reasons.

This bill as amended reads, in the first section, "It shall be unlawful for any person, except a law enforcement officer on official duty, to have in possession at any time, in

any unorganized township of the State, except from the tenth day of September to the tenth day of the following December, both days inclusive, any firearm or firearms." In other words, omitting the unimportant parts, this bill says, it shall be unlawful for any person to have in his possession at any time, any firearm or firearms—there are exceptions, but it means that at certain times under this bill it shall be unlawful for a person to keep or bear arms.

Mr. President, we have gone far in this sort of legislation. We have laws that provide that a man may not carry arms concealed upon his person. We have laws restricting the sale of arms. We have laws that prevent the use of fire-arms in forests during certain periods of the year, that is, their discharge to kill game. But, Mr. President, we have never gone to the point of saying that a citizen of Maine may not bear arms, may not keep arms. And Mr. President, the reason is that Article 1 of our Constitution, commonly known as the bill of rights, at Section 16 says, "Every citizen has the right to keep and bear arms for the common defense and this right shall never be questioned."

Mr. President, whether it be for a worthy cause like the preservation of game, or for any slender pretext, if we deprive the free citizenship of

this right to keep and bear arms for the common defense, we have no more free citizens.

Mr. President, I move indefinite postponement.

Mr. ANTHOINE of Cumberland: Mr. President, however meritorious may have been the purpose of this act, I feel that the Senator from Aroostook is absolutely correct in his construction of the constitution, and that this bill proposes a direct violation of Section 16 of Article 1 of the Constitution of this State, and I believe that it should be stopped at this time.

The PRESIDENT: Is the Senate ready for the question?

The question before the Senate is on the motion of the Senator from Aroostook, Senator Powers, who moves the indefinite postponement of this bill, now amended by amendments A, B and C.

The motion was agreed to and the bill was indefinitely postponed.

The PRESIDENT: Are there any other matters that we may now take up that have been tabled, that may expedite the matters of this Legislature?

On motion by Mr. Buzzell of Oxford,

Adjourned until tomorrow morning at ten o'clock.